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VILLAGE COUNCIL MEETING

TAKEN:

JULY 21, 2010

5:00 P.M.

PRESENT:

MAYOR JOHN LICASTRO

MARY BECKENBACH

THOMAS McDONALD

WILLIAM BOLTON

GEORGE MATEYO

ANDREW KESSELEM

PAUL STEPHAN

DAVID J. MATTY, ESQ.

NANCY L. MOLNAR, RPR

 **MOLNAR & MUNGUÍA**  
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1           MAYOR LICASTRO:  It's 5:00.  Call the  
2 roll, please.

3           MR. GALLAGHER:  Good evening.  Ms.  
4 Beckenbach?

5           MS. BECKENBACH:  Here.

6           MR. GALLAGHER:  Mr. Bolton?

7           MR. BOLTON:  Here.

8           MR. GALLAGHER:  Mr. Kesselem?  Mr.  
9 Mateyo?

10          MR. MATEYO:  Here.

11          MR. GALLAGHER:  Mr. McDonald?

12          MR. McDONALD:  Here.

13          MR. GALLAGHER:  Mr. Stephan?

14          MR. STEPHAN:  Here.

15          MR. GALLAGHER:  Thank you.

16          MAYOR LICASTRO:  Before we start our  
17 regular business, we need a motion to move into  
18 executive session.  And, David, what was the --

19          MR. MATTY:  Imminent litigation, Mayor,  
20 and appointment and dismissal of public  
21 employees.

22          MR. BOLTON:  So move.

23          MR. MATEYO:  Second.

24          MAYOR LICASTRO:  Roll call, please.

25          MR. GALLAGHER:  Ms. Beckenbach?

1 MS. BECKENBACH: Aye.

2 MR. GALLAGHER: Mr. Bolton?

3 MR. BOLTON: The same.

4 MR. GALLAGHER: Mr. Mateyo?

5 MR. MATEYO: Aye.

6 MR. GALLAGHER: Mr. McDonald?

7 MR. McDONALD: Aye.

8 MR. GALLAGHER: Mr. Stephan?

9 MR. STEPHAN: Yes.

10 MAYOR LICASTRO: Okay. Thank you.

11 (Whereupon, Council moved into executive  
12 session.)

13 MR. GALLAGHER: Ms. Beckenbach?

14 MS. BECKENBACH: Aye.

15 MR. GALLAGHER: Mr. Bolton?

16 MR. BOLTON: Aye.

17 MR. GALLAGHER: Mr. Mateyo?

18 MR. MATEYO: Aye.

19 MR. GALLAGHER: Mr. McDonald?

20 MR. McDONALD: Aye.

21 MR. GALLAGHER: Mr. Stephan?

22 MR. STEPHAN: Aye.

23 MAYOR LICASTRO: Okay. We're in open  
24 session and let's take a five-minute break.

25 (Whereupon, Council moved into executive

1 session.)

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1           MAYOR LICASTRO: We're now out of  
2 executive session into open session. Would  
3 someone like to introduce the minutes for the  
4 June meeting for approval, please.

5           MS. BECKENBACH: I so move.

6           MR. McDONALD: Second.

7           MAYOR LICASTRO: Any corrections or  
8 comments? All in favor of the motion?

9           Ayes: 6.

10          MAYOR LICASTRO: Anyone opposed? Thank  
11 you. The Mayor's Court Report for June, the  
12 County Treasurer received \$760; the Village of  
13 Bratenahl, \$33,473; Treasurer of the State of  
14 Ohio \$6,519; the Village of Bratenahl Court  
15 Computer Fund, \$1,535. Any questions on that?  
16 You have a copy there for your peruse.

17          Moving to correspondence. The only item  
18 I have is a reminder that the 7th of September  
19 there is an election. It is the primary election  
20 for the new county offices, both executive and  
21 Council. I'm certain that everyone will choose  
22 wisely. The format of this new county government  
23 is something still in flux.

24          I'm on a committee that is helping  
25 develop this conceptually and hopefully this will

1 function better than the last county government.  
2 The people that are chosen are going to be  
3 critical in determining the direction the body of  
4 Council and the executive takes. So September  
5 7th at the Community Center, of course.

6 MR. STEPHAN: Excuse me, on which  
7 committee are you volunteering?

8 MAYOR LICASTRO: It's the  
9 intergovernmental transition committee that is  
10 being certain that there is proper level of  
11 communication between the new county government  
12 and the suburbs.

13 Moving to legislative report. Three  
14 items of note. House Bill 246 is actually one of  
15 those pieces of legislation that's introduced  
16 every year and sort of dies without any dialogue.

17 What it states is that any employee of a  
18 public entity that has an illness, a chronic  
19 illness, any kind of an illness, heart disease, a  
20 cancer, whatever, can claim that the illness was  
21 caused from the workplace.

22 Now, again, this never goes anywhere,  
23 because it seems kind of a reach, but a couple  
24 months ago in Bay Village, an employee that  
25 developed a pretty serious illness sued the

1 community and claimed that it happened in the  
2 workplace. The Industrial Commission rejected  
3 the claim. It was then appealed. And based on  
4 this pending legislation, it's not a law yet,  
5 it's just pending, the ruling was overturned.

6 Now, again, Bay Village is now going to  
7 appeal to a higher court and get this overturned  
8 again, but this piece of legislation doesn't take  
9 into account life-style, family history,  
10 whatever. It says pretty much if you get sick,  
11 you can claim it happened in the workplace if you  
12 work for a public entity.

13 MR. KESSELEM: Is there any time  
14 limitation or anything to it?

15 MAYOR LICASTRO: Andy, I don't think so.  
16 I don't really know.

17 MR. KESSELEM: I can see if you worked  
18 there your whole life, but --

19 MAYOR LICASTRO: This created -- it was  
20 like a bomb went off in our meeting when this  
21 became news, because it's hard enough to deal  
22 with all kind of employee issues. Now, they can  
23 say pretty much any illness you get could claim  
24 came from the workplace. So hopefully Bay  
25 Village will be successful in their efforts to

1 appeal this. And we're also going to lobby with  
2 the General Assembly not to make this a law.  
3 Again, it's not even a law yet and it was used in  
4 a ruling in an employee illness case. General  
5 Assembly makes me crazy.

6 Two other items. There is a citizen  
7 group that is circulating petitions to put on the  
8 ballot the estate tax. What's likely to happen,  
9 probably not this year, maybe not even -- Pat,  
10 when I'm done with this, I see you have a  
11 question. You can put your hand down.

12 What's likely to happen is some point in  
13 time the General Assembly is going to mandate  
14 that this must be put on the ballot in each  
15 individual community. And the residents will  
16 vote as to whether or not they want to continue  
17 paying and the public entity receive the estate  
18 tax. Stay tuned. As you know, Mayor Leiken in  
19 Shaker Heights heads that committee. I'm on that  
20 committee as well. We'll do whatever we can with  
21 the General Assembly to try to get them to change  
22 their mind, but the sentiment is not good.  
23 There's bipartisan support to end the estate tax.  
24 How they can look at an eight to nine billion  
25 dollar hole and deny themselves revenue, tax

1 revenues, I don't get it. Regardless, we'll keep  
2 you posted.

3                   Thirdly, this fall there might be as  
4 many as five constitutional amendments on the  
5 ballot. I had the good fortune to meet with one of  
6 the Supreme Court Justices in Ohio. These  
7 amendments are making our constitution incredibly  
8 convoluted and difficult to enforce, because the  
9 only way you get a constitutional amendment off the  
10 constitution is to go forward with another  
11 referendum and have it removed.

12                   So the fact they are now looking to this  
13 vehicle, and this includes slot machines at the  
14 tracks, confinement of farm animals, I mean, it's  
15 just insane, but again, your legislators, our  
16 legislators, are looking to this vehicle to get  
17 laws on the books, not just passing legislation,  
18 but making them constitutional amendments. I think  
19 that's flawed. I'm offering my opinion. I'm just  
20 making you aware of it. Any questions?

21                   Yes, Ms. Meade.

22                   MS. MEADE: My question was regarding  
23 the previous item about the election. How do you  
24 think that might impact Bratenahl?

25                   MAYOR LICASTRO: Well, certainly I think

1 there's going to be more of an effort to  
2 communicate better and be more proactive with the  
3 communities. The county has lots of programs and  
4 institutions that they run that we're involved  
5 with either directly or vicariously. I think the  
6 tone set by the executive and new Council is  
7 something that will affect all of us. To what  
8 manner, I can't really speak to that, but county  
9 government affects our lives.

10 First of all, it's a taxing entity.  
11 That's critical to remember. It's one of three  
12 taxing entities, the schools, the county, the  
13 local municipalities. So what they do with taxes  
14 and how they're structured and how they're going  
15 to be re-emphasized, I don't know, but it will  
16 affect us in some manner.

17 MS. MEADE: Thank you.

18 MAYOR LICASTRO: Any questions on any of  
19 that? Ms. Beckenbach and I attended the DCMA  
20 change of command ceremony that was held on July  
21 1. I'm sad to say that Lieutenant Colonel Thomas  
22 E. Lippert is no longer the Commander there. And  
23 he's also retiring from the military. Colonel  
24 Lippert has been a great friend of the Village.  
25 He's been our keynote speaker at, I think, the

1 last couple or three Memorial Days. And is  
2 retiring at quite a young age to pursue something  
3 of the private sector.

4 His awards include the Bronze Star with  
5 oak leaf cluster, the Meritorious Service Metal,  
6 the Army Commendation Medal, the Joint Service  
7 Medal, the Army Achievement Medal, National  
8 Defense Service Medal, Iraqi Campaign Medal,  
9 Global War on Terrorism Expeditionary Medal,  
10 Global War on Terrorism Service Medal, Korean  
11 Defense Service Medal, Humanitarian Service  
12 Medal, Army Service Ribbon and Overseas Ribbon.

13 He has been a tremendous officer for the  
14 army and a very good leader for the DCMA. He is  
15 the third Commander with which I've had the  
16 pleasure to interact. And he's been really the  
17 most fun. I think that his replacement  
18 Lieutenant Colonel Donald W. Hurst hopefully will  
19 continue in the same footsteps. Once he is  
20 situated, I'm going to invite him to come to a  
21 Council meeting and introduce himself to us and  
22 the Village. Of course, I was able to interact  
23 with him and let him know that he is now apart of  
24 the Bratenahl family.

25 What's intriguing of Colonel Douglas E.

1 James, who's the commander of DCMA Dayton, which  
2 oversees this DCMA, as well as the one downtown,  
3 was in command for this very military, very  
4 precise, Mary will attest to that, change of  
5 command ceremony. I emphasized to Colonel James  
6 the critical importance in ongoing viability that  
7 we get and we want to see from the DCMA.

8 He assured me that the 185 employees now  
9 housed there, he'd like to add to that and get  
10 additional employees on site. As far as he's  
11 concerned, it serves such an important function.  
12 They've disseminated 1.3 billion dollars in  
13 contracts last year. He foresees them being  
14 viable for an indefinite period of time.

15 That being said, there's always a  
16 question, but it was pleasing to have the Colonel  
17 be so insistent that on his watch the DCMA  
18 Cleveland will be as viable and will be for a  
19 while. Any questions on that? Mary, do you want  
20 to add anything?

21 MS. BECKENBACH: No.

22 MS. MEADE: The new Colonel's name  
23 again?

24 MAYOR LICASTRO: Lieutenant Colonel  
25 Donald W. Hurst, H-U-R-S-T, III.

1 MS. MEADE: Thank you.

2 MAYOR LICASTRO: The last thing on my  
3 report is I need a motion to recess the August  
4 meeting. Before you get too excited, we always  
5 do a perfunctory meeting for pay claims, but we  
6 forego what I'm doing now, committee reports. We  
7 really can't go a month without paying bills. So  
8 we'll have a meeting, I think, on the 18th of  
9 August, which is the regularly scheduled meeting.  
10 It will be very short and sweet.

11 So is there a motion to technically  
12 recess for August?

13 MS. BECKENBACH: So move.

14 MR. MATEYO: Second.

15 MAYOR LICASTRO: Any discussion?

16 MS. BECKENBACH: I will not be here for  
17 this meeting.

18 MAYOR LICASTRO: Then we'll accomplish  
19 even less, Ms. Beckenbach. All in favor of the  
20 motion?

21 Ayes: 6.

22 MAYOR LICASTRO: Anyone opposed? No.  
23 Thank you. Department reports, Chief.

24 CHIEF DOLBOW: June 16 through July 21,  
25 we had 12 felony cases, 41 misdemeanor arrests,

1 three warrants, 34 driving under suspension, 22  
2 OVIs, 65 vehicles were towed, and a total of 23  
3 alarm drops, we had 22 911 calls, seven of which  
4 were false. We had zero fire calls this month.  
5 And a total of 477 tickets were issued.

6 Breakdown of the felony cases: We had  
7 one theft; one aggravated robbery; one bribery  
8 case; two possession of cocaine; one funding of  
9 marijuana trafficking; three drug trafficking;  
10 two possession of criminal tools; and one  
11 possession of drugs.

12 Full-time Officer Rachel Mauk has  
13 informed the department that she will resigned  
14 her position and has requested to stay on as a  
15 part-timer. In the process we will be promoting  
16 part-time Officer Marjanovic to fulfill her slot  
17 as our next full-time.

18 In addition to that, Michael Pollock  
19 resigned from the Village of Bratenahl Police  
20 Department. Part-time Officer Edwin Rodriguez  
21 was appointed to full-time status to complete the  
22 roster. Part-time Officer Eric Drottar has  
23 tendered his resignation from the Village of  
24 Bratenahl Police Department before completing his  
25 field training program.

1           We are in the process of interviewing  
2 candidates for part-time hiring. And for  
3 clarification, Mayor Licastro and I meet  
4 regularly. We are in constant communication via  
5 telephone even on weekends addressing issues  
6 related to personnel and policing of this  
7 community.

8           Independence Day celebration was well  
9 attended and without incident. On behalf of the  
10 police department and our FOP lodge, I'd like to  
11 thank those of you who supported our first annual  
12 Chilli cook off on June 26. I hope that many of  
13 you will join us on the 31st of this month for  
14 our golf outing. That's all I have.

15           MAYOR LICASTRO: Chief, just a comment.  
16 That had to be the most people I have ever seen  
17 at our fireworks, so it was well over 1,000  
18 people. And your department was high profile,  
19 proactive and did a fabulous job. I mean, I  
20 think there was a lost child for less than five  
21 minutes.

22           CHIEF DOLBOW: Yes, we band together and  
23 we found him relatively quickly.

24           MAYOR LICASTRO: Everyone came and went  
25 without incident. The crowd had a wonderful

1 time. Your department deserves congratulations.  
2 I wrote a memo to the department congratulating  
3 them. They did an absolutely fabulous job with  
4 what could have been a very difficult event. I'm  
5 not sure we could have gotten more people in  
6 here. It was absolutely incredible.

7 CHIEF DOLBOW: Our guys enjoyed working  
8 it very much.

9 MAYOR LICASTRO: Any questions? Mr.  
10 Stephan.

11 MR. STEPHAN: Chief, how many of -- I  
12 don't know the difference between a felony and a  
13 misdemeanor and so forth. How many of those  
14 crimes you reported took place off the freeway in  
15 Bratenahl proper.

16 CHIEF DOLBOW: Probably all of them.  
17 Most of them are traffic stops.

18 MAYOR LICASTRO: The other way around,  
19 they probably all happened on the shoreway.

20 CHIEF DOLBOW: You were asking on the  
21 freeway.

22 MR. STEPHAN: No, I'm asking off the  
23 freeway.

24 CHIEF DOLBOW: No, these were all  
25 freeway traffic related accidents and traffic

1 stops that led to arrests.

2 MR. STEPHAN: Even the burglary.

3 CHIEF DOLBOW: No, the burglary case  
4 would have obviously been within the Village  
5 itself, but most of our felony drug arrests were  
6 freeway-related traffic stops.

7 MR. STEPHAN: That's why I'm asking.  
8 The burglary was off the freeway. Were there any  
9 others?

10 CHIEF DOLBOW: No. All the other felony  
11 cases were traffic stop related.

12 MR. STEPHAN: Thank you.

13 MS. MEADE: Can you comment, it seems  
14 like there's a lot of turnover. Can you comment  
15 if there are trends that's causing the turnover  
16 or if they're all just timing?

17 CHIEF DOLBOW: Rachel has accepted a  
18 promotion at her other employer, eight percent  
19 pay raise.

20 MS. MEADE: Nice.

21 CHIEF DOLBOW: And she opted to go that  
22 route. Eric Drottar was in our field training  
23 program and was relatively uncomfortable with the  
24 freeway as a result of his accident. And we  
25 showed great compassion in trying to bring him

1 back in. And he chose to move on for the sake of  
2 himself and his peers. Other than that, I just  
3 expect excellence from my men and want to get the  
4 best we can for our Village.

5 MS. MEADE: Thanks.

6 MAYOR LICASTRO: Kudos to the Chief for  
7 having a strong viable force. It's been able to  
8 not only curtail overtime, staffing concerns, but  
9 we have a seamless transition when we have to  
10 promote from the part-time officers to full-time.  
11 It's really served the Village well and as he  
12 mentioned we're going to be doing a lot of  
13 interviewing.

14 CHIEF DOLBOW: Jim just reminded me our  
15 FOP lodge is going to have -- we should be around  
16 our 11th or 12th year clambake.

17 MAYOR LICASTRO: 13th, actually.

18 CHIEF DOLBOW: September 25 at the  
19 Northeast Yacht Club. We'll have some fliers  
20 posted in the near future.

21 MAYOR LICASTRO: We're looking for  
22 golfers for the golf outing, July 21 at Fowler's  
23 Mill. Anything else? Thank you, Chief.

24 Mr. Jamieson.

25 MR. JAMIESON: Thank you, Mayor. In

1 June the building department performed 25  
2 inspections, registered 14 new contractors,  
3 issued a total of 13 building permits and two  
4 certificates of occupancy. And we continue to do  
5 our exterior maintenance follow-ups. That would  
6 conclude my report.

7           MAYOR LICASTRO: Any questions for Mr.  
8 Jamieson? Thank you. Mr. Zalar.

9           MR. ZALAR: Just a quick update on a few  
10 things. Our young man Lavell Smith actually is  
11 just finishing up his last week here. It's been  
12 an experience. I think it's because of his youth  
13 and some of his upbringing, but this probably  
14 isn't going to be a field that he's going to work  
15 into, so I give him the best and he'll be this  
16 Friday will be his last day.

17           An update on I-90 with the three exit  
18 ramps that I said were getting temporary repair,  
19 that's completely finished. And what I still  
20 understand is they said next year those are going  
21 to be completely replaced on Eddy Road and the  
22 Martin Luther King exit and I believe it's 72nd.

23           In the next couple of weeks we actually  
24 -- I'm hoping within the next week or so, we  
25 should be receiving our brick pavers so we can

1 start doing our repairs on the sidewalk out there  
2 and hopefully that will be completed by the end  
3 of August.

4           MAYOR LICASTRO: Do you want to mention  
5 the larvicide?

6           MR. ZALAR: Oh, yes. The county is  
7 actually going to be doing a larvicide, which  
8 briquettes put in our catch basins out there.  
9 That's going to be happening relatively soon. We  
10 were going to have the catch basins cleaned, but  
11 actually we're going to wait until early part of  
12 fall to have that done. And that will actually  
13 get us through winter so the larvicide has a  
14 chance to work.

15           MAYOR LICASTRO: That's a program they  
16 do to minimize the spread of West Nile virus.  
17 The catch basins all have standing water, which  
18 breeds mosquitos. Something else that just came  
19 to mind. I had a discussion with Bonnie Teeuwen,  
20 deputy director of district 12 or ODOT. ODOT is  
21 experimenting with a new green sound walls  
22 somewhere around Mansfield or --

23           MR. DAANE: Columbus, east of Columbus I  
24 saw it.

25           MAYOR LICASTRO: This is intriguing,

1 because if indeed it's successful, it's a much  
2 cheaper alternative, much better alternative than  
3 the sound walls. Sound walls are an ongoing  
4 concern here. We know there are other areas of  
5 the Village that need them. So hopefully this  
6 will be deemed successful and give us some  
7 options we can pursue with ODOT to fill in some  
8 of the gaps along the freeway. Mr. Kesselem.

9 MR. KESSELEM: Question for Joe. I  
10 received a couple of complaints on the sprinklers  
11 on Eddy Road, that they've been on. On the one  
12 Sunday couple weeks ago.

13 MR. ZALAR: There's a valve problem up  
14 there, but the system, we've got the system  
15 completely off now.

16 MR. KESSELEM: It was on a Sunday and I  
17 went and I shut it down at about 7:30 after it  
18 running all day.

19 MR. ZALAR: We went into the program to  
20 shut the system off, but right now everything  
21 looks good so we're just going to leave it off  
22 for a while.

23 MR. DAANE: Mayor?

24 MAYOR LICASTRO: Yes.

25 MR. DAANE: Your point about ODOT, what

1 is the update on the bridge, the little hole here  
2 that's not going to happen until they fix the  
3 bridge.

4           MAYOR LICASTRO: Until they replace the  
5 bridge deck. When she was here she talked about  
6 relatively soon, which means a couple of years.  
7 Who knows, but that's going to happen probably  
8 faster than a retrofit for sound walls, so it's  
9 more likely we'll get the baffles here. Yes, Mr.  
10 Zalar.

11           MR. ZALAR: I wanted to -- if anyone is  
12 ever traveling east out in my neck of woods,  
13 where they're doing construction on Route 2, 306  
14 area, Vine Street, if you take a look at the  
15 north side, which is the westbound lane, you'll  
16 see the new --

17           MAYOR LICASTRO: They're called baffles,  
18 aren't they?

19           MR. ZALAR: It's actually a clear  
20 heavy-gauge plastic. It looks like it has a mesh  
21 in between it. Aesthetically it doesn't look  
22 bad. It's new. It's out there on two bridges  
23 already.

24           MR. DAANE: That's for the bridge.  
25 Aren't they going to replace the existing ones

1 this year?

2 MAYOR LICASTRO: I thought you were  
3 asking about the bridge.

4 MR. DAANE: I was.

5 MAYOR LICASTRO: I'm not certain what  
6 the timeline is on that. Actually, they thought  
7 it was federal stimulus money. Now it looks like  
8 it's from a different revenue source, but they  
9 intend on going forward with that. I've not  
10 received a timeline and can't tell you as far as  
11 when. Ms. Meade.

12 MS. MEADE: Joe, a lot of the tree lawns  
13 are burning out. Is your department planning on  
14 helping water this year the tree lawns or --

15 MR. ZALAR: No.

16 MS. MEADE: -- the planters? No  
17 watering?

18 MR. ZALAR: If you haven't been watering  
19 already, just let them go and wait until it cools  
20 off. You'd be wasting water and money.

21 MS. MEADE: Okay. Thank you.

22 MAYOR LICASTRO: Yes, Mr. Stephan.

23 MR. STEPHAN: Is this mesh that you  
24 described, is it effective?

25 MR. ZALAR: I don't know. I haven't

1 been on the other side of it yet.

2 MR. STEPHAN: I assume it's much lighter  
3 weight. Could that be used on the bridge deck  
4 here because it won't cause failure?

5 MR. ZALAR: It's a possibility, but the  
6 I-beams that they actually use to create the  
7 structure, it's similar to the beams that are  
8 holding up the sound walls now. They're painted,  
9 you know, a nice white, but I'm not sure how many  
10 they would need there, but I'd imagine it's got  
11 to be a lot lighter than just putting steel up  
12 there. You can actually see through it.

13 MAYOR LICASTRO: The baffles they  
14 described, Mr. Stephan, are of that nature. So  
15 even though they might look to be lighter weight,  
16 the weight concern is why they can't do it until  
17 they reinforce the bridge deck itself.

18 MR. ZALAR: They're supposed to be  
19 pretty stiff.

20 MAYOR LICASTRO: Anyone else? Thank  
21 you. Committee reports. Finance.

22 MR. McDONALD: Finance Committee, the  
23 Finance Committee met twice in July, on July the  
24 1st and July 12. Both meetings were called to  
25 order at 5:30. Present at both meetings were

1 members Bill Bolton, George Mateyo and Tom  
2 McDonald. Also present was Mayor Licastro. The  
3 July 1 meeting was a joint audit and Finance  
4 Committee meeting.

5 Chairman Lee Blazey reported on the  
6 Audit Committee's analysis of the upcoming budget  
7 and the committee's recommendations after that  
8 analysis. Those recommendations include: Some  
9 of the inflation assumptions for expenses may be  
10 high and should be brought down. Create a rainy  
11 day fund. Any income tax increase should be  
12 restricted to public safety expenses. Try to  
13 permanently refinance Eddy Road and Dale/Ross  
14 debt to an amortizing loan. The facts mean that  
15 the Village must raise taxes and the committee  
16 made a number of suggestions as how to raise  
17 taxes.

18 A discussion of those suggestions  
19 followed and the committee voted unanimously to  
20 recommend to Council to raise the income tax rate  
21 to two percent with the same credit and that the  
22 50 basis points increase be restricted to fund  
23 safety. Also recommended replacing and  
24 increasing the expiring four mill levy to four  
25 and a half mills.

1           The July 12th meeting was used to  
2 distribute a new spreadsheet that incorporated  
3 many of the suggestions made of the audit  
4 committee. The spreadsheet showed that the  
5 increase in taxes would lead to \$200,000  
6 surpluses over a four-year period on an operating  
7 basis. It was suggested that the charge of  
8 marketing the two campaigns be given to a yet  
9 named citizens committee and that the timetable  
10 of that be moved forward to be able to  
11 communicate with voters that may be voting early.  
12 That's my report.

13           MAYOR LICASTRO: Any questions? Mr.  
14 Bolton?

15           MR. BOLTON: Mr. McDonald, could you  
16 clarify for the members of the audience that the  
17 surplus, whether an operating surplus means the  
18 Village will run at a surplus after all the  
19 capital and service?

20           MR. McDONALD: There is a schedule of  
21 capital expenses at the back of the spreadsheet.  
22 And it seemed to be rather arbitrary in it. Each  
23 year the same expenditure was made for each item  
24 that seemed to be a little bit arbitrary. But if  
25 we include all of those expenses, no, there would

1 be a deficit in each year. Capital expenditures  
2 are extremely difficult to predict. This  
3 schedule in the back says that we're going to  
4 repave Lake Shore Boulevard every year. I don't  
5 think that happens. So to try to budget an  
6 operating budget to include all capital  
7 expenditures, and we don't know if a lighting is  
8 going to strike the Community Center or whatever  
9 is somewhat kind of a difficult, if not  
10 impossible, task.

11 So I think that the best budget is for  
12 an operating basis. And we do have a contingency  
13 built into that budget, which could take care of  
14 some of these things in the early years. It is  
15 the intent of the Finance Committee to establish  
16 a rainy day fund. It is the intent of the  
17 committee to establish a capital fund based on  
18 the estate taxes if they continue to be  
19 collected.

20 So on an operating basis, it has a  
21 surplus, including capital. Those surpluses may  
22 not exist, but we cannot predict with any degree  
23 of accuracy what capital needs we'll have in  
24 every year.

25 MAYOR LICASTRO: Mr. McDonald, would you

1 share your efforts to deal with the debt service?

2 MR. McDONALD: Yes. I met with Dollar  
3 Bank, who is our new depository, a couple of  
4 weeks ago and talked to them about taking out  
5 both Eddy Road and Dale/Ross and turning them  
6 into a loan. They were very amenable to that.  
7 We talked about the legislation, the levy, and  
8 the tax increase that we'll be putting before the  
9 voters in November.

10 And clearly they would not be interested  
11 in talking about taking out this loan if we don't  
12 pass those two issues. In addition to that, we  
13 talked about long-term. And today when banks  
14 hear long term, they mean multiple months and not  
15 years. So we may have to -- well, we're going to  
16 talk to other banks in the community, but I am  
17 going to talk to the people at Squire-Sanders who  
18 handles these two notes for us, and talk to them  
19 about the potential of bond issues.

20 Obviously for this small of a bond  
21 issue, it would have to be a private placement.  
22 I think probably I'm conflicted from our firm in  
23 being able to do that, although I don't know,  
24 we'll have to talk to the solicitor if I'm  
25 conflicted or not.

1           MAYOR LICASTRO: It matters what your  
2 rate is, Mr. McDonald.

3           MR. McDONALD: Special deal for our  
4 clients. So we need to make those debts not  
5 one-year rollover notes. We need to make them  
6 permanent amortizing debts so the community can  
7 see out in the future that they will go away.  
8 And we need to do that for the ability to finance  
9 things in the future and show that we're good  
10 fiscal citizens. Pat.

11           MS. MEADE: I have a few questions.  
12 With the citizens committee you named, if they  
13 need any monies for the campaign, would any  
14 Village money be used?

15           MAYOR LICASTRO: No.

16           MR. McDONALD: No.

17           MS. MEADE: I know during the meetings  
18 there was the concept of a backup plan being  
19 mentioned in the event one or both of the levies  
20 may not pass. Do you believe, is it the intent  
21 of finance/audit to try and create a backup plan  
22 prior to the election; or would it be discussed  
23 after?

24           MR. McDONALD: The backup plan will have  
25 to be part of the marketing effort, so it will

1 have to be prepared very soon.

2 MS. MEADE: Could you explain what the  
3 income tax increase of the .5 percent, why it's  
4 earmarked for the police and safety?

5 MR. McDONALD: I'll explain that a  
6 little bit when we get -- when the legislation is  
7 introduced, but the police and safety are the  
8 lion's portion of our budget. And it is also  
9 absolutely essential to the future of the  
10 Village. So why not sequester those monies for  
11 that purpose, if we can. And we've been told  
12 that we can.

13 MAYOR LICASTRO: State law permits us to  
14 earmark the increase, not the entire on all two  
15 percent, but just the increase for police and  
16 safety forces and the ballot language will  
17 reflect that.

18 MR. McDONALD: This levy and this income  
19 tax increase will give us, I believe, the  
20 breathing room so that we do not -- I've done  
21 some historical look back on budgets in years  
22 past. And it was really kind of volatile, which  
23 meant if they got a windfall, they spent it. We  
24 need not to do that. We need to get more on  
25 sound fiscal footing. And I think that these two

1 issues will enable us to be on that sound  
2 footing. And we are certainly committed to doing  
3 that in relief and having the capital fund.

4 MS. MEADE: On the budget report at the  
5 last finance meeting you passed out, since it was  
6 passed out then, it was hard for anyone to kind  
7 of really go through it and digest it. I'm not  
8 sure if I read the line items right, so I'm going  
9 to ask for clarification.

10 Did I understand right that on some of  
11 those that professional or contract services  
12 received benefits?

13 MR. McDONALD: I don't think so. I  
14 don't know.

15 MR. ROBINS: Yes.

16 MAYOR LICASTRO: Well, not all of them.

17 MR. ROBINS: No, but some. That was her  
18 question.

19 MS. MEADE: There was a line item where  
20 it says contract services PERS, Medicare,  
21 Workers' Comp. And I wasn't sure if I was  
22 understanding what that meant.

23 MR. McDONALD: Yes. I'm sorry. I am  
24 ignorant of that, but I do see the line items you  
25 are talking about.

1 MS. MEADE: So what does that mean?  
2 What's a contract service.

3 MR. BOLTON: The solicitor.

4 MAYOR LICASTRO: Who does receive PERS.

5 MR. McDONALD: And the engineer.

6 MAYOR LICASTRO: Who does receives PERS.  
7 Prosecutor who receives PERS. We don't give  
8 healthcare to individuals.

9 MR. McDONALD: Council. Kidding.

10 MS. MEADE: I'm just trying to  
11 understand, because I've never been made aware  
12 that contract services receives benefits and I'm  
13 trying to understand why.

14 MAYOR LICASTRO: Benefits implies  
15 healthcare. We don't give them healthcare. But  
16 I think we're mandated by the state to offer  
17 PERS. That's part of how we function here. So  
18 when you say they get benefits, they don't get  
19 benefits per se, because it doesn't include  
20 healthcare.

21 MS. MEADE: Just PERS. So when it says  
22 Medicare for contract services.

23 MR. McDONALD: Any time we pay somebody,  
24 we have to pay Medicare Worker's Comp. You want  
25 that if they're working and they get injured on

1 this job, we want Workers' Comp.

2 MS. MEADE: So the prosecutor, the  
3 solicitor, the engineer. Did I miss someone?  
4 And is that customary for all municipalities?

5 MAYOR LICASTRO: PERS is a mandate, as  
6 are the other things. Some communities offer  
7 healthcare. We never really offered healthcare  
8 to individuals with whom we have a contractual  
9 agreement.

10 MS. MEADE: Then the other line item  
11 where it talked about part-time employees, and  
12 I'm going to use the word benefits again. Do all  
13 part-time employees receive benefits or mandated  
14 to receive certain aspects?

15 MR. McDONALD: Looking at the same list,  
16 it looks like PERS, Medicare, and Worker's Comp.

17 MS. MEADE: And is that all part-time or  
18 just certain part-time in departments?

19 MAYOR LICASTRO: I think everyone is  
20 part-time. I think it's required by law. Is  
21 that correct, Mr. Matty?

22 MR. MATTY: Yes. We have no choice.

23 MS. MEADE: I was just unaware.

24 MAYOR LICASTRO: Again, benefits implies  
25 healthcare. We don't offer healthcare.

1 MS. MEADE: Thank you.

2 MAYOR LICASTRO: Just the ones required  
3 by law.

4 Does that end your report, sir?

5 MR. McDONALD: That ends my report.

6 MAYOR LICASTRO: Public improvements.

7 MR. BOLTON: Public improvements met.  
8 Council members present were myself, Councilman  
9 Kesselem, Council Stephan, Council President  
10 Beckenbach was present, also, as was the Mayor.  
11 Some of the villagers present included Mr. Bill  
12 Roediger, Ms. Ava Peterson, Ms. Pat Meade, Ms.  
13 Laura Goyana and Mr. Bob Gudbranson.

14 There were several items on the agenda.  
15 The first was sewer cleaning, which refers to the  
16 annual inspection and, if necessary, maintenance  
17 of portions of the Village sewer. The Mayor  
18 reported that monies available in restricted  
19 funds are greater than expected, so we should be  
20 able to do what Mr. Bierut and Mr. Zalar  
21 recommend.

22 Mr. Bierut had a conflict and was not  
23 able to be possible, so his meeting with Mr.  
24 Zalar, his final meeting was subsequent to our  
25 committee meeting. Perhaps he can report later

1 on that.

2 MR. BIERUT: I can do it right now if  
3 you like.

4 MR. BOLTON: Okay.

5 MR. BIERUT: As you mentioned, Joe and I  
6 met concerning the road repair and sewer  
7 projects -- not sewer projects, but the sewer  
8 cleaning that Joe was out looking at the  
9 pavement, marking some of the pavement today with  
10 someone from my office. We're going to look at  
11 the quantities and work our way back into how  
12 much money we have available and work backwards  
13 into what exactly we're going to do once we  
14 determine how much we can do.

15 The sewer cleaning, if you recall from a  
16 couple years ago we broke the Village down to  
17 four different parts. We did the first two.  
18 We're going this way with it. We're going to the  
19 third out of four parts, including coming back  
20 and looking at some areas that were identified as  
21 problem areas the last time we worked.

22 MR. BOLTON: Thank you.

23 MAYOR LICASTRO: May I interject a  
24 question, Mr. Bolton?

25 MR. BOLTON: Certainly.

1           MAYOR LICASTRO: Mr. Bierut, when do you  
2 think you'll have the specifics for the committee  
3 and eventually Council to approve so we can go  
4 forward with these projects?

5           MR. BIERUT: I imagine in the next week  
6 or two.

7           MAYOR LICASTRO: Can you include that on  
8 your next public improvement agenda? Thank you.

9           MR. BOLTON: From the audience, Mr. Bill  
10 Roediger recommended that a video be made of the  
11 sewer work. And the Mayor confirmed that the  
12 Village always has its sewer inspection repairs  
13 videotaped.

14           We then moved to the next item on the  
15 agenda, which was the potential naming of  
16 portions of the Bratenahl bird sanctuary. The  
17 Chairman, myself, reviewed the status of that  
18 naming report. How it had been owned by the  
19 Roediger family for a long period of time and how  
20 they had hoped the Village would recognize their  
21 having lived in and their commitment to the  
22 Village, but all parties recognized that the  
23 Village was under no legal requirement to do so.

24           It was moved that a sign be placed on  
25 the property with wording as follows, or

1 something similar to it: Bratenahl bird  
2 sanctuary, this green space previously owned by  
3 the Roediger family was conserved for the Village  
4 of Bratenahl through the hard work of the Western  
5 Reserve Land Conservancy and the generous  
6 contributions of. And there would be a list of  
7 the donors, broadly speaking, broken down by  
8 categories, which will include CELCP.

9           There were a number of questions and a  
10 full discussion ensued. Both the representatives  
11 of the conservancy and Mr. Roediger felt that the  
12 proposed wording would be acceptable. The motion  
13 passed unanimously. It was agreed that the next  
14 step is to have a mock-up prepared of a sign,  
15 reviewed by those interested and then that  
16 mock-up and vote of the committee will be brought  
17 to Council for approval or further work.

18           There were questions about the status of  
19 the NOPEC grant, which were referred to Mr.  
20 Bierut. In new business, Mr. Kesselem brought up  
21 the Brewer Garrett report to the Village. He was  
22 going to give the report to Mr. Bierut and Laura  
23 Goyanes, give them both a copy. The Mayor said  
24 the Village did not commission the report. It  
25 was done at no cost to the Village and was about

1 potential areas for energy savings.

2 Mr. Stephan pointed out that Leff  
3 Electric, just as an example, perform similar  
4 studies for lighting for free for potential,  
5 attract potential clients. Ms. Goyanes asked  
6 about the large new sign south of 90. The Mayor  
7 said they're in Cleveland adjacent to Bratenahl,  
8 but not in Bratenahl, and they, therefore, fall  
9 under the responsibility of Cleveland.

10 Mr. Kesselem brought up the request of  
11 Mr. Stanley Roediger to do something with the pad  
12 in front of his house. The pad is apparently  
13 plywood now and he's requesting more permanent  
14 and perhaps a more attractive solution. The  
15 Mayor said he would ask Mr. Zalar to take a look  
16 at the pad. That is the end of my report of  
17 public improvement committee report.

18 MAYOR LICASTRO: Thank you. Mr.  
19 Stephan.

20 MR. STEPHAN: You said at the outset  
21 that more money than expected was available to be  
22 spent, I believe, is that correct?

23 MR. BOLTON: Yes.

24 MR. STEPHAN: How did this happen, a  
25 windfall from heaven?

1           MAYOR LICASTRO: No, from the state. We  
2 looked at our restricted funds and realized that  
3 there were monies available that we can use for  
4 this purpose. And the restricted funds put less  
5 pressure on the General Fund. For example,  
6 street maintenance is the fund we identified. It  
7 can be used for that purpose. And we always try  
8 to be aggressive to use the restricted funds  
9 because those funds are usually not generated  
10 from the Village's tax dollars, but from entities  
11 like the state.

12           MR. STEPHAN: Are those funds included  
13 in the projections, Tom, for the five years?

14           MR. McDONALD: If they're in the  
15 restricted fund, they're not, because we don't  
16 fund -- some funds, General Fund does fund  
17 restricted fund, but this I think is a state.

18           MAYOR LICASTRO: That's correct.

19           MR. McDONALD: So it doesn't have  
20 anything to do with the General Fund.

21           MAYOR LICASTRO: Mr. Daane.

22           MR. DAANE: Mr. Bolton, I would like to  
23 be a part of the committee that reviews as a  
24 board member of Western Reserve Land Conservancy  
25 and Bratenahl. Also, because at that meeting it

1 was stated that a certain family gave \$300,000,  
2 which was not true and no one corrected it and I  
3 was not present at the time. I came in late.  
4 Bob Gudbranson and Ava Peterson did not correct  
5 it, but we're working on that. More is going to  
6 issue a correction. More Bratenahl reported on  
7 what took place at the meeting, but there will be  
8 a correction issued to address that.

9 MR. BOLTON: I've received a small  
10 number of communications from various  
11 individuals. One is that Mr. Roediger thought  
12 that instead of a sign, perhaps a boulder with a  
13 plaque on it would be less intrusive and more  
14 appropriate. So there are a number of items to  
15 go over, including that question. There are  
16 other views about that I'm afraid.

17 MR. DAANE: We can show you the  
18 receipts.

19 MAYOR LICASTRO: Ms. Meade.

20 MS. MEADE: A couple things. Bill, at  
21 the meeting when you read the wording, I don't  
22 recall hearing that at the meeting. Could I get  
23 a copy of that later that you just read?

24 MR. BOLTON: Yes.

25 MS. MEADE: And then regarding Beau's

1 comment, we have been in contact. And I don't  
2 believe we would be issuing a correction, because  
3 we did report what was actually said during the  
4 meeting. We are willing to do more research to  
5 find out, you know, the entire story and to have  
6 mutual agreement. And if we need to address it,  
7 then we will in the next issue?

8 MAYOR LICASTRO: Mr. Bolton.

9 MR. BOLTON: No, I'll talk with you off  
10 the record about the other.

11 MR. DAANE: Okay.

12 MAYOR LICASTRO: Mr. Kesselem.

13 MR. KESSELEM: In the meeting, was it a  
14 motion to go further with the sign or is it still  
15 waiting for Roedigers to come back if that's  
16 acceptable to them?

17 MR. BOLTON: My understanding is that  
18 that was approved subject to seeing the final  
19 draft and all parties agreed to that.

20 MAYOR LICASTRO: Mr. Bolton, I think Mr.  
21 Kesselem is correct. I think it was also  
22 contingent on some feedback from the Roediger  
23 family. Don't you recall that?

24 MR. KESSELEM: I think so. He's got to  
25 deal with multiple family members regarding

1 whatever their choice is.

2 MR. BOLTON: There was a long  
3 conversation in here which I put in here a full  
4 discussion ensued. I bow to your memory. My  
5 recollection was that the whole sign was  
6 contingent upon review.

7 MR. KESSELEM: If a sign is to be placed  
8 there, how we can have a sign there.

9 MR. STEPHAN: They're one of the  
10 parties. When you mentioned a multitude of  
11 parties, they would be included in that.

12 MR. BOLTON: Yes.

13 MAYOR LICASTRO: Mr. Robins.

14 MR. ROBINS: If there are no more  
15 questions on the Roediger thing, I want to come  
16 back to something else. So are we done with  
17 that?

18 Mr. Bolton, you mentioned the work of  
19 the sewer project and some years ago, if you  
20 recall, we set up 30,000 a year for that project  
21 at Mr. Bierut's guidance and direction. Is that  
22 right, Mr. Bierut?

23 MR. BIERUT: Yes, that's correct.

24 MR. ROBINS: Then we also included, and  
25 this may be helpful to you, Mr. McDonald, 40,000

1 a year not because we necessarily thought that  
2 the road surfacing would be 40,000 every year,  
3 but there would have to be a replacement and that  
4 it would be prudent to be building up a fund for  
5 replacing that roadway. And if you walk on the  
6 roadway, you'll see that, and I think Mr. Zalar  
7 and Mr. Bierut will agree with me, it's really  
8 gone to heck pretty quickly.

9           MAYOR LICASTRO: Excuse me, sir, I don't  
10 think that's accurate. We never had a fund where  
11 we would accumulate monies every year for that  
12 purpose. We always indicated that would be  
13 pursued through DOPWIC, which is a different  
14 vehicle for funding. I know we put money aside  
15 for road repair, but never for replacement.

16           MR. ROBINS: Okay. Well, be that as it  
17 may, it's still 70,000 bucks. Let's just accept  
18 that. I don't want to debate that. Say \$70,000  
19 and we talked about what we would get the money  
20 from a restricted fund. And the two restricted  
21 funds that you can use for this purpose are  
22 street construction and maintenance that has  
23 \$54,624 in it at the moment, much of which was a  
24 carry-over from prior years. So there's not that  
25 much every year. And then the state highway only

1 has \$2,400 in it.

2 My point is is that when looking at  
3 capital budgets in the earlier discussion, even  
4 using restricted funds, there's not enough to  
5 meet the cost. Now, you may come up with a  
6 reduced cost based on your latest analysis, but I  
7 just want to point out that the restricted funds  
8 that can be used for this purpose get eaten up  
9 pretty quickly.

10 In fact, in the past, we've used some of  
11 this restricted fund to help pay for salt. And  
12 I'm sure Mr. Gallagher could be give more detail  
13 on that.

14 MR. McDONALD: It would be very  
15 difficult for me to go to the Village and ask  
16 them to increase their taxes when we're putting  
17 money in a fund that we may never use.

18 MR. ROBINS: No one is asking that you  
19 do that. It was just an explanation of how the  
20 numbers were arrived at, where they came from,  
21 and what's available for that purpose.

22 MAYOR LICASTRO: Does that conclude your  
23 report, Mr. Bolton?

24 MR. BOLTON: Yes, it does.

25 MAYOR LICASTRO: Mr. Daane.

1           MR. DAANE: I don't know if this would  
2 go under public improvements, but update on the  
3 recycling grant, Mary, is that public improvement  
4 related.

5           MAYOR LICASTRO: Close enough.

6           MR. DAANE: I'm going to take off my  
7 Bratenahl citizen hat and put on my County Solid  
8 Waste District hat. The good news is that the  
9 Village of Bratenahl applied for a recycling  
10 grant. It's called the Recycling Grant For  
11 Nonprofits and Government Agencies. It's  
12 designed to help government agencies and  
13 nonprofit buy recycling bins, help facilitate  
14 recycling and recognizing that money is tight.

15           We didn't think we were going to be able  
16 to fully fund all the applicants, but I have just  
17 found out yesterday that we are going to be able  
18 to fully fund all the applicants.

19           MS. MEADE: How much is that?

20           MR. DAANE: I believe --

21           MAYOR LICASTRO: \$600.

22           MS. BECKENBACH: No, 1,000.

23           MR. DAANE: 996, so that's good news.

24 So then taking that hat off and putting my  
25 Bratenahl citizen hat back on, is there any

1 update from Mr. Bierut on the Hamlet property  
2 infringement on the Bratenahl green space  
3 preserve?

4           MAYOR LICASTRO: A letter has been sent  
5 and we have not received a response.

6           MR. DAANE: Is there any deadline  
7 attempt to get a response?

8           MAYOR LICASTRO: The letter just went  
9 out 10 days ago.

10          MR. DAANE: Okay.

11          MAYOR LICASTRO: So it's recent.

12          MR. DAANE: Are we going to give them a  
13 month?

14          MAYOR LICASTRO: We're going to give  
15 them a reasonable amount of time.

16          MR. DAANE: Thank you.

17          MAYOR LICASTRO: Ms. Meade.

18          MS. MEADE: For the recycling grant that  
19 Beau just referenced, could I get a copy of that  
20 as a public records request?

21          MAYOR LICASTRO: Sure.

22          MS. BECKENBACH: Sure.

23          MS. MEADE: Thank you.

24          MAYOR LICASTRO: Mr. Mateyo,  
25 legislative.

1           MR. MATEYO: A regularly scheduled  
2 legislative committee was called to order at 5:30  
3 p.m. on Monday, July 5, 2010 at Village Hall. In  
4 attendance were Council members Mateyo, McDonald,  
5 and Mr. Kesselem, as well as residents Dr. Robins  
6 and Pat Meade. Agenda items included Ordinance  
7 Number 3483, establishing the Council  
8 Communications Committee: Upon a motion made and  
9 seconded, the Legislative Committee unanimously  
10 approved sending ordinance to Council. Any  
11 additional thoughts or suggestions will be sent  
12 to Chairman by noon on Wednesday, July 7, for  
13 consideration and further submission to the  
14 solicitor's office.

15           Ordinance adding Section 1409.04(E) of  
16 the housing code to clarify enforcement of  
17 housing code violations. Legislative Committee,  
18 upon motion made and seconded, unanimously  
19 approved proposed ordinance sending to Council.

20           Third and final, the Cleveland Water  
21 Department proposal to accept the Village of  
22 Bratenahl's water facilities in their system.  
23 Committee has not seen all agreements, but  
24 unanimously recommends proceeding by the  
25 solicitor's office to draft appropriate

1 legislation to secure this proposal and  
2 agreement. Motion made for adjournment at 6:35  
3 p.m., seconded, approved.

4           MAYOR LICASTRO: Mr. Bierut, do you want  
5 to give us status of the water service agreement?

6           MR. BIERUT: Yes, part of that  
7 agreement, it's three base pieces of legislation  
8 that go along with it. Part of it is something  
9 that comes from the water department. They give  
10 us a breakdown basically of what facilities they  
11 feel they have within the Village. What  
12 facilities we have within our Village on their  
13 records. I just received that today. And I  
14 think that there's a couple things missing on  
15 there that we have to include.

16           We generally look at that and send it  
17 back to them and say here's what we have in the  
18 Village. So that's where that piece has been.  
19 That's been in a holding pattern for a while.

20           MAYOR LICASTRO: Anything else?

21           MR. MATEYO: I would just like to thank  
22 our solicitor's office for being so responsive to  
23 all of our requests going back and forth,  
24 specifically Diane. It was communication I  
25 thought was very good. Open communication

1 certainly help things, so thank you.

2           MAYOR LICASTRO: Thank you, Mr. Mateyo.  
3 Public safety.

4           MS. BECKENBACH: Public safety met on  
5 July 19. Those present were Mary Beckenbach,  
6 Paul Stephan, and Tom McDonald. There were two  
7 agenda items, the first being the EMS contract.  
8 In order to complete our due diligence, the  
9 committee has contacted both MedCorp and the City  
10 of Cleveland requesting data concerning  
11 historical response time, mutual aid, historical  
12 liability, number of calls from Bratenahl  
13 residents and number of transports, oversight,  
14 training and performance. Cleveland responded in  
15 writing to all of the requested data. Med Corp  
16 did not respond either via telephone, email or a  
17 written document.

18           The committee requested that the Mayor,  
19 as part of his Mayoral duties under the ORC, and  
20 acting as the Chief Operating Officer of the  
21 Village, to enter into negotiations with Martin  
22 Flask, Director of Public Safety for the 2011 EMS  
23 contract.

24           That number two is signage on Lake Shore  
25 Boulevard. There were 21 signs at the eastern

1 end of Bratenahl on the north side beginning at  
2 the Bratenahl border with Cleveland and ending at  
3 the Kesselem property. There were also numerous  
4 signs at the western entrance to the Village. At  
5 the direction of this committee, Mr. Zalar has  
6 removed 25 duplicate and unnecessary signage on  
7 Village property along Lake Shore Boulevard.  
8 This was requested by the committee so that the  
9 Village can continue to maintain its green  
10 simplicity. That's the end of my report.

11           MAYOR LICASTRO: Any questions from  
12 Council? Ms. Meade.

13           MS. MEADE: How many signs did you say  
14 were removed?

15           MS. BECKENBACH: 25.

16           MS. MEADE: Could I get a list of those  
17 that were removed?

18           MS. BECKENBACH: I don't have a list.

19           MS. MEADE: Joe, could I get a list of  
20 the signs you removed?

21           MR. ZALAR: Nothing that pertains to  
22 direction or speed.

23           MAYOR LICASTRO: I don't think he has to  
24 create a list. If he doesn't have one, he  
25 doesn't have to create one.

1 MR. ZALAR: I have one in my head.

2 MS. BECKENBACH: They were all duplicate  
3 signage. If there were, let's say, speed limit  
4 35 and there were four of those signs, three were  
5 removed. I'm not saying that's what they were,  
6 but I'm just saying he went through the entire  
7 Village and removed all the signs that were  
8 duplication.

9 MS. MEADE: Joe, you said you could talk  
10 off the top of your head. Could you give me the  
11 main category?

12 MR. ZALAR: Bicycles, single file.  
13 Anything that pertains to estate signs, Cleveland  
14 Lakefront, Bicycle, those were the ones we left  
15 up there. The Cuyahoga trail, those were left,  
16 but anything like single file bikes, helmet law  
17 ordinance ones we took down. I think there were  
18 a couple of ones that had a picture of a bike on  
19 it.

20 MS. BECKENBACH: Bratenahl  
21 appropriation.

22 MR. ZALAR: We took that one out because  
23 we have a bird sanctuary one at the entrance of  
24 the Village. Primarily, they were the east and  
25 west ends of the Village, so a good 80 percent of

1 those signs came out.

2 MS. BECKENBACH: The difference is  
3 remarkable. Joe is to be commended for the time  
4 that he took to do that and to make those  
5 decisions and it's remarkable the difference.

6 MS. MEADE: And we didn't have to  
7 interface with any state agencies or anyone that  
8 put those up?

9 MR. ZALAR: No, because those were  
10 Village property.

11 MS. MEADE: Thank you.

12 MAYOR LICASTRO: Mr. Kesselem.

13 MR. KESSELEM: Joe, I noticed that as  
14 you were taking down signs, I think another one  
15 was put up. It's a yellow sign down there.

16 CHIEF DOLBOW: Yes, that's part of our  
17 grant. Click it or ticket.

18 MR. KESSELEM: It's an ugly sign, Chief.

19 CHIEF DOLBOW: It is. We minimize the  
20 signage so we can comply with their request to  
21 help us get --

22 MR. KESSELEM: You got your point across  
23 on that one.

24 MR. ZALAR: I was taking down political  
25 signs, so I took that down.

1           MR. KESSELEM: The second question was  
2 under as, I think, Mary was saying, there was, I  
3 think, an ordinance sign for bicycle riding in  
4 the Village. Was that one taken down?

5           MR. ZALAR: That was the helmet one.

6           MR. KESSELEM: Is that a prerequisite in  
7 our Village to have that up?

8           MAYOR LICASTRO: If we have a helmet  
9 law, courtesy mandates we post it so people know.  
10 We just felt it was superfluous, because there  
11 are other signs that state that. Mr. Stephan.

12          MR. STEPHAN: Joe, do you have any idea  
13 how these 25 signs got where they were in the  
14 first place?

15          MS. BECKENBACH: A lot of them were  
16 there before he was born.

17          MR. ZALAR: Some of them were up for  
18 quite a while. Some of them in the 20 some years  
19 that I've been here, we've put up, I mean, things  
20 come along and they need a sign for this, so we  
21 put the signs up. And once they get to be too  
22 many -- this happens about every 10 years. There  
23 happens to be so many signs we go back and flush  
24 them all out. I have them lined up in the garage  
25 if you'd like to take a look over there.

1           MAYOR LICASTRO: Or if you'd like one  
2 for your collection or sale.

3           MR. ROBINS: Please tell me one of the  
4 signs you took down was the misspelling of  
5 Bratenahl where it's spelled Bartenahl and then  
6 it misspelled helmet. Is that one of the signs  
7 you took down?

8           MR. ZALAR: Yes.

9           MS. BECKENBACH: Both of them are down.

10          MAYOR LICASTRO: Ms. Meade.

11          MS. MEADE: Speaking of signs, slightly  
12 different, I know in the past when we talked  
13 about the sign ordinance we've talked about  
14 political signs. It's been brought up by  
15 residents. And already there are county yard  
16 signs put in people's yard and we still have  
17 three months to go.

18          MAYOR LICASTRO: No, September 6.

19          MS. MEADE: For the primary.

20          MAYOR LICASTRO: Right.

21          MS. MEADE: But then November, so I'm  
22 looking long-term.

23          MAYOR LICASTRO: Well, but those signs,  
24 if they're successful in the primary, they might  
25 be, you're right, but I think they're there for

1 the primary.

2 MS. MEADE: You're right, September is  
3 the first election. So my question is has  
4 anything officially been talked about or  
5 discussed for political yard signs and, if not,  
6 will it?

7 MS. BECKENBACH: It was in the  
8 Legislative Committee and it hasn't been brought  
9 to Council at this time.

10 MS. MEADE: So it's still on the list.  
11 Thank you.

12 MR. BOLTON: May I ask a question of Ms.  
13 Meade on that?

14 MAYOR LICASTRO: That will be a nice  
15 turn of events.

16 MS. MEADE: Fire away.

17 MR. BOLTON: There have been a number of  
18 elections, haven't there? Was it June 24,  
19 democrat primary for the county executive.

20 MR. DAANE: That's true.

21 MR. BOLTON: Wasn't there a tied race in  
22 one of the districts so there's a runoff for one?  
23 I don't know whether it's this one. I don't  
24 remember. There was a Republican primary. This  
25 is an exceptional year in that the county

1 executive and new county board, aren't there more  
2 or less sort of continuous elections between now  
3 and November?

4 MS. MEADE: Well, I think with the  
5 county elections, if I understood properly, they  
6 had to register by like June 24. And so I didn't  
7 know when -- again, I don't know if there are  
8 rules with the Village when they can post and for  
9 how long. I just know in the past whether it was  
10 a Council election, there would be sometimes  
11 concerns about how long local candidates could  
12 put up yard signs.

13 Now knowing with the county election, it  
14 seems like it's a three-month kind of lead time,  
15 but if we go to September it's not quite as long.  
16 So I just didn't know where it fell on the agenda  
17 if it was still on to discuss or not.

18 MAYOR LICASTRO: Mr. Matty's office has  
19 forwarded laws that pertained to political signs.  
20 I'm sure Mr. Mateyo's committee will deal with it  
21 at some point.

22 MR. MATEYO: At some point.

23 MAYOR LICASTRO: Thank you. Community  
24 Affairs.

25 MS. BECKENBACH: Community Affairs did

1 not meet.

2           MAYOR LICASTRO: Recreation Commission.

3           MR. BAUMAN: Community Center usage  
4 security and maintenance, nothing to report,  
5 other than Joe in the service department will be  
6 doing some painting, exterior painting as the  
7 time and weather permits. Again, the email  
8 update list for anyone interested in receiving  
9 updates on the recreation events, please email  
10 the center Bratenahlcenter@sbcglobal.net.

11           Again, we are continuing to review and  
12 update our policies and procedures manual. Some  
13 new activities planned, children's reading hour  
14 for pre schools will be the second Tuesday of  
15 each month starting Tuesday, August 10th, at  
16 10:00 a.m.

17           The tri-county table tennis is every  
18 Monday and Wednesday starting at 5:30. Beginner  
19 through advance players welcome. Cost is \$4 per  
20 session and it's approximately three hours per  
21 session.

22           Upcoming events, the Village wide yard  
23 sale will be held Saturday and Sunday July 24 and  
24 25th, 10:00 a.m. to 5:00 p.m. at the Community  
25 Center. We have about two dozen participants at

1 this point and room for more. Call the Community  
2 Center for tables to reserve a table for \$20.

3 Club 55 will meet Tuesday, August 16 at  
4 10:00 a.m.. And the Haber mural informational  
5 event sponsored by the Bratenahl Historical  
6 Society. The purpose of the event is to inform  
7 residents about the murals and to raise money for  
8 their restoration. Wine and hors d'oeuvres will  
9 be served. And that will be Saturday, October 2  
10 from 6:00 to 8:00 p.m., that's a free event. And  
11 the budget is on track. And that ends my report.

12 MAYOR LICASTRO: Any questions?

13 MR. GALLAGHER: I have a question. The  
14 Haber mural fundraiser is a privately funded  
15 operation?

16 MR. BAUMAN: Yes. It's actually, like I  
17 had mentioned, it is sponsored, basically  
18 sponsored by the Bratenahl Historical Society and  
19 that will be privately funded. It's not really a  
20 recreation event, other than it's being held at  
21 the Community Center so I thought I'd mention it  
22 in the report.

23 MR. GALLAGHER: You say wine and free  
24 and my ears come up.

25 MR. BAUMAN: You're right.

1           MAYOR LICASTRO: Booze. Booze.

2           MR. BAUMAN: Don't worry, so do mine.

3           MR. ROBINS: How much money are you  
4 looking for the Haber, 10,000?

5           MR. BAUMAN: I believe it's around  
6 10,000.

7           MS. MEADE: I think they're going to  
8 bump it to 15. I think the proposal was 10 to 12  
9 and they have to add cost for invitations and the  
10 food and all that, so it may go up a little.

11           MAYOR LICASTRO: Any questions for Mr.  
12 Bauman? Planning Commission.

13           MS. BECKENBACH: Planning Commission met  
14 on June 23. The entire Planning Commission was  
15 present. They met to discuss the Russell  
16 O'Rourke property. And he is putting an enclosed  
17 porch on the back of his house on the upper deck.  
18 He lives in Haskell phase three. We accepted his  
19 proposal contingent upon Mr. Hartt's approval.  
20 And subsequently to that meeting, Mr. Hartt has  
21 given his approval. And that's the end. That  
22 was the only agenda item that evening.

23           MAYOR LICASTRO: Any questions for Ms.  
24 Beckenbach? Thank you.

25           Shade Tree Commission. Mr. Sutton is

1 not here. However, he, along with the Bratenahl  
2 Land Conservancy chapter has been working on a  
3 stewardship program for green space parcels. And  
4 Beau has promised a very succinct report on the  
5 status.

6 MR. DAANE: Yes. Thank you, Mayor, and  
7 Council. We have met as the Bratenahl chapter of  
8 Western Reserve Land Conservancy, had numerous  
9 discussions about this. I don't have enough  
10 copies for everybody. And there was a lot of  
11 discussion sort of about the best use for the  
12 property. There was sort of a diversity of  
13 opinion within the group. Some people wanted to  
14 really program it and do a lot more than we even  
15 could in the easement, others wanted to just  
16 literally do nothing and not even, you know, put  
17 trails in there, but this piece of paper outlines  
18 basically on a very rough outline of what we can  
19 do on the property within the confines of the  
20 conservation easement and what we plan to do.

21 The main points are, if you look at  
22 point number four, With WRLC's help from Pete and  
23 Ed or staff members of WRLC, we determined that  
24 we cannot cut trees on the conserved properties,  
25 unless they are "dead, diseased or down." To do

1 otherwise would violate the CELCP/NOAA funding we  
2 received and the conservation easement.

3 So that's the big thing we had to come  
4 to a conclusion about.

5 MR. ROBINS: But if it were an ash tree,  
6 that's different, isn't it?

7 MR. DAANE: That would be diseased, if  
8 it's diseased, because you're actually talking  
9 about the borer?

10 MR. ROBINS: Yes.

11 MR. DAANE: Yes, if it's in the diseased  
12 category. And then basically shrubs can be  
13 removed and basic things like English Ivy,  
14 pachysandra, lesser celandine, garlic mustard.  
15 And then I guess the most notable point is that  
16 Keith Sutton really deserves a lot of credit,  
17 because he is willing to lead a volunteer effort  
18 to go after some of these invasive herbaceous  
19 plants and shrubs. Again, we're not talking  
20 about cutting trees, because there was some  
21 discussion about removing silver maples, which  
22 are not native, but do give us that beautiful  
23 color in November. So bottom line, we cannot  
24 remove the silver maples, but we can remove the  
25 shrubs, the buckthorn, the honeysuckle, the

1 herbaceous plants we want to get rid of. And  
2 Keith Sutton is going to lead that effort with  
3 volunteers.

4           MAYOR LICASTRO: Don't forget poison  
5 ivory.

6           MR. DAANE: Which actually, I think, is  
7 a native plant, but it's not necessarily a native  
8 plant we want in there too much of.

9           MAYOR LICASTRO: There's a lot of poison  
10 ivy in there.

11           MR. DAANE: There is. But so we really  
12 need to thank Keith Sutton. If you see him, if  
13 you know him, thank him for his leadership  
14 efforts on this project, because he is basically  
15 going to give us his expertise in forestry, his  
16 hundreds of acres outside of the county, free, at  
17 no cost, so we're grateful for that.

18           And volunteers will have to sign a  
19 waiver. And maybe Dave can help us with that or  
20 the Mayor or someone can draft that just so that  
21 whoever actually does volunteer to work on the  
22 trails removing of these invasive plants will  
23 release the Village of any liability if God  
24 forbid they were to get hurt or fall or something  
25 while on Village property.

1           That's basically it. We're going to  
2 re-evaluate as we go along. I want to remind  
3 people the first two points at the top of this  
4 list, there are yearly bird and plant walks in  
5 the spring. We did have a plant walk this  
6 spring. Unfortunately, the bird walk had to be  
7 cancelled because Kent Hedman became ill. And  
8 we're going to plan a trash cleanup yearly in the  
9 fall, which we had a big success last November.  
10 We had about 20 people and removed lots of trash  
11 out of the properties.

12           So those are going to be spring bird and  
13 plant walk; fall, trash pickup, and kind of get  
14 people used to the rhythm of that and get people  
15 on the land, because it is our land to enjoy.  
16 And they're not just trees to sort of drive by or  
17 walk by. We are able to go in.

18           MS. MEADE: Are the benches seen as  
19 portable or permanent?

20           MR. DAANE: Benches, Joe Zalar had a  
21 great point about the benches. I think we sort  
22 of jumped the gun. Let's get benches in there.  
23 Great idea, except I think we need to think about  
24 getting trash out of there first, getting trails  
25 in there first, getting some of these invasive

1 plants out of there first. There's a lot to do,  
2 frankly, things we should do before thinking  
3 about benches. I think that would be open for  
4 discussion to the public. I mean, provided they  
5 wouldn't walk away, portable might be nice, but  
6 permanent might be a better idea so they don't  
7 get stolen.

8 MS. MEADE: I didn't know what the terms  
9 of the agreement.

10 MR. DAANE: I believe we can put  
11 something that would be tiny, chained into the  
12 ground somehow or with a tiny concrete. They  
13 don't want paved trails.

14 MAYOR LICASTRO: Mr. Kesselem.

15 MR. KESSELEM: Your point number six,  
16 downed trees no matter how close to Lake Shore  
17 Boulevard. Is there a setback from the Village  
18 that is Village property per se?

19 MAYOR LICASTRO: The sidewalk line  
20 describes the beginning.

21 MR. KESSELEM: The sidewalk, that's all?

22 MR. DAANE: I would point out that you  
23 might think that point potentially is in conflict  
24 with the trees cannot be cut unless they are  
25 dead, diseased or downed. But, you know, I think

1 there's some leeway here. I think the point is  
2 we don't want to be cutting many trees. And  
3 Keith's point is a downed tree, even if it looks  
4 not manicured, does have habitat for birds and  
5 bugs and squirrels and things like that. So we  
6 really can't remove them within reason.

7 I mean, if it's right up against the  
8 sidewalk, maybe we could, but there have been  
9 discussions about pulling out all the downed ones  
10 within the first 50 feet or so of Lake Shore  
11 Boulevard and I don't think we can really do  
12 that.

13 MAYOR LICASTRO: Just as an aside with  
14 the solicitor, since the Village owns these  
15 parcels, it's been recommended that Council  
16 review this in committee, make certain you're  
17 comfortable with it and then we can formalize it  
18 in the form of a resolution so we have a plan  
19 going forward. So this should be referred to  
20 committee, probably Community Affairs or Public  
21 Improvements.

22 MR. DAANE: I can email this to all of  
23 you tomorrow if it would be good to have this  
24 electronically.

25 MS. BECKENBACH: This is yours, Bill.

1           MAYOR LICASTRO: Hot potato.

2           MR. BOLTON: Sure. Beau and I were  
3 already meeting on other issues.

4           MAYOR LICASTRO: I suggest you discuss  
5 it in committee and see if it's acceptable and  
6 we'll formalize it in the September meeting if  
7 you're ready. Mr. Stephan.

8           MR. STEPHAN: I have a question. If a  
9 tree on the Conservancy property falls into  
10 Dugway Creek, is that a downed tree that would  
11 have to be removed or is it elected it could be  
12 removed? The concern is Dugway Creek.

13          MAYOR LICASTRO: Let's discuss that in  
14 committee. That's a pretty complicated question.

15          MR. DAANE: That would be a question for  
16 Keith Sutton. He's truly a forestry expert and  
17 he's work with ODNR to develop what would  
18 ultimately become this plan, so he would really  
19 know. Those aren't navigatable creeks. I've  
20 taken my kayak up and down them twice, but to be  
21 determined. To be determined.

22          MR. STEPHAN: Would Keith be available?

23          MR. DAANE: Yes. And I can give you his  
24 email or cell phone, as well.

25          MAYOR LICASTRO: Thank you.

1           MR. MATEYO: I don't know, we have these  
2 two wonderful pieces of property. You talked  
3 about putting chairs on them, benches, putting  
4 trails on them. If you want to come up on a  
5 beautiful Sunday afternoon if you want to go  
6 there, where do you park?

7           MAYOR LICASTRO: You park on Corning or  
8 you park on Bratenahl Road.

9           MR. MATEYO: On Bratenahl Road. So if  
10 you slow down where the gates are now it's all  
11 locked up, if you slow down and if a cop car  
12 doesn't come behind you pretty quickly and say  
13 nicely move on, there's something wrong. I do  
14 want to make sure we're putting a lot into it,  
15 that's fine, but we need to make sure that people  
16 know where you can park to enjoy these things.

17           MAYOR LICASTRO: Mr. Mateyo, that's a  
18 well-taken point. I think the committee should  
19 discuss that and include that in the resolution  
20 so it's crystal clear.

21           MR. DAANE: We want villagers to know.  
22 We don't necessarily want to advertise parking on  
23 Bratenahl and Corning Road.

24           MAYOR LICASTRO: The park is Lake Shore  
25 Boulevard. We don't want people to think they

1 can park on Lake Shore Boulevard.

2 Thank you, Mr. Daane, for this hard work  
3 and thank you absentia Mr. Sutton.

4 MS. BECKENBACH: Thanks for the  
5 recycling grant.

6 MAYOR LICASTRO: Moving on to old  
7 business, ordinance 3483.

8 MS. BECKENBACH: I'd like to introduce  
9 Ordinance 3483 for a second reading, an ordinance  
10 establishing the Council communications  
11 committee.

12 MAYOR LICASTRO: Thank you. Next item  
13 on the agenda is 34 --

14 MR. STEPHAN: Excuse me.

15 MAYOR LICASTRO: Yes, Mr. Stephan.

16 MR. STEPHAN: I'd like to make two  
17 amendments to this, most of this ordinance. I'm  
18 not sure of the wording, but I'm going to give it  
19 a shot.

20 The First Amendment, I move to amend  
21 ordinance 3483 for immediate passage by declaring  
22 an emergency.

23 (Pause.)

24 MAYOR LICASTRO: There's no second, so  
25 why don't you move on with your next suggestion?

1           MR. STEPHAN: I move to amend Ordinance  
2 3483 by substitution of Ordinance 3483 revised.  
3 The amendment has been approved by the  
4 Legislation Committee and a copy has been  
5 provided to the law director. Ordinance 3483 --

6           MAYOR LICASTRO: Excuse me, sir, does  
7 Council have copies of that provision?

8           MR. McDONALD: Did we vote on that in  
9 legislative or did we refer that to the  
10 solicitor?

11           MR. MATEYO: I think we referred it.  
12 That's the reason I thanked him for all the time.  
13 We referred it to the solicitor. They came back  
14 with why we couldn't put some of the amendments  
15 you wish, which made sense to me, which I talked  
16 to you about, but we did not approve.

17           MR. McDONALD: We didn't vote.

18           MR. MATEYO: No, sir.

19           MAYOR LICASTRO: Mr. Stephan I don't  
20 think anyone has a copy of that revision.

21           MR. STEPHAN: Is that an issue? We'll  
22 make copies.

23           MR. KESSELEM: This is an issue that's  
24 been at committee and shown at committee. Mr.  
25 Matty and Diane has looked at this. Yes, they

1 have given us questions back. We're asking for  
2 their guidance in helping us craft this  
3 legislation. I don't believe, it's my feeling,  
4 that we've gotten that service yet from Matty and  
5 associates.

6 MAYOR LICASTRO: Didn't you respond?

7 MR. MATTY: I thought when Mr. Mateyo  
8 requested assistance from our office, that we  
9 looked at the issue. And the issue, as I recall  
10 it, was to take the words, develop and implement  
11 and tell the committee that that was not proper  
12 because they violated 735.01 of the Revised Code.

13 And the reason why the ordinance was  
14 drafted in the form of recommendation was that  
15 that's all the authority Council has as a  
16 statutory body to do so. And I thought we  
17 relayed that back to Mr. Mateyo.

18 MR. MATEYO: Correct.

19 MR. MATTY: And that he then proceeded  
20 with that language as was recommended by us. I  
21 mean, that's my understanding of how we reviewed  
22 what was sent to us by Mr. Mateyo's committee.  
23 Is that correct, Mr. Mateyo?

24 MR. MATEYO: That's correct.

25 MR. MATTY: We did the review. We saw

1 the language, which was also part of the mission  
2 statement, but a mission statement can't control  
3 Council authority, the Revised Code does. That's  
4 why we have before us the language of  
5 recommending, because that's as far as you can go  
6 as a Council on this issue.

7 MR. MATEYO: And that was sent to all  
8 Council members, specifically to Tom, to Andy,  
9 and Paul, because of their interest in it. We  
10 have discussed it.

11 MAYOR LICASTRO: I was copied as well.

12 MR. BOLTON: I don't believe I was,  
13 unless it was included in the electronic packet  
14 rather than print packet.

15 MAYOR LICASTRO: No, this is prior to  
16 that.

17 MR. BOLTON: But this is a second  
18 reading. I was going to request since there's a  
19 discussion that the proposed ordinance be resent  
20 to everybody, perhaps posted for the public.  
21 Would that be normal? Put somewhere where the  
22 villagers would have access, whether it's the  
23 website, post it, something.

24 MAYOR LICASTRO: But I think Mr. Matty's  
25 point is the language as it exists in this

1 ordinance is legal and proper; and someone's  
2 suggestions made in this revised don't meet that  
3 criteria.

4 MR. KESSELEM: I have to disagree with  
5 that. Most of the language that when I rewrote  
6 it after I received your first email telling me  
7 that you would recommend, I put in those  
8 recommendations. And from that point on, it's  
9 been not changed or not been allowed. We've not  
10 even gotten a response to does this satisfy.

11 MR. MATTY: Councilman, we're responding  
12 to the Committee Chair. If you have an objection  
13 as to your language, go ahead, make an amendment,  
14 but I can tell you if you make an amendment on  
15 that language, there will be a legal nullity. I  
16 will not allow enforcement of that language.  
17 That's improper statutory authority for this  
18 Council. That's what I politely told Mr. Mateyo  
19 in his committee.

20 You can make any amendment you wish in  
21 legislation, but it's a matter of enforcement.  
22 And I will not permit a statutory Council to go  
23 beyond its statutory duties under the Revised  
24 Code. This is not a chartered Village where you  
25 have authority beyond the ORC. Your authority is

1 limited to the ORC provisions. And we  
2 specifically gave Mr. Mateyo, if memory is  
3 correct, 735.01, to show him why the  
4 recommendation language was included and not the  
5 implementation and development language.

6 MR. KESSELEM: And I respect that. What  
7 I'm asking for from legislation is to have gone  
8 back to Matty and associates and say please give  
9 us what that -- to meet what we're trying to  
10 achieve as a Council to do. And that, I don't  
11 feel, has been done.

12 MR. MATTY: Well, it can't be done.  
13 It's legally impossible. No, I correct that.  
14 You could lobby the legislature in Columbus to  
15 change the Revised Code to change your authority.  
16 That's how you can accomplish what you want to  
17 accomplish. Other than that, we have to live  
18 with the authority that's in the code.

19 MR. MATEYO: The Legislative Committee  
20 brought it up two months ago now, I believe. And  
21 we came out with what we wanted to do. I believe  
22 it stems from Future Search where there was an ad  
23 hoc communications group formed. We determined  
24 that it would be better in the interest of the  
25 community to have a communications committee. We

1 met, we got a language from the solicitor's  
2 office. We got unanimous approval having them  
3 draft legislation to form the communications  
4 committee. We have gone back and forth and back  
5 and forth. I've talked with everyone on the  
6 committee to try to figure out what it is we  
7 don't seem to have that Councilman Kesselem  
8 wants.

9 MS. BECKENBACH: So this is not  
10 acceptable, is that what we're saying here this  
11 evening?

12 MR. MATEYO: Basically. My  
13 understanding is that Councilman Kesselem and  
14 Stephan do not accept that. Is that accurate?

15 MR. STEPHAN: That's right.

16 MR. KESSELEM: That's right.

17 MAYOR LICASTRO: And Mr. Matty is saying  
18 this document meets the parameters established by  
19 the ORC, if I understand; and the suggestions  
20 made don't, so, therefore, this document is  
21 legal. And I thought your last email, Mr.  
22 Mateyo, was pretty definitive and let's move  
23 forward.

24 MR. MATEYO: I don't know where else to  
25 go. We've met, we've spoken. It seems to me the

1 communications committee can only do what it is  
2 allowed to do. It can't proceed in doing things,  
3 because of controverting ORC. And I'm not the  
4 lawyer. It seems to me we've gone to the  
5 solicitor's office. We've gotten their opinion.  
6 We've gotten their draft in how to do this and  
7 how to do that. I don't see how it can go back  
8 to the Legislative Committee. For what? I don't  
9 know what to do with it anymore. I don't know  
10 where we go. We either have it or we don't.

11 MR. KESSELEM: I guess it began with  
12 this initial draft that came.

13 (Telephone interruption.)

14 MR. KESSELEM: The initial draft that  
15 stated ad hoc committee, which never occurred.  
16 It was a committee that was begun, not even a  
17 committee, it was a working relationship on  
18 Council that started the verbiage that we felt we  
19 needed to have. So from the very get go, this  
20 verbiage is incorrect and needed to be corrected.

21 At committee, it was asked to correct it  
22 with amendments. Those amendments came through.  
23 I understand that it was rushed and that there  
24 was many emails coming your way, Diane, and I  
25 appreciate the time you gave it. I accept that

1 it was being pushed through, try to get it done,  
2 but it did come back to us with much of it looks  
3 very good, there's a few things that we have  
4 questions about and concerns.

5 I asked that Matty and associates work  
6 with us on that. I felt we've never gotten that.  
7 We hear the results of we can't do this, we can't  
8 do that, we can't do that. Fine. I understand.  
9 The intent of having a communications committee  
10 needs guidelines in order for us to follow. And  
11 that's what I don't feel --

12 MAYOR LICASTRO: That's here.

13 MR. ROBINS: No, it's wrong.

14 MR. KESSELEM: I believe that's not  
15 genuine if you look at the two variations where  
16 we are at now to where this is.

17 MAYOR LICASTRO: Mr. Kesselem.

18 MR. KESSELEM: So where we go from here  
19 is do we table this at this point in time until  
20 we come to a conclusion as a Council?

21 MS. BECKENBACH: Yeah.

22 MAYOR LICASTRO: I mean, certainly  
23 that's your prerogative, but you can't exceed  
24 your authority under the Ohio Revised Code. And  
25 I think Mr. Matty has made that clear. Mr.

1 Bolton.

2 MR. BOLTON: I have not read the  
3 document in question, so I'm not voicing any  
4 opinion on wording either way. But it sounds  
5 like there's a communication gap here. And that  
6 Mr. Mateyo has the misfortune to be getting  
7 arrows from both sides.

8 MR. MATEYO: I get no errors.

9 MR. BOLTON: Not errors, but arrows.

10 MR. MATEYO: I need guidance where we go  
11 from here because, frankly, I don't know and I  
12 don't think it's worth any more legislative time  
13 until we have some guidelines on what we need.

14 MR. BOLTON: I was going to suggest,  
15 this is the second reading, and if legislative  
16 would be willing to have another meeting, perhaps  
17 Mr. Matty could come whether in person or by  
18 phone, I'm happy to be there. We can have a  
19 committee of the whole to review it, but instead  
20 of arguing about it in Council, let's keep it  
21 going forward and try and iron out the  
22 communication gaps, because obviously we can't do  
23 what it's not permitted under the code. And yet  
24 obviously they're feeling that the goals that  
25 they wish achieved in the legislation is not in

1 the words yet.

2 I'm sure you can do it. And I'm sure  
3 that they can when they understand the legal  
4 limitations better. I think communication will  
5 help.

6 MR. MATTY: My suggestion is different.  
7 My suggestion is you read it for the second time  
8 and you read it for the third time and you see if  
9 there's four members of Council that wish to  
10 adopt it. If there are four members of Council  
11 that wish to adopt it, and then Mr. Mateyo's  
12 Legislative Committee wants to take a second look  
13 at it, you can do so. But you're not going to  
14 change the language that was suggested initially  
15 without changing the Revised Code. So you're  
16 going to end up in the same situation.

17 In fact, if I recall, Mr. Mateyo, we  
18 physically sent you to explain to you the  
19 situation which you accepted the code which had  
20 the language concerning your legislative ability  
21 and your lack of administrative ability. And we  
22 did that so that the committee would understand  
23 that no matter what the mission statement may  
24 have been or what the initial goal may have been,  
25 there's a statutory limitation here.

1           MAYOR LICASTRO: This has been put on  
2 second reading. If the committee wants to  
3 revisit it or not is something Mr. Mateyo as  
4 Chair can decide. I think it's important to know  
5 we have the statement in the confines of the law.  
6 Let's move to Ordinance 3487.

7           MR. STEPHAN: Excuse me, I have several  
8 questions.

9           MAYOR LICASTRO: Discuss them at  
10 committee, Mr. Stephan.

11           MR. STEPHAN: I cannot modify the  
12 wording of the ordinance without guidance. And  
13 I'm a smart person. I cannot do it. I have some  
14 questions and I would like to ask, number one, is  
15 it possible for the administration or the  
16 administrative function of the Village to  
17 willingly volunteer to transfer responsibility  
18 for a particular RFP or a series of RFPs,  
19 including funding, management, implementation,  
20 guidelines and testing to a committee of Council,  
21 willing transfer, not Council demanding the  
22 responsibility, which we all understand is a  
23 violation of the Ohio Revised Code.

24           MAYOR LICASTRO: That's a question I  
25 think Mr. Matty has to review. Again, I think it

1 should be done in committee. Moving to  
2 ordinance.

3 MR. STEPHAN: I would like to point out,  
4 I'm sorry, but the --

5 MAYOR LICASTRO: Sir, this has been  
6 referred to committee for further discussion. If  
7 you have questions --

8 MR. STEPHAN: It came from committee to  
9 Council as amended.

10 MAYOR LICASTRO: And it was rejected.

11 MR. STEPHAN: And that is not amended.

12 MAYOR LICASTRO: The amendments were  
13 deemed not to be legal. You said you're a smart  
14 person. I'm not sure what you don't understand.

15 MR. McDONALD: We did not vote it out of  
16 committee. We did not vote.

17 MR. STEPHAN: As mended was the wording  
18 in the transcript from the last Council meeting.  
19 Now, whether it was voted out of committee that  
20 way or not, that's how it came to Council. And I  
21 support the statement. There may be some  
22 verbiage that needs to be corrected, but it  
23 cannot serve any purpose to go back to  
24 legislation when no one at the legislation level  
25 understands what those changes need to be, so

1 it's a dead issue.

2           MAYOR LICASTRO: That's not correct,  
3 sir. The members did not vote, the amended  
4 version of Council. This is what's come to  
5 Council. If the committee wants to come up with  
6 a different version that meets the confines of  
7 the law, the committee can do so.

8           MR. KESSELEM: Then I would ask why is  
9 it here? Because if nothing was put forth to  
10 come to Council --

11           MR. McDONALD: That was voted out of  
12 Council.

13           MR. KESSELEM: No, that was voted out of  
14 committee if that's what the Mayor says.

15           MAYOR LICASTRO: That was my  
16 understanding as to how it came to Council. It  
17 came out of committee, we put it on first reading  
18 now.

19           MR. ROBINS: That never was voted for in  
20 committee.

21           MR. KESSELEM: It came out of committee  
22 with amendments if approved by the solicitor.  
23 Now, if the solicitor chooses not to amend, then  
24 it's not an approved amendment to come to  
25 Council. It has to come back to committee to say

1 it either is this way or no way.

2 MS. BECKENBACH: Then, Mr. Matty, we  
3 have to start over again and this is null and  
4 void.

5 MR. MATTY: I'll be honest with you, I  
6 thought my office was on the same page as the  
7 Committee Chair. There might have been committee  
8 members or other Council members that weren't in  
9 agreement, but I thought we were responding to  
10 what the Committee Chair asked us to do.

11 MAYOR LICASTRO: In the last email from  
12 Mr. Mateyo said let's move forward. We have  
13 other issues that are more pressing. That's why  
14 this is on for second reading. Now, it's been  
15 offered for second reading. It can be removed.  
16 It can be tabled. But one way or another we're  
17 going to move on with the agenda. Okay?

18 So leave it on second reading. If you  
19 want to put it back in committee, then call the  
20 Committee Chair and have it added to his agenda.

21 MS. MEADE: May I ask what second  
22 reading means?

23 MAYOR LICASTRO: There has to be by law  
24 three readings or we have to suspend the  
25 three-reading rule. This gives us an opportunity

1 for discussion, which a lively discussion has  
2 ensued. So if it's put on third reading, you can  
3 then put it on for passage without suspending the  
4 rules of three readings.

5 Ordinance number 3487, housing code  
6 violation. Mr. McDonald.

7 MR. McDONALD: I'd like to introduce  
8 Ordinance Number 3487, an ordinance adding  
9 section 1409.04(E) of the Housing Code to clarify  
10 enforcement of Housing Code violations and  
11 declaring an emergency.

12 MS. BECKENBACH: Second.

13 MAYOR LICASTRO: Roll call on  
14 suspension, please, please.

15 MR. GALLAGHER: Ms. Beckenbach?

16 MS. BECKENBACH: Aye.

17 MR. BOLTON: May I ask a question? I  
18 believe this is a point of order. I have  
19 Ordinance Number 3487 here. And it's an  
20 ordinance amending the administrative to increase  
21 the rate of income tax.

22 MAYOR LICASTRO: There was an error in  
23 the numbering sequence.

24 MR. GALLAGHER: Seven and nine are  
25 reversed.

1 MR. BOLTON: I see.

2 MAYOR LICASTRO: There was an error in  
3 number.

4 MR. GALLAGHER: Mr. Bolton?

5 MR. BOLTON: Nay.

6 MR. GALLAGHER: Mr. Kesselem?

7 MR. KESSELEM: Aye.

8 MR. GALLAGHER: Mr. Mateyo?

9 MR. MATEYO: Aye.

10 MR. GALLAGHER: Mr. McDonald?

11 MR. McDONALD: Aye.

12 MR. GALLAGHER: Mr. Stephan?

13 MR. STEPHAN: Aye.

14 MAYOR LICASTRO: Mr. McDonald, when you  
15 offer this for passage, would you read section  
16 eight, please.

17 MR. McDONALD: Offering Ordinance Number  
18 3487 for passage, an ordinance adding section  
19 1409.04(E) of the Housing Code clarifying  
20 enforcement of the Housing Code violations and  
21 declaring an emergency. 1409, whatever it is  
22 (E), reads: Noncompliance with any notice of  
23 violation of Section 1409.03 of this chapter may  
24 result in the commissioner of buildings issuing a  
25 citation for such noncompliance, requiring the

1 owner or owners to appear in Mayor's Court where  
2 the penalties provided in Section 1409.99 may be  
3 imposed. The commissioner of the buildings may  
4 also request the solicitor to institute legal  
5 proceedings or to take such other action as may  
6 be necessary to obtain compliance with the  
7 commissioner of the buildings and/or citation.

8 MAYOR LICASTRO: Is there a second on  
9 passage?

10 MS. BECKENBACH: Second.

11 MAYOR LICASTRO: Discussion?

12 MR. BOLTON: Wasn't there discussion?  
13 First of all, did this come through legislative?

14 MAYOR LICASTRO: Yes.

15 MR. BOLTON: This exact ordinance?

16 MAYOR LICASTRO: Yes.

17 MR. BOLTON: Did legislative recommend  
18 approval by this exact wording? Because I know  
19 that I, as a Council member, it's the first time  
20 I've seen it is at this meeting.

21 MAYOR LICASTRO: That was my assumption.

22 MR. MATEYO: It's my assumption.

23 MR. BOLTON: The reason I'm wound up  
24 about it is that I take this, as Mr. Matty so  
25 eloquently put it at the last meeting, as normal

1 course, ordinances should come through committee  
2 and go through three readings.

3           The second thing is I find the penalty  
4 here extremely onerous and excessively harsh.  
5 And it gives the commissioner of buildings the  
6 power to, if an owner, agent, occupant or  
7 operator fails to comply, he can demand that the  
8 building be vacated. And it's my belief that the  
9 proper procedure would be that he could go to  
10 court, even if it's Mayor's Court, to obtain  
11 court approval to require somebody to vacate a  
12 premises.

13           I feel it's inappropriate to give this  
14 power. Even though I like Mr. Jamieson, I think  
15 it's inappropriate that one official have that  
16 authority without review by the court.

17           MAYOR LICASTRO: All that changes is E.

18           MR. BOLTON: Essentially we would be  
19 changing it. That is something that I believe  
20 should be changed.

21           MAYOR LICASTRO: The only change in this  
22 ordinance is section E. The rest is existing  
23 law.

24           MR. BOLTON: I confess I've not read all  
25 the ordinances. This is before us. I read it.

1 This is something I feel is inappropriate. I'm  
2 suggesting that it should be discussed over three  
3 readings and that's why I voted against passing  
4 it on emergency.

5           MAYOR LICASTRO: And the intent to  
6 change this language was to move it forward with  
7 the 17 or 18 violators we have that are not  
8 complying. I think one of the reasons to not  
9 pursue it over three readings is, again, it would  
10 put us well into the fall where, again, we lose  
11 the impetus to get these property violations  
12 corrected.

13           MR. McDONALD: Mr. Mayor, this is an  
14 existing ordinance.

15           MAYOR LICASTRO: Yes.

16           MR. McDONALD: Is it possible to change  
17 an existing ordinance when we're trying to amend  
18 the ordinance or do we need to just have it --  
19 how do you get rid of an ordinance?

20           MAYOR LICASTRO: It has to be amended or  
21 repealed. That's how. And this is an effort to  
22 clarify the enforcement procedures as defined by  
23 section E. Now, if there's other sections of the  
24 ordinance that Mr. Bolton objects to, and I  
25 understand his passion, I think that should be --

1 the ordinance itself should be referred to  
2 committee. And you could look at the whole  
3 ordinance and decide indeed if other sections  
4 should be changed.

5 MR. BOLTON: At the last meeting when  
6 this came up, Mr. Matty made a statement that he  
7 wasn't happy with the way ordinances were moving  
8 and I agreed, because I believe this was the  
9 ordinance which I suggested that we put on first  
10 reading so it would be ready in three readings  
11 and it would be ready sooner.

12 So I'm not trying to slow things down.  
13 In fact, I tried to speed it up. But I find  
14 this, this is the first time I read it was for  
15 this meeting. And I'm sorry, but I think it's  
16 inappropriate.

17 MS. BECKENBACH: You're objecting to --

18 MR. BOLTON: I'm objecting to the  
19 building commissioner having the right to issue a  
20 notice to vacate premises without review.

21 MAYOR LICASTRO: Mr. Bolton, again, to  
22 amend an ordinance existing on the fly as Council  
23 does not follow proper procedure. If you have an  
24 objection to this section, you can reflect that  
25 in your vote. And you can also then refer it to

1 committee for further review to suggest perhaps  
2 amending it.

3 MR. BOLTON: Then may I move that this  
4 ordinance be removed from consideration tonight  
5 and moved to committee for further discussion?

6 MR. McDONALD: It's been moved and  
7 seconded.

8 MAYOR LICASTRO: We have a motion on the  
9 floor.

10 MR. BOLTON: May I amend the motion on  
11 the floor that this occur after further review by  
12 the Legislative Committee?

13 MR. MATTY: May I make a comment, Mr.  
14 Mayor?

15 MAYOR LICASTRO: Please.

16 MR. MATTY: The initiation of this  
17 ordinance was done, I believe, after Mr.  
18 Stephan's comment about the fact that he wanted  
19 the current violators processed through the  
20 system by the end of the year. And the amendment  
21 here is to assist that goal be done. If there's  
22 another section of this ordinance which doesn't  
23 relate, which this does not relate to the  
24 exterior maintenance enforcement, which, so that  
25 Council knows, the building department is ready

1 with the notices that comply with the new  
2 language to go out immediately, because it is the  
3 end of July. And there is a 30-day appeal right  
4 for the residents, which would require other  
5 administrative hearings if it's taken in the  
6 fall.

7           If there is a concept problem with  
8 another issue in this ordinance, which doesn't  
9 relate to the exterior maintenance program, the  
10 motion should be to refer that section to Mr.  
11 Mateyo's committee. I do not believe, unless Mr.  
12 Jamieson tells me otherwise, that he currently  
13 has any enforcement matters which would be on  
14 that type of language, but you're going to hold  
15 up the enforcement of the exterior maintenance  
16 program if you refer this at this time for  
17 another issue not related to it.

18           And if that's Council's wish, then the  
19 Council members that want to see that implement  
20 must know that, because we're not going to be  
21 able to implement it timely as requested by the  
22 end of the year. We won't have enough time.

23           MAYOR LICASTRO: Mr. Bolton, because the  
24 section to which you object doesn't pertain to  
25 exterior maintenance, and if you're against the

1 language of the ordinance itself, let your vote  
2 reflect that. Ask Mr. Mateyo to, in his  
3 committee, deal with the section of the ordinance  
4 you find objectionable. Again, this is already  
5 part of the law, but let's move forward with the  
6 exterior maintenance program so we can get some  
7 closure on that. Mr. Stephan.

8 MR. STEPHAN: You sent an email and you  
9 made reference to the Board of Building Code  
10 Appeals.

11 MAYOR LICASTRO: That's correct.

12 MR. STEPHAN: I don't see Board of  
13 Building Code Appeals mentioned.

14 MAYOR LICASTRO: That's correct, it's  
15 not in this ordinance.

16 MR. MATTY: It's another section and  
17 it's a Board that is made up of the Mayor, if I  
18 remember correctly.

19 MR. STEPHAN: I understand that part. I  
20 didn't understand the relevance of the email  
21 message I received with this ordinance number.

22 MR. MATTY: The relevance, Councilman,  
23 is if a landowner has or elects a right of appeal  
24 to the final violation notice that is going out,  
25 that's the Board it goes to. That's the

1 relevance of that body.

2           MAYOR LICASTRO: That's in a different  
3 ordinance.

4           MS. BECKENBACH: That's in a different  
5 ordinance on your list.

6           MR. MATTY: What this is intending to do  
7 is to make sure that when that final notice goes  
8 out, the procedure to be followed, if such an  
9 appeal is not taken, is properly stated in the  
10 code. And all our administrative paperwork is  
11 set to go on that point if Council so passes this  
12 this evening.

13           MS. BECKENBACH: I'd like to call the  
14 question on this issue.

15           MS. MEADE: I have a question.

16           MAYOR LICASTRO: Is there a second on  
17 calling the question?

18           MR. McDONALD: Second.

19           MAYOR LICASTRO: All in favor of calling  
20 the question.

21           Ayes: 3.

22           MAYOR LICASTRO: Anyone object?

23           MR. STEPHAN: No.

24           MR. BOLTON: Nay.

25           MAYOR LICASTRO: Roll call for passage

1 please.

2 MR. GALLAGHER: Ms. Beckenbach?

3 MS. BECKENBACH: Aye.

4 MR. GALLAGHER: Mr. Bolton?

5 MR. BOLTON: Nay.

6 MR. GALLAGHER: Mr. Kesselem?

7 MR. KESSELEM: Nay.

8 MR. GALLAGHER: Mr. Mateyo?

9 MR. MATEYO: Aye.

10 MR. GALLAGHER: Mr. McDonald?

11 MR. McDONALD: Aye.

12 MR. GALLAGHER: Mr. Stephan?

13 MR. STEPHAN: Nay.

14 MAYOR LICASTRO: It's 3-3. Then I vote  
15 yes.

16 MR. GALLAGHER: Motion carries.

17 MS. MEADE: Question or comment.

18 MAYOR LICASTRO: Yes, Ms. Meade.

19 MS. MEADE: Regarding Mr. Bolton's  
20 point, which I was as a resident attending the  
21 meetings, my comment was I do not recall this  
22 document being provided at the legislative  
23 meeting for review by committee as a written  
24 document for the record.

25 MAYOR LICASTRO: It's an existing

1 ordinance. This was the amendment made and  
2 passed.

3 MS. MEADE: I'm just saying.

4 MAYOR LICASTRO: Moving on with the  
5 agenda.

6 MR. McDONALD: We didn't vote. We have  
7 to vote on the amendment.

8 MAYOR LICASTRO: Yeah, we did, it was  
9 3-3 and I passed the tie vote. Not on the  
10 amendment, but as written.

11 Now, the next one, one, two, three,  
12 four, the next four ordinances. One of the steps  
13 we have to take in this process is the  
14 appointment of the Board. The Board is by law  
15 established already by a Bratenahl ordinance.  
16 And the Mayor and president of Council are two of  
17 the three members. The third member can be  
18 appointed by Council.

19 As I sent you an email, Fred Kreiner,  
20 who is also the resident freeholder on the Board  
21 of Zoning Appeals, has expressed a willingness to  
22 be that third member. Would someone like to  
23 offer his name?

24 MS. BECKENBACH: I'll offer his name for  
25 appointment.

1           MAYOR LICASTRO: Is there a second?

2           MR. MATEYO: Second.

3           MAYOR LICASTRO: Is think there any  
4 other appointment that wants to be made? All in  
5 favor of the motion to appoint Mr. Kreiner as  
6 resident freeholder.

7           Ayes: 6.

8           MAYOR LICASTRO: Anyone object? Thank  
9 you.

10           Now, the flood plain code changes. I  
11 knows there's been some questions about this.  
12 This is on for first reading. Mr. Matty can  
13 address the questions. I think, Mr. Bolton, it's  
14 your turn.

15           MR. BOLTON: I'd like to introduce  
16 Ordinance Number 3488, an ordinance repealing  
17 existing chapter 1315 and adopting a new chapter  
18 1315 of the codified ordinance of the Village of  
19 Bratenahl to comply with the requirements of the  
20 Federal Emergency Management Agency for first  
21 reading.

22           MAYOR LICASTRO: Mr. Matty, would you  
23 clarify the language and manner in which this is  
24 written?

25           MR. MATTY: Mayor, this is an ordinance

1 that we have worked on with the help from Mr.  
2 Bierut. And this is an ordinance where we have  
3 no authority to change any of the text. As an  
4 effort to get it here for a first reading, it  
5 came to us in a form that was different than the  
6 sections of our code and the paragraphs of our  
7 code. So what my office will do while it's going  
8 through the readings is we will coordinate some  
9 of the section numbers which are in here, which  
10 are generic section numbers in the federal code  
11 to our code.

12 We did not have time to do that to get  
13 it here for first reading. We will do so before  
14 it's ready for passage for third reading. It  
15 must be implemented by December of this year.  
16 That's our timetable. But this is the type of  
17 ordinance where -- and Mr. Bierut can assist me  
18 if he has anything further, but this is the type  
19 of ordinance where we have no discretion to  
20 change anything. This is an update of our code  
21 and must be in this form.

22 MAYOR LICASTRO: Thank you, Mr. Matty.  
23 Yes, Mr. Bolton.

24 MR. BOLTON: I called Mr. Bierut hoping  
25 at some point he would be able to obtain

1 information about the map, which is not yet  
2 available. And the ordinance requires us to pass  
3 having that.

4           MAYOR LICASTRO: We got the map.

5           MR. BIERUT: We actually have three  
6 maps: The original map; the map that shows the  
7 changes and only the changes; and then there's  
8 the third map, which shows what is reflected in  
9 the legislation.

10           MAYOR LICASTRO: We brought those to  
11 Council when this was first broached.

12           MR. BOLTON: I looked it up on the  
13 Internet.

14           MAYOR LICASTRO: We have them here at  
15 Village Hall.

16           MR. BIERUT: Either I have them or you  
17 have them here.

18           MR. BOLTON: Those are the draft as  
19 presented this summer for comment?

20           MR. BIERUT: Right.

21           MR. BOLTON: And presumably they'll be  
22 no changes, but at least according to the website  
23 they won't be finalized until December 1 of this  
24 year.

25           MAYOR LICASTRO: I think pending

1 legislation.

2 MR. BIERUT: Right. They went  
3 through -- they made the changes. They proposed  
4 the changes to the maps. They sent out letters  
5 to affected residents saying there was a change  
6 in the map. There was a public commentary  
7 period, which I don't know if they received any  
8 comment or not. That time frame was ended, I  
9 think, on June 3 or something like that. And  
10 then they were given X amount of months to pass,  
11 which I think is December 3 it has to be passed  
12 by, so they made the revision, they asked for  
13 comment, now we need to do the legislation for  
14 them.

15 MR. BOLTON: And I asked Mr. Bierut,  
16 because I only called him Monday, I doubt he's  
17 had time to find out if there are any residents  
18 who subscribe --

19 MAYOR LICASTRO: Five.

20 MR. BIERUT: Very quick turnaround on  
21 that. I've had an email to you.

22 MAYOR LICASTRO: He probably didn't see  
23 it. They won't tell us who, Mr. Bolton, but  
24 there's five. The question was how many  
25 residents have flood insurance and the answer

1 from FEMA was five.

2 MR. BOLTON: I see. Would it be all  
3 right, Mr. Matty, if I call you? I had some  
4 questions on the meaning of the law.

5 MR. MATTY: Sure.

6 MR. BOLTON: For example, there's a  
7 restriction on the watershed. And it seemed to  
8 me that it prohibited the drilling of any wells  
9 in the Village, anywhere in the Village, that's  
10 the kind of question.

11 MR. BIERUT: It's within the floodplain  
12 area. If you're down by Nine Mile, they don't  
13 want you dropping a well.

14 MR. BOLTON: Got it. Thank you.

15 MAYOR LICASTRO: Mr. Kesselem.

16 MR. KESSELEM: John, will you be calling  
17 a stormwater management meeting regarding this?

18 MAYOR LICASTRO: Yes. Not necessarily  
19 regarding this, but we can discuss this and other  
20 factors as well. We haven't had a chance, Mr.  
21 Kesselem. Thanks for reminding me. Continue to  
22 remind me. Thank you.

23 Now, the next four ordinances pertain  
24 to --

25 MR. STEPHAN: Excuse me, I have a

1 question.

2           MAYOR LICASTRO: I'm sorry, Mr. Stephan.

3           MR. STEPHAN: Is there any, Mr. Bierut,  
4 any of these sections, any of the stipulations in  
5 this document that obligate the Village of  
6 Bratenahl to financial risk?

7           MR. BIERUT: An applicant,  
8 hypothetically an applicant with a plan to do  
9 something within the restricted area by the  
10 floodplain map would have to review it. They  
11 would put up a deposit. There's no review fee  
12 type of thing, but enforcement, if the applicant  
13 doesn't do what they say they're going to do or,  
14 that is, build anyway or they commit some type of  
15 violation to code, I'm assuming we're in charge  
16 of hunting them down and enforcing the  
17 legislation just like any legislation we have.

18           MAYOR LICASTRO: I think it's fair to  
19 call this an unfunded mandate. We're mandated to  
20 do it and they don't help us fund. They don't  
21 give us funds to enforce it. So to answer your  
22 question, parts of it could lead to unfunded  
23 mandating.

24           MR. STEPHAN: My question then is give  
25 me an example or I'll ask a question

1 hypothetically.

2           Dugway Creek has two sides, different  
3 property owners. If one side builds a retaining  
4 wall, they need to get a permit from FEMA?

5           MR. BIERUT: They would apply to us.  
6 And that's a good example. They'd have to  
7 provide all kind of hydraulic data to prove that  
8 what they're going to do is not going to affect  
9 anybody else. We would take a look at it and  
10 then it would have to be forwarded to FEMA for  
11 what's called a letter of map revision. And they  
12 have to agree with the data that they got from  
13 both the Village and the applicant.

14           MAYOR LICASTRO: What about the Army  
15 Corps of Engineers?

16           MR. BIERUT: Yeah, that's a different  
17 thing. If you're going to modify a stream or a  
18 waterway, you need a Corps. And I'm not sure  
19 whether that would apply or not.

20           MR. STEPHAN: If there's a retaining  
21 wall that needs attention and it has been agreed  
22 by the owner to give it attention, I want to make  
23 sure that we know what we need to do to get the  
24 permit to get permission to do it.

25           MR. BIERUT: If it's a specific

1 instance, I can certainly find out. I think in  
2 many cases an existing retaining wall, I know by  
3 the Corps's definition, maintenance, maintenance  
4 can be done without the Corps, six to nine or 12  
5 months.

6 MR. STEPHAN: This is maintenance.

7 MR. BIERUT: But like I said, specific  
8 instance I can talk to the property owner or  
9 whatever.

10 MR. STEPHAN: You may already have. I  
11 don't know. When I saw this, and the other  
12 question when I ask is the Village liable, what  
13 happens if the owner of the property on the other  
14 side of the creek does nothing and there is  
15 erosion and collapse and that causes flooding on  
16 our property, then is the Village liable in any  
17 way because we passed this requirement.

18 MR. BIERUT: I don't believe so.  
19 Obviously that's a question more for Mr. Matty  
20 than me. I guess that would pertain to anything  
21 that would happen.

22 MAYOR LICASTRO: Yes. Mr. Jamieson.

23 MR. JAMIESON: I can tell you if you're  
24 going to rebuild a retaining wall and a waterway  
25 such as you describe, first thing they would do

1 is get a permit from the Army Corps of Engineers.  
2 And it would be clear if it did affect, they  
3 would determine if it affected the floodplain.  
4 They would come to us and we would give a copy of  
5 their plans to the engineer just to make sure it  
6 was okay with what we're doing. But the Army  
7 Corp of Engineers controls the waterways like  
8 that.

9 MR. BIERUT: I believe that's what I  
10 told that resident, if we're talking about the  
11 same one.

12 MR. STEPHAN: Thank you.

13 MAYOR LICASTRO: The next four items on  
14 the agenda pertain to ballot issues. You'll  
15 notice the first three are to be put on first  
16 reading. The fourth we have to pass on  
17 suspension. It's our intention to have a morning  
18 meeting a week from tonight, July 28, at 8:30  
19 where we can put those three that are on first  
20 reading for final passage to satisfy the mandates  
21 of the law that pertain to ballot issues.

22 So for first reading we need, I think,  
23 Mr. Mateyo, it's your turn, 3489. Again, it  
24 might be 3487 on your copy. It's actually 3489,  
25 please.

1 MR. MATEYO: I'd like to introduce  
2 Ordinance 3489, an ordinance amending Section  
3 171.0501, 171.0502 of the administrative code to  
4 increase the rate of income tax one and one half  
5 percent to two percent per annum, which increase  
6 is to assist the Village in meeting costs to  
7 providing police and safety services and  
8 declaring an emergency.

9 MS. BECKENBACH: Second.

10 MAYOR LICASTRO: There's no second.  
11 It's first reading.

12 MS. BECKENBACH: I'm sorry.

13 MAYOR LICASTRO: So once it's signed by  
14 me, it has to become law immediately. Again,  
15 this is not suspension. Emergency means it's law  
16 immediately. We'll deal with this. We're going  
17 to have to do this for suspension next week.  
18 Thank you. Moving to Ordinance Number 863 --

19 MR. BOLTON: It has on the document and  
20 declaring an emergency, so that has to be  
21 removed?

22 MAYOR LICASTRO: No, suspension is the  
23 three-reading rule. Emergency means the minute  
24 it's passed and signed, it becomes law. To meet  
25 the mandates on the timetable, it has to be on

1 emergency, but it has nothing to do with  
2 suspension. It's two different things.

3 MR. MATEYO: Why do we have to bring it  
4 up on July 28, 8:30 at night?

5 MAYOR LICASTRO: In the morning.

6 MR. MATEYO: Why do we have to bring it  
7 up?

8 MS. BECKENBACH: Because of the  
9 timetable.

10 MAYOR LICASTRO: Because we have to  
11 attest -- 865 has to be sent to the auditor  
12 certifying the tax rate. Once we get  
13 certification from the auditor, we can then move  
14 forward and pass this legislation.

15 MR. STEPHAN: What just happened?

16 MR. ROBINS: If you don't do the  
17 emergency, you have to wait 30 days after the  
18 third reading.

19 MAYOR LICASTRO: Mr. Stephan, sometimes  
20 your questions just baffle me.

21 MR. STEPHAN: I withdraw my earlier  
22 statement that I'm a smart person.

23 MAYOR LICASTRO: Thank you.

24 Moving to Resolution 863 for first  
25 reading, please.

1           MR. KESSELEM: Resolution Number 863, a  
2 resolution to provide for the submission to the  
3 electors of the Village of Bratenahl the question  
4 of increasing the income tax rate by one half of  
5 one percent per annum from January 1, 2011 and  
6 thereafter to provide funds for capital and  
7 operating expenses for police and safety services  
8 and declaring an emergency.

9           MAYOR LICASTRO: Thank you. And the  
10 third of these three for first reading is  
11 Resolution 864, Mr. Stephan, please.

12           MR. STEPHAN: A resolution declaring it  
13 necessary to replace the existing four mill levy  
14 for current expenses and increase it by an  
15 addition 0.5 mills to constitute a 4.5 mill  
16 replacement levy for current expenses and  
17 submitting the question of such levy to the  
18 electors of the Village and declaring an  
19 emergency.

20           MAYOR LICASTRO: Thank you. And this is  
21 the piece of legislation, 865, that we have to  
22 put on suspension to meet the mandates of state  
23 law regarding ballot issues.

24           MS. BECKENBACH: I'd like to introduce  
25 Resolution Number 865 for suspension, a

1 resolution declaring it necessary to replace the  
2 existing four mill levy for current expenses and  
3 increase it by an additional .5 mills for current  
4 expenses, authorizing the Cuyahoga County auditor  
5 to certify the total tax valuation of the Village  
6 and the dollar amount of revenue that would be  
7 generated by the 4.5 mill replacement tax levy  
8 for current expenses and declaring an emergency.

9           MAYOR LICASTRO: Is there a second on  
10 suspension?

11           MR. McDONALD: Second.

12           MAYOR LICASTRO: Roll call on  
13 suspension, please.

14           MR. GALLAGHER: Ms. Beckenbach?

15           MS. BECKENBACH: Aye.

16           MR. GALLAGHER: Mr. Bolton?

17           MR. BOLTON: Aye.

18           MR. GALLAGHER: Mr. Kesselem?

19           MR. KESSELEM: Aye.

20           MR. GALLAGHER: Mr. Mateyo?

21           MR. MATEYO: Aye.

22           MR. GALLAGHER: Mr. McDonald?

23           MR. McDONALD: Aye.

24           MR. GALLAGHER: Mr. Stephan?

25           MR. STEPHAN: Aye.

1 MR. GALLAGHER: Thank you.

2 MS. BECKENBACH: I'd like to introduce  
3 Resolution Number 865 for passage.

4 MAYOR LICASTRO: Is there a second?

5 MR. MATEYO: Second.

6 MAYOR LICASTRO: Discussion? Everyone  
7 is clear what we're doing here? Again, we have  
8 to send this to the auditor so we can move  
9 forward with the other ordinances to be certain  
10 these are on the ballot in a timely manner. I  
11 believe the deadline is August 4. That's our  
12 second, one of those two dates the third -- thank  
13 you, I was close.

14 That's why we have to meet again once  
15 the auditor certifies the tax rate, so we can  
16 pass the other three ordinances so it ends up on  
17 the November ballot. Roll call on passage,  
18 please.

19 MR. GALLAGHER: Ms. Beckenbach?

20 MS. BECKENBACH: Aye.

21 MR. GALLAGHER: Mr. Bolton?

22 MR. BOLTON: Aye.

23 MR. GALLAGHER: Mr. Kesselem?

24 MR. KESSELEM: Aye.

25 MR. GALLAGHER: Mr. Mateyo?

1 MR. MATEYO: Aye.

2 MR. GALLAGHER: Mr. McDonald?

3 MR. McDONALD: Aye.

4 MR. GALLAGHER: Mr. Stephan?

5 MR. STEPHAN: Aye.

6 MR. GALLAGHER: Thank you.

7 MAYOR LICASTRO: I know there was some  
8 discussion about the next ordinance 3490. It did  
9 come late. Jim has an explanation for that. We  
10 can also put this on first reading and pass it  
11 next week to have time to peruse it. This is a  
12 note we have rolled over several times and that's  
13 the nature of this legislation.

14 So, Mr. McDonald, I believe it's your  
15 under for Ordinance 3490.

16 MR. BOLTON: I was going to say I don't  
17 have that.

18 MR. McDONALD: It's the one that came  
19 today. I'd like to introduce Ordinance Number  
20 3490 for passage, an ordinance to provide for the  
21 issuance and sale of --

22 MAYOR LICASTRO: No, it would be first  
23 reading or suspension.

24 MR. McDONALD: What are we doing?

25 MR. MATTY: First reading.

1 MR. McDONALD: For first reading.

2 MAYOR LICASTRO: Yes.

3 MR. McDONALD: Ordinance 3490 for first  
4 reading, an ordinance to provide for the issuance  
5 and sale of \$530,500 in notes in anticipation of  
6 the issuance of the bonds for the purpose of  
7 paying a portion of the cost of acquiring certain  
8 real property commonly known as the Dale/Ross  
9 property for the conservation purposes, including  
10 conservation and preservation of open space.

11 That's it.

12 MAYOR LICASTRO: Keep reading the rest.

13 MR. McDONALD: And declaring an  
14 emergency.

15 MAYOR LICASTRO: Now, we also could pass  
16 this at the August perfunctory meeting and put it  
17 on third reading then to leave time for  
18 discussion. So it does not have to be passed  
19 next week. It's got to go passed by the August  
20 meeting, because the deadline is August 27. So  
21 in order to roll the note, we would have to pass  
22 this no later than the August meeting. Any  
23 questions? Thank you. Mr. Stephan.

24 MR. STEPHAN: Is it the Dale/Ross  
25 property or is it some bird sanctuary or green

1 space? I thought we changed the name.

2 MR. McDONALD: It's commonly known.

3 MAYOR LICASTRO: It says commonly known  
4 as the Dale/Ross property. And there are no  
5 public funds used to acquire a former Roediger  
6 property, now the bird sanctuary. Those are all  
7 private donations.

8 MR. ROBINS: When one looks at pay  
9 claims, there's an equal amount \$530,500 for this  
10 note principal, but there's also the interest of  
11 \$12,466.75. So I presume that's not being rolled  
12 into the note, that's being paid for out of the  
13 General Fund.

14 MR. GALLAGHER: That's correct.

15 MR. ROBINS: Secondly, section 9  
16 specifically, I won't read the whole thing, but  
17 says provisions for tax levy. During the year or  
18 years in which the notes are outstanding, there  
19 shall be levied on all the taxable property in  
20 the Village, in addition to all other taxes, the  
21 same tax that would have been levied if the bonds  
22 had been issued without the prior issuance of  
23 notes.

24 Then it goes on and later it says the  
25 proceeds of the tax levy shall be placed in the

1 bond retirement fund, which is irrevocably  
2 pledged for the payment of the debt charges on  
3 the notes or the bonds when and as the same fall  
4 due.

5           And then there's additional verbiage.  
6 My question is, are we violating anything here,  
7 and I guess this is to the law director, with  
8 respect to the tax provision for payment of this  
9 property.

10           MR. MATTY: Bond counsel prepared this,  
11 so we'll talk about it with counsel before the  
12 next meeting and have an answer to that. Bond  
13 counsel is in charge of this issue. And he's  
14 aware of the fact that we are proceeding with  
15 both your tax issues to the ballot, because he  
16 was consulted in both, so we will check with him.

17           MAYOR LICASTRO: We'll know by next  
18 Wednesday.

19           MR. MATTY: Yes.

20           MAYOR LICASTRO: Thank you.

21           MS. MEADE: Regarding the ordinance  
22 itself, it seems like the preference, if I'm  
23 understanding this right, is ordinances should be  
24 reviewed in committee first. And I don't recall  
25 this being reviewed by any committee. Does it

1 need to be?

2           MAYOR LICASTRO: It's not a mandate.  
3 It's a preference. Because of the time frame and  
4 the fact that Mr. Gallagher just received the  
5 information from Squires yesterday, it's being  
6 put on for first reading. And, again, we have  
7 ample time to put it on second and third reading  
8 and have finance review it before it's put on for  
9 passage.

10           MR. McDONALD: Finance has talked about  
11 this issue all along. We talked about it  
12 tonight, the fact we would like to take these  
13 notes and convert them into a long-term  
14 amortizing loan. So we all knew they were here.

15           MS. MEADE: But will your committee meet  
16 to discuss whatever the contents are and make a  
17 recommendation prior to what John -- to a formal  
18 vote.

19           MR. McDONALD: I would say that we don't  
20 have to, because we don't have a choice.

21           MAYOR LICASTRO: But finance does meet  
22 before the August meeting. You can put it on  
23 your agenda and discuss it.

24           MR. MATEYO: Before next Monday.

25           MAYOR LICASTRO: Before the August

1 meeting. We can pass this at the August meeting.  
2 That gives us time to meet the timetable  
3 established by bond counsel. That's the August  
4 18 perfunctory meeting, put it on for third  
5 reading, which finance will meet before that.

6 MR. BOLTON: Mr. McDonald, every time I  
7 see these notes come up, which is a short amount  
8 of time, they've been for one year. So it might  
9 be that the Finance Committee, if its intent is  
10 the beginning of next year, perhaps get a  
11 long-term instrument in place, might want to  
12 discuss a six-month.

13 MR. McDONALD: We can pay these things  
14 off in a flash.

15 MR. BOLTON: Oh, okay. Fantastic.

16 MAYOR LICASTRO: It's a lot harder sell  
17 the six-month note than a one-year note.

18 Moving to pay claims, 3491. Mr. Bolton.

19 MR. BOLTON: Oh, my. Well, I'd like to  
20 introduce ordinance 3491 for passage and  
21 declaring an emergency.

22 MS. BECKENBACH: Second.

23 MAYOR LICASTRO: You have to do it for  
24 suspension first.

25 MR. BOLTON: For suspension.

1           MAYOR LICASTRO: Is there a second on  
2 suspension?

3           MR. MATEYO: Second.

4           MAYOR LICASTRO: Roll call for  
5 suspension, please.

6           MR. GALLAGHER: Ms. Beckenbach?

7           MS. BECKENBACH: Aye.

8           MR. GALLAGHER: Mr. Bolton?

9           MR. BOLTON: Aye.

10          MR. GALLAGHER: Mr. Kesselem?

11          MR. KESSELEM: Aye.

12          MR. GALLAGHER: Mr. Mateyo?

13          MR. MATEYO: Aye.

14          MR. GALLAGHER: Mr. McDonald?

15          MR. McDONALD: Aye.

16          MR. GALLAGHER: Mr. Stephan?

17          MR. STEPHAN: Aye.

18          MR. GALLAGHER: Thank you.

19          MAYOR LICASTRO: Mr. Bolton.

20          MR. BOLTON: I'd like to introduce  
21 Ordinance 3491 for passage, pay claims in the  
22 amount of -- and here I have a problem. Is the  
23 green space note principal to be included or not?

24          MR. GALLAGHER: \$597,000, yes, it is.

25          MAYOR LICASTRO: He asked about the

1 green space note.

2 MR. GALLAGHER: I'm saying it's in  
3 there.

4 MR. BOLTON: Yes, but it hasn't been  
5 approved for payment by Council.

6 MAYOR LICASTRO: Take it out, right.

7 MR. BOLTON: I think it's everything but  
8 the 530.

9 MR. McDONALD: So that means we're not  
10 going to be able to cut a check until after the  
11 bonds have matured?

12 MR. GALLAGHER: No, we're just going to  
13 have to --

14 MAYOR LICASTRO: By doing it at the  
15 August meeting, we have to scramble to get it to  
16 bond counsel. I'm just saying you can do it  
17 tonight. You can do it next week. You can do it  
18 at the August meeting. I'm giving Council  
19 options, but we should remove that 530 from pay  
20 claims.

21 MR. BOLTON: My only point is I don't  
22 think we can't pay something that hasn't been  
23 approved.

24 MAYOR LICASTRO: I think that's a  
25 well-taken point. So what is the new magic

1 number?

2 MR. GALLAGHER: \$66,758.07.

3 MR. BOLTON: Thank you.

4 MAYOR LICASTRO: And that's the basis on  
5 which you're asking for passage?

6 MR. BOLTON: Yes.

7 MR. KESSELEM: Can you repeat that  
8 number again?

9 MR. GALLAGHER: \$66,758.07.

10 MR. KESSELEM: Thank you.

11 MAYOR LICASTRO: Thank you. Is there a  
12 second for passage?

13 MR. MATEYO: Second.

14 MAYOR LICASTRO: Is there discussion for  
15 anything on pay claims? Mr. Stephan.

16 MR. STEPHAN: I see the first item, the  
17 second item, I'm sorry, is \$940.80 for four lube  
18 oil and filters and one tire. Now, if a tire  
19 cost \$140, then each lube and oil change costs  
20 \$200 each.

21 MAYOR LICASTRO: Chief, do you want to  
22 comment on that?

23 MR. GALLAGHER: That's probably the old  
24 language.

25 MS. MEADE: I'm guessing the line below

1 it goes along with it.

2 CHIEF DOLBOW: It has to be vehicle  
3 maintenance, but it's more than just oil changes.

4 MR. MATEYO: There's two lines there.

5 MR. STEPHAN: Is it a combination of the  
6 two?

7 MR. KESSELEM: Is it both lines the  
8 repair, AC, tires?

9 MR. MATEYO: Jim, check the second line  
10 as well, second and third line combined.

11 CHIEF DOLBOW: Yeah, that was repairs,  
12 air-conditioning, there was alignments.

13 MR. GALLAGHER: I think unfortunately  
14 the language was left from a previous pay claims  
15 and the count is not right. I have about 12  
16 bills here, lots of tires.

17 MAYOR LICASTRO: Is this pretty much  
18 maintenance for the whole fleet?

19 CHIEF DOLBOW: Yes.

20 MAYOR LICASTRO: Anything else, Mr.  
21 Kesselem?

22 MR. KESSELEM: Clark & Associates,  
23 traffic citation, clerk, and court expenses.

24 MS. KREINER: We're mandated by the  
25 state. The State changed our uniform traffic

1 tickets, so we had to, as of July 1, get all new  
2 tickets and throw away all our old tickets.

3 MAYOR LICASTRO: You couldn't throw them  
4 away.

5 MS. KREINER: No, don't throw them away,  
6 they're right there. We dispose of it.

7 MAYOR LICASTRO: We have to keep them  
8 for five years before we can throw them away.

9 MR. KESSELEM: Is that not an expense  
10 that comes out of the court?

11 MS. KREINER: No, they've always taken  
12 it since I've been here 10 years, always taken it  
13 out of my expense.

14 MR. KESSELEM: That's coming out of your  
15 expense, the clerk of courts.

16 MS. KREINER: The clerk of courts, not  
17 out the computer fund.

18 MAYOR LICASTRO: Remember the proceeds  
19 for Mayor's Court go into the General Fund. So  
20 this is a payment from the General Fund. Mr.  
21 Stephan.

22 MR. STEPHAN: On the first page from  
23 NITV Federal Services, there's \$1,995 spent for  
24 computer voice stress analyzer. What is this?

25 MAYOR LICASTRO: Chief, did you hear the

1 question? Computer voice stress analyzer.

2 CHIEF DOLBOW: That's for us to use in  
3 backgrounds and criminal investigations. We got  
4 a heck of a deal. It's an \$8,000 piece of  
5 equipment we got for 18, \$1,900 that includes  
6 training for two officers to utilize that  
7 equipment.

8 MR. McDONALD: Is that a lie detector?

9 CHIEF DOLBOW: Yes, that's better than a  
10 lie detector.

11 MR. ROBINS: We could have used it  
12 earlier, couldn't we?

13 MAYOR LICASTRO: Are you volunteering,  
14 Mr. Robins?

15 MR. ROBINS: No, I'm volunteering we  
16 could have used it earlier with the fiasco.

17 CHIEF DOLBOW: We can use it with the  
18 hiring process and criminal investigation.

19 MAYOR LICASTRO: Anyone on Council have  
20 any other questions? Ms. Meade.

21 MS. MEADE: It's got a Ford lease  
22 payment of \$15,000.

23 MAYOR LICASTRO: That's for the dump  
24 truck.

25 MR. McDONALD: That's the old one.

1 That's removed.

2 MS. MEADE: Is that the one that's been  
3 replaced?

4 MAYOR LICASTRO: Yes.

5 MR. ZALAR: No, that's --

6 MAYOR LICASTRO: That's the lease  
7 payment.

8 MR. ZALAR: It's the third of five.  
9 It's a once a year payment.

10 MAYOR LICASTRO: It's not on the new  
11 payment?

12 MR. GALLAGHER: No, we took it off. We  
13 pay it next month.

14 MAYOR LICASTRO: It's not on this pay  
15 claims.

16 MS. MEADE: And just a comment. If  
17 competitive, I didn't know for car service and  
18 maintenance if anyone could contact Lube Stop,  
19 because they're very pro green in sustainability  
20 if they give competitive prices as an option?

21 MAYOR LICASTRO: We can look into that.

22 MR. DAANE: I have Tom Morley's contact  
23 information, the CEO, if anybody wants it.

24 MAYOR LICASTRO: Any other questions on  
25 pay claims? There being none, roll call on

1 passage, please.

2 MR. GALLAGHER: Ms. Beckenbach?

3 MS. BECKENBACH: Aye.

4 MR. GALLAGHER: Mr. Bolton?

5 MR. BOLTON: Aye.

6 MR. GALLAGHER: Mr. Kesselem?

7 MR. KESSELEM: Aye.

8 MR. GALLAGHER: Mr. Mateyo?

9 MR. MATEYO: Aye.

10 MR. GALLAGHER: Mr. McDonald?

11 MR. McDONALD: Aye.

12 MR. GALLAGHER: Mr. Stephan?

13 MR. STEPHAN: Aye.

14 MR. GALLAGHER: Thank you.

15 MAYOR LICASTRO: Anyone else on Council?

16 MR. MATEYO: Yes.

17 MAYOR LICASTRO: Age before beauty.

18 MR. MATEYO: I never said I was smart.

19 It seems to me Council has asked more than once  
20 if it's possible that we could cut off pay claims  
21 at noon on Friday before the Council meeting.

22 And I know it may present a problem, but there  
23 has to be some way when we're talking about going  
24 to our residents for increase taxes, that we know  
25 what we're doing. And I must admit by getting

1 stuff when you walk in the door, I am sorry, I  
2 can't absorb four pages of pay claims in the  
3 amount of time it takes.

4           So I once again very respectfully and  
5 sincerely would ask if there's some way we need to  
6 get it 24 hours before or why a corporation cuts  
7 their account off on December 31 and that's the  
8 way it is. So I'm not violent. I'm not  
9 outspoken, but we have to figure out some way to  
10 have a reasonable period of time to look at the  
11 numbers. They can't keep changing every five  
12 seconds.

13           MR. GALLAGHER: We'll keep working on  
14 it.

15           MAYOR LICASTRO: Mr. Bolton, you're  
16 excited question.

17           MR. BOLTON: Yes, at the back of pay  
18 claims, fireworks. And the Recreation Commission  
19 kept their light undercover, because the  
20 fireworks display was fabulous. And it had the  
21 best attendance that I've ever seen.

22           MAYOR LICASTRO: Ever.

23           MR. GALLAGHER: So they deserve  
24 congratulations.

25           (Applause.)

1           MAYOR LICASTRO: Mr. Kesselem.

2           MR. KESSELEM: I would like to thank  
3 Merele for her prompt and efficient work  
4 regarding a request from a resident who needed to  
5 have another garbage can for their property. She  
6 did a fantastic job getting it over to him and  
7 the request was very nice. She called very upset  
8 that her garbage was overflowing for almost three  
9 weeks. So by getting it to her within a couple  
10 of days, it helped out a lot. Thanks, Merele.

11           MAYOR LICASTRO: We have a new queen of  
12 trash. Mr. Stephan.

13           MR. STEPHAN: I was saying thank you,  
14 good job.

15           MR. KESSELEM: Do you know if that  
16 ever -- by the rentals that we have in the  
17 Village, do we lose garbage cans?

18           MS. BECKENBACH: Which rental are you  
19 talking about? Are you talking about the one at  
20 508?

21           MR. KESSELEM: Yes.

22           MS. BECKENBACH: Yeah, I'm assuming the  
23 landlord took the previous can.

24           MR. KESSELEM: But does that happen to  
25 many of ours?

1 MS. BECKENBACH: No. That's the first  
2 one I've heard about since this program has been  
3 in existence.

4 MR. KESSELEM: Is that the best way to  
5 handle it?

6 MAYOR LICASTRO: Yes. Merele has a  
7 direct line to Dean, I think it's Dean. I spoke  
8 to him as well. And he actually called me from  
9 the property on his cell phone saying, yeah,  
10 there's one missing, what do I do and we asked  
11 him to replace it.

12 MS. MEADE: For clarification, who has  
13 the authority to create legislation?

14 MAYOR LICASTRO: The Council, Mayor and  
15 clerk.

16 MS. MEADE: Clerk, Jim?

17 MAYOR LICASTRO: Jim.

18 MS. MEADE: Solicitor.

19 MR. MATTY: Solicitor prepares  
20 legislation as instructed.

21 MS. BECKENBACH: We give you guidance.

22 MR. MATTY: I have no authority to bring  
23 legislation.

24 MS. MEADE: Who has the authority to  
25 create?

1           MAYOR LICASTRO: Council through their  
2 committees, the Mayor, and clerk.

3           MS. BECKENBACH: To define that, we  
4 don't have authority.

5           MAYOR LICASTRO: You create it. He  
6 prepares it.

7           MR. KESSELEM: We legislate, he  
8 executes. Is it only within a tie does he get to  
9 vote, which is part of that legislation.

10          MAYOR LICASTRO: That's correct.

11          MR. MATTY: That's correct.

12          MAYOR LICASTRO: Do you have a lot, Pat.

13          MS. MEADE: No. I have a letter to read  
14 into the record by Kate who couldn't be here,  
15 because she's got a prolonged back problem. And  
16 it reads: On Monday, July 19, I received copies  
17 forwarded to me by several residents of an email  
18 that Mary Beckenbach, Council President, has sent  
19 to villagers. It's subject was the summer of  
20 2010 issue of More Bratenahl and "Apparent  
21 inequities of same."

22                 It should be noted Mary Beckenbach did  
23 not approach either the publisher of More  
24 Bratenahl or me to discuss this issue. To  
25 clarify, there were no apparent inequities in the

1 summer 2010 issue of More Bratenahl.

2 As the editor of More Bratenahl, I am  
3 proud to say that More Bratenahl only reports  
4 facts from public meetings. We do not report  
5 Mary Beckenbach's version of events or any other  
6 person's versions of event. We don't report  
7 rumor. We do not report innuendo. We do not  
8 report what we don't know.

9 Our number one priority in reporting is  
10 accuracy. And to that end, all public meetings  
11 are digitally recorded for verification. I could  
12 easily dispel Mary Beckenbach's comments one by  
13 one and would have done had she been professional  
14 and approached More Bratenahl to discuss.

15 Instead, she chose to misrepresent what  
16 was reported and then tried to inflame residents  
17 with her comments for her own agenda. Residents  
18 deserve better from a Council President. If  
19 anyone is interested in the facts, please call me  
20 at 570-7749 or email me at rkrobins@aol.com.

21 Suffice to say, More Bratenahl stands by  
22 its reporting. It's easy to do when the truth is  
23 on your side. Sincerely, Kate Robins, Editor of  
24 More Bratenahl.

25 MR. GALLAGHER: Pat, can I interrupt you

1 there for a second? By virtue of it being in the  
2 minutes, you just put Kate's cell phone on the  
3 web.

4 MS. MEADE: She submitted it.

5 And my question to Mary is in the future  
6 before creating another misinformed public  
7 record, do I have your word that you'll verify,  
8 you'll contact us and verify your facts you  
9 question?

10 MS. BECKENBACH: I have no comment.

11 MAYOR LICASTRO: Is there a motion to  
12 adjourn?

13 MR. MATEYO: So move.

14 MAYOR LICASTRO: We are in adjournment.  
15 We'll see you next Monday.

16 (Meeting adjourned.)

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