

BRATENAHL VILLAGE
BRATENAHL COMMUNITY CENTER
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VILLAGE COUNCIL MEETING
TAKEN
MAY 18, 2011
5:30 P.M.

MAYOR JOHN LICASTRO
MARY BECKENBACH
THOMAS McDONALD
WILLIAM BOLTON
GEORGE MATEYO
ANDREW KESSELEM
PAUL STEPHAN
DAVID J. MATTY, ESQ.

NANCY L. MOLNAR, RPR, CLR

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1 MAYOR LICASTRO: Any corrections,
2 changes? There being none, all in favor of the
3 motion?

4 Ayes: 6. Nays: 0.

5 MAYOR LICASTRO: The Mayor's Court
6 Report for the month of April. The County
7 Treasurer received \$795; the Village of Bratenahl
8 \$26,893; the Treasurer of the State of Ohio,
9 \$6,577. And the Village of Bratenahl court
10 computer fund, \$1,568. Any questions on that?
11 Thank you.

12 Moving to correspondence. I received
13 from the Board of Health their food safety
14 report. As you know, the County Board of Health
15 is an organization of which Bratenahl is a
16 member. They do on a yearly basis inspect the
17 two working restaurants we have in the Village,
18 Americano and Shorby.

19 To no one's surprise, they passed with
20 flying colors. There were a total of nine
21 inspections conducted on both facilities and
22 there were really no concerns. There was four
23 standard inspections, four critical point control
24 and one consultation, but both passed. So if you
25 frequent those restaurants, the food, according
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1 MAYOR LICASTRO: We need a motion to
2 adjourn from executive session.
3 MR. MATEYO: Second.
4 MAYOR LICASTRO: Roll call, please.
5 MR. BLAZEY: Ms. Beckenbach?
6 MS. BECKENBACH: Yes.
7 MR. BLAZEY: Mr. Bolton?
8 MR. BOLTON: Aye.
9 MR. BLAZEY: Mr. Kesselem?
10 MR. KESSELEM: Aye.
11 MR. BLAZEY: Mr. Mateyo?
12 MR. MATEYO: Yes.
13 MR. BLAZEY: Mr. McDonald?
14 MR. McDONALD: Aye.
15 MR. BLAZEY: Mr. Stephan?
16 MR. STEPHAN: Aye.
17 MAYOR LICASTRO: Thank you. We're now
18 back in open session and welcome everyone. We've
19 already done some of the boilerplate stuff. The
20 first thing we haven't done on the agenda is the
21 approval of the April minutes.
22 Would someone make a motion to approve
23 the minutes, please?
24 MS. BECKENBACH: So move.
25 MR. MATEYO: Second.

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1 to the Board of Health, is safe.
2 Moving to the Mayor's report. As the
3 focus starts to turn to the House version of the
4 State budget, everyone is aware, of course, the
5 Governor drafted a budget that was passed with
6 some amendments by the House. It's now before
7 the Senate. So what we are doing, and by "we", I
8 mean the Mayors Association of Cuyahoga County of
9 which I'm president, we are focusing on three
10 issues we would like to see the Senate change.
11 First of which is reduce the amount of
12 local government that's proposed to be cut. Over
13 a two-year period, they want to reduce the local
14 government monies by 50 percent. Local
15 government is a revenue sharing program and we
16 think that is way too drastic. We expected some
17 kind of cuts. We're hoping for less than 50
18 percent. We're going to be meeting with State
19 Senators. I'm meeting with the Governor early
20 next week to try to convince the Senate to change
21 the House version.
22 Secondly, the Governor's version of the
23 budget did not include elimination of estate tax.
24 The House version does starting in the year 2013.
25 We're going to ask respectfully that that be

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1 removed from the budget. The concern is that
2 these cuts don't come up with a vehicle to
3 replace the revenue, so the \$150,000 a year that
4 Bratenahl gets, give or take, 50,000 we use for
5 infrastructure, sometimes even to balance our
6 budget.

7 Without these monies, communities won't
8 have enough money to deal with road, sewer, water
9 issues. And again, the State is making no
10 provision to replace these monies. We're going
11 to ask that the elimination of the estate tax be
12 delayed indefinitely.

13 Thirdly, much to our surprise, the
14 Governor's budget had a two percent change in the
15 manner in which PERS is paid by employer and
16 employees. Right now the employer pays 14
17 percent, the employee pays 10 percent.

18 The Governor's budget recommended each
19 entity employer and employee pay 12 percent. In
20 other words, share it equally. This is coming
21 into focus for several reasons. A lot of the
22 school districts in Ohio get all 24 percent of
23 their PERS paid by their employer. Their
24 employer, of course, are the tax payers.

25 So we applauded Governor Kasich's making
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1 that fair and equal. The House changed it.
2 We're going to ask the Senate to again go back to
3 the Governor's recommendation to make it 12
4 percent/12 percent. There's other concerns we
5 have in the budget, but to be effective, those
6 are the three on which we are concentrating.

7 Now, if local government is cut 50
8 percent in Bratenahl, we lose about \$35,000. If
9 the estate tax is eliminated, we lose between 100
10 and \$300,000 a year, mattering how far back you
11 want to go. A two percent reduction in PERS will
12 save us maybe 20 or \$25,000. Don't forget police
13 are paid from a different pension fund. Other
14 communities have a lesser or greater impact
15 mattering on their budget or how the budgets are
16 structured. So that's going to be our approach.
17 Any questions on that? Thank you.

18 Earlier today I met with John Wilson,
19 who is here on behalf of Bratenahl Community
20 Foundation. Mr. Wilson, the floor is yours.

21 MR. WILSON: Thank you, Mayor, for
22 seeing me this morning. I had a meeting with the
23 Mayor this morning and we were discussing the
24 Eddy Road beautification project. This is what
25 the Foundation refers to it as. There are people

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1 on the Board of Foundation that I've been a
2 member of about a year and a half, close to two
3 years. And there's always been discussion about
4 beautification of the median. I learned today
5 the process and the infrastructure, I'm an
6 architect myself, so I joined the Board thinking
7 I could offer something, bring something, so that
8 was a project that I kind of inherited and
9 volunteered for.

10 So I had an idea to add to what is
11 there. The Elm trees seemed to be doing fine. I
12 like the simplicity of the entrance now. I don't
13 think it needs a whole lot more, but there are
14 some improvements. The complaint I hear from the
15 Board are the PVC pipe sticking out of the ground
16 at the end. They have to define the corner of
17 the street. And it does still get driven over,
18 probably trucks and maintenance and everybody,
19 plows, so you have to define the corner.

20 And I offered an idea to get rid of the
21 PVC pipes to deal with the corner in terms of
22 just a simple landscaping form, be like an
23 outcropping of rock to make it as natural as
24 possible. It's in the middle of the road, but
25 still, you're probably familiar with what's

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1 called ledge rock in landscaping. It's usually
2 eight to ten-inches thick. It lays down and you
3 can put it below grade, you can bring it up from
4 grade and you can stack it and arrange it.

5 So my idea was -- and this is really
6 just to discuss the idea. I don't have the
7 formal drawings yet, but I do have a quick sketch
8 I did. So if you can imagine ledge rock at both
9 ends of the median and just outcropping, you
10 know, four to six inches out of the ground and
11 raising up maybe to 16 to 18 inches towards the
12 center. Some you'd see visually, but all the
13 definition, the PVC pipe would be gone. And you
14 could add -- there's a plaque out there, not that
15 you can read it, because it's laying on the
16 grade. You probably all know it's there, a lot
17 of people, but it has an inscription on it. I've
18 measured it. It's about 36 inches long. It's a
19 slab stone about eight-inches high.

20 I thought we could take the plaque and
21 stack that one side of the ledge rock and put the
22 plaque there so at least it's up on end and
23 stone, also. So the idea is just to add the
24 stone to define the corners. If I could explain
25 it, it's very simple. You almost don't need a

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1 drawing, you can envision it. And the Foundation
2 has offered to fund this project, since it's kind
3 of represented. This is really just beginning to
4 put the idea out there. I know Eddy Road has a
5 history, which I learned more of this morning.

6 MAYOR LICASTRO: Probably more
7 information than you wanted, sir.

8 MR. WILSON: That's all valuable
9 information.

10 MAYOR LICASTRO: Mr. Wilson also talked
11 about perhaps a phase two, they would uplight the
12 trees. I asked him to come to Council and make
13 his presentation knowing that Council would refer
14 it to committee for future discussion. So is
15 there a motion to refer it to a specific
16 committee?

17 MR. McDONALD: So move.

18 MS. BECKENBACH: Do you want that
19 committee first to take it?

20 MR. BOLTON: Public improvements.

21 MAYOR LICASTRO: He wants it.

22 MR. BOLTON: I mean, if you want it.
23 Ultimately, it has to go to the Architecture
24 Review Board.

25 MAYOR LICASTRO: There's been a motion
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1 to move this to Public Improvements. Is that
2 motion seconded?

3 MR. MATEYO: Second.

4 MAYOR LICASTRO: Any discussion of the
5 motion? All in favor of the motion.

6 Ayes: 6.

7 MAYOR LICASTRO: Anyone opposed? Thank
8 you, Mr. Wilson. You're going to see Mr. Bolton
9 on when the committee meets and you can flush out
10 this idea. Thank you to the Foundation for their
11 generosity.

12 Moving to department reports. We're
13 going to change the format a little bit and have
14 the appropriate Committee Chair give the
15 department reports. So, Ms. Beckenbach, what
16 about safety?

17 MS. BECKENBACH: Safety, I have the
18 safety report and everybody's got a copy of it on
19 Council. I left it with you today. Yours is in
20 black and white. Mine happens to be in color,
21 but it's a little confusing when you first look
22 at it, but just take the January, I'm going to
23 explain this to Council. Take January number
24 nine, the nine is 2010. And under January 2011,
25 the number four is 2011. So I'm going to go down

1 to April report.

2 We had five felony arrests; 19
3 misdemeanors arrests; 12 warrants; 42 DUIs or
4 DUSes; three OVI's; 12 MVAs, motor vehicle
5 accidents; 51 tows; five false alarms; 15 911
6 calls; eight 911 calls that were false; one fire
7 alarm, which was false; and the total tickets for
8 the month are 286. That's my report.

9 MAYOR LICASTRO: Any questions on that?

10 MR. MATEYO: My question is more of a
11 comment. I think Mary did a great job reading
12 it. I think the Chief knows more about what has
13 been happening in the Village, so I would ask
14 that we look into whether the Council should
15 deliver their committee reports or whether the
16 people involved, whether it be building or
17 police, whether they should be doing it.

18 MAYOR LICASTRO: This is just an
19 experiment, Mr. Mateyo.

20 MR. MATEYO: I'm just voicing my
21 opinion. Mary is great, but I would rather have
22 the Chief. I'd rather have the Chief talk about
23 what he knows better.

24 MAYOR LICASTRO: Much to their chagrin,
25 we didn't dismiss the department heads from
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1 attending the meeting. They're still in the
2 room, so if there's something you think is
3 pertinent to them, they're still here. I
4 appreciate your comment.

5 MS. BECKENBACH: I want to thank the
6 Chief. If you notice, we now have a running
7 total for the months that we've asked for in the
8 Public Safety committee meeting. And he was kind
9 enough to do that. We appreciate that, sir.

10 MAYOR LICASTRO: Mr. Bolton.

11 MR. BOLTON: I was going to ask quickly,
12 first of all, it's very helpful to see this
13 comparative analysis from year to year and,
14 Chief, congratulations and, Mary,
15 congratulations. One of the things that jumps
16 right out is the proportional to the total number
17 of tickets, there are fewer felony arrests. And
18 since most of the felonies come from traffic
19 stops, is this because just by luck that we
20 haven't had so many felony traffic stops?

21 CHIEF DOLBOW: I'd like to think the
22 word is spreading that we're on the front line
23 doing our jobs and the bad guys are going down
24 St. Clair.

25 MAYOR LICASTRO: You all read Mayor
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1 Jackson is going to be laying off 81 policemen in
2 Cleveland. I already talked to the Chief about
3 this. It means we must be more diligent, because
4 the bad guys read about that in the paper and
5 they're looking to create mischief. We want to
6 make it clear that Bratenahl is not the place
7 where they're going to get away with it. Chief
8 has already talked to his men and put them on
9 heightened alert this summer.

10 CHIEF DOLBOW: As far as that report, I
11 appreciate the appreciation you've shown me, but
12 I cannot take credit for it. Julie was kind
13 enough to put that in such a format where you can
14 read it month by month and go in comparison with
15 last year's figure. That's the beauty of being
16 Chief, I can delegate responsibilities.

17 MS. BECKENBACH: Thank you, Julie.

18 MAYOR LICASTRO: Are you doing the
19 building department?

20 MR. BOLTON: Building department did not
21 meet, but perhaps Mr. Jamieson knows better.

22 MS. BECKENBACH: Village Building
23 department report to Council, total number of
24 inspections were 10, total contract registrations
25 were 12, total permits issued were 14, and total
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1 certificates of compliance were two.

2 MAYOR LICASTRO: Mr. Jamieson could not
3 have done that better himself. Ms. Meade.

4 MS. MEADE: Back to the police stats.
5 In the past, the police chief has always given me
6 a copy. Do you have an extra copy?

7 MS. BECKENBACH: Not tonight.

8 MS. MEADE: Can you send me a copy by
9 email?

10 MAYOR LICASTRO: It's a public document.
11 If he creates it, you're welcome to it.

12 MS. MEADE: Thank you.

13 MAYOR LICASTRO: So we've done building
14 and police. Who's doing your report, Mr. Zalar?

15 MR. ZALAR: I'm going to do my own.

16 MAYOR LICASTRO: Go for it.

17 MR. ZALAR: It's not that much, but as
18 we all know, it's been wet and dreary outside,
19 but we're actually finished up with our spring
20 cleanup. One of the amazing things that my guys
21 have observed is it seems like there's a lot more
22 of an abundance of material that we picked up
23 this spring. I'm still waiting for the numbers
24 to come back from the Ohio Mulch to find out
25 exactly what the difference is from last year,

1 but it seems like there was a lot more this year.
2 So we are complete. That was completed on
3 Monday. We're just cleaning up a few areas that
4 are still left so that we can start out there and
5 give it a mow.

6 We're going to start gearing up next
7 week to get everything cleaned up. Hopefully
8 this rain will hold off where we can at least get
9 the parade route cleaned up and make it look
10 really nice. I'm pretty happy with the way
11 everything else is going. We got the garden
12 ready to go. We have a few people who are
13 already in there. It's nice to see that we
14 actually cleaned up some of those hedges along
15 the property there.

16 Two things that we had problems with in
17 the last month. I think I mentioned a while ago
18 it had to do with our lift station at the pump
19 house. We had a battery charging problem, which
20 reoccurred, but we have since talked to the
21 company that works on those control panels there.
22 And they suggested that we put our own battery
23 charger system in there, which we did. And we
24 probably saved about \$1,200 just because the
25 charging system they would sell us and have

1 installed would be roughly 1,000. So we put a
2 new battery and new charging system in. It goes
3 on and off by itself and we'll monitor it and
4 we'll save a couple of bucks.

5 The next issue is we're having a few
6 sewer problems that we just found out about
7 today. We're actually going to be working again
8 on it tomorrow to see if we can rectify the
9 situation and that will be in the next report for
10 the next month. That's it.

11 MAYOR LICASTRO: Joe, two things, Mr.
12 Zalar and his crew are rebuilding the planter
13 boxes, for anticipation of the plantings again
14 donated by the Bratenahl Community Foundation.
15 And we normally re-stripe the streets before
16 Memorial Day, but there's so much cracking that
17 needs to be addressed that falls in the center
18 line, we're going to do the road repair first and
19 then stripe the streets, because if we did the
20 striping first, we would be putting black tar
21 over the new paint.

22 MR. ZALAR: Thank you for mentioning
23 that. We are rebuilding the corner boxes. It's
24 not that they're in bad shape. They've actually
25 sunk about three and a half inches, so we're

1 pulling the boxes completely out of there and
2 raising them up. I believe right now we have six
3 of them completed out of 13. And we're trying to
4 move it faster, but the weather is slowing me
5 down. That's it.

6 MAYOR LICASTRO: Thank you, Mr. Zalar.
7 Moving to committee.

8 MR. McDONALD: Finance Committee did not
9 meet. The second Monday of the month came as
10 early as it possibly could and we didn't have any
11 additional numbers beyond the March numbers, but
12 I will bring Council up-to-date on the April
13 numbers. And from a revenue standpoint, at the
14 end of April, we have collected 43 -- call it 44
15 percent of our expected or our budgeted revenue.
16 For the fourth month, that should be 33 percent,
17 so we're 11 percent ahead in revenue collections,
18 and it continues this month.

19 I don't have final numbers, obviously,
20 for this month, but we did finally get our
21 inheritance tax, which was about \$97,000. And as
22 always, income tax in May is a big number and
23 that came in at north of \$200,000. So if we were
24 to speculate, and there's no point in
25 speculating, I'll do it anyway, by the end of May

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1 we would be 65 percent of our budgeted revenue by
2 the end of May.

3 As far as expenditures go, for the total
4 month or through the end of April, we stand at
5 36.7, so right around expected budget, but
6 there's some really big numbers in there that we
7 paid up front, including the transfer out for
8 DOPWIC and some other debts that we pay up front.
9 We had big salt expenditures. That's already
10 obviously up front.

11 Court report is well ahead of schedule,
12 but they're writing so many tickets we had to
13 print traffic tickets, so that helps. Uniforms
14 get paid up front, so all in all, I think from a
15 financial standpoint, the Village is in good
16 shape and continues to do well in 2011. We will
17 be talking about the new numbers on the 13th at
18 finance and the question has been raised about
19 the police dog, and we will have an audit done by
20 the end and we will discuss that in the February
21 meeting -- in the June meeting.

22 MAYOR LICASTRO: It just seems like
23 February out there. Thank you, Mr. McDonald.
24 Any questions? Public Improvements.

25 MR. BOLTON: Public Improvements, Public
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1 Improvements Committee met last night. Council
2 members myself, Andrew Kesselem and Paul Stephan
3 were there. There were two items on the agenda.
4 The first was an update on Bratenahl
5 Sustainability Action Team grant. There were no
6 members from BSAT there, so it was a bit of
7 hearsay of where we understood it was. And I
8 see --

9 MR. KESSELEM: Pat was there as a
10 member.

11 MR. BOLTON: Yes, but you weren't
12 officially speaking and hadn't prepared for the
13 meeting. So this is, therefore, unofficially
14 official. The green print audit, the agreement
15 with Cuyahoga County is under discussion. The
16 agreement concerning analysis of the potential
17 for using wind energy in the Village, that
18 agreement is under discussion with -- Pat thought
19 it was Expedite Energy.

20 The grant for the LED lights and the
21 light fixture, we understood had been received,
22 is that correct, Dr. Secura? And we did not have
23 information on the facility's energy audit. We
24 discussed whether the deadline for utilization of
25 those grants was coming up and we understand that
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1 to be a year.

2 Then the committee discussed the capital
3 improvements plan, the draft which was given by
4 the Mayor to the committee at the last meeting.
5 We began by remarking on the easiness to read and
6 the presentation of the draft plan.

7 Mr. Stephan said before we proceed it
8 would make sense to define the difference between
9 maintenance and capital items so that the
10 committee discusses items which should be
11 included and that the committee should be as
12 inclusive as possible so that the Finance
13 Committee can make as accurate a projection as
14 possible.

15 Dr. Robins noted that the Council had
16 previously voted capital items or defined as
17 items which cost more than \$10,000 and had a
18 longer than three year useful life. There ensued
19 a long discussion following that. And rather
20 than go through it, I'd like to give you an
21 example which was used in that discussion of why
22 the discussion was launched. One of the items
23 listed in the draft capital improvement plan was
24 the improvement of the handicap accessibility for
25 Village Hall.

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1 There are several ways that that could
 2 be accomplished. One is the installation of a
 3 handicap accessible ramp built of concrete, which
 4 might be a \$30,000. It might last 35 years or
 5 longer. A wood ramp could be installed for maybe
 6 half of that for \$15,000 and would last
 7 proportionately a shorter time without
 8 maintenance. A new lift might be under \$10,000
 9 and what we have could probably be kept going
 10 with annual repairs under \$4,000. Which of those
 11 is a capital item? Which of those is an annual
 12 maintenance item? Which of those after they're
 13 purchased, if they're purchased over time, would
 14 be put for county purposes in an annual item, but
 15 would be purchased as a capital item?

16 So the committee decided that before it
 17 proceeded farther in reviewing the plan, it
 18 wanted to make sure that all of Council and the
 19 Mayor were on board with what we were doing. So
 20 Mr. Kesselem moved to recommend to Council that
 21 Council approve the Public Improvements
 22 Committee, employ the following definition of
 23 capital improvements in its creation of a capital
 24 improvement plan for the Village.

25 Any item or project having a useful life
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1 of greater than three years, which the Village
 2 may be undertaking. Could I request a motion to
 3 that effect?

4 MR. KESSELEM: Sure. Motion for
 5 Council.

6 MAYOR LICASTRO: Go ahead.

7 MR. BOLTON: The problem is that without
 8 a definition of what capital improvements is,
 9 there could be a disconnect between what Council
 10 expects both finance and the administration and
 11 all of Council and what the committee is
 12 considering. We want to make sure that everybody
 13 is on the same page.

14 MAYOR LICASTRO: Mr. Mateyo, you're
 15 looking confused, sir.

16 MR. MATEYO: It seems to me operating is
 17 not just three years or longer or shorter. I
 18 thought there's usually a budgetary amount how
 19 much, what's it going to be used for. A pencil
 20 can last for a heck of a lot longer than three
 21 years. Is that capital improvement? I just
 22 think the definition needs to be broader.

23 MR. KESSELEM: I think our concern was
 24 is when we're looking at capital improvement
 25 plan, an ability of maintenance being used in the

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1 operating budget, as opposed something that would
 2 be considered just a capital improvement and then
 3 working at a three-year plan of payoff or debt to
 4 that capital improvement, and then it goes into
 5 maintenance scheduling or whatever that might be.

6 MR. McDONALD: Maybe the clerk in his
 7 professional capacity can help us.

8 MS. LEE: I was about to raise my hand.
 9 Mr. Mayor, what I'd like to do is do a little
 10 research, because we have prescribed rules as to
 11 what the state auditor allows us to treat as
 12 capital or expense. I'm not prepared for that,
 13 because I didn't know this was going to come up.
 14 I'm happy to look at it and report back to the
 15 next Council meeting.

16 MR. BOLTON: What we want to do as a
 17 committee, I think, is identify the potential
 18 items, which the Village would be spending money
 19 on, and recommend priorities to Council and the
 20 Mayor, who are undoubtedly going to have their
 21 own opinions on those priorities and whether the
 22 community has correctly identified items.

23 But, we felt it was better in terms of
 24 financial projections to err on the side of
 25 having too many items. Having a plan for how to

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1 deal with potential expenses is different than
 2 how to account for them. And we went through a
 3 number of different items, which one was the
 4 purchase, the payment for green space, which is
 5 now an annual expense. There was a one-time
 6 capital decision to purchase it, but now it's
 7 treated as an annual expense. And so the
 8 accounting treatment is different than the
 9 decision to make the expenditure. I'm not very
 10 articulate about this. I'm sorry.

11 MS. LEE: The definition between capital
 12 and ordinary, your example is exactly right.
 13 When you buy something, it's a capital expense.
 14 When you repair it when it breaks, it's an
 15 operating expense. And we have to do it the way
 16 the auditor says we have to do it. So if you
 17 guys are going to say it's three years, but we
 18 have to account for if it's more than five years,
 19 it's going to be very confusing for the public,
 20 it seems to me, if you're doing one thing and
 21 we're accounting for it another way.

22 MR. BOLTON: I don't mean to argue the
 23 point too much, but that's why I went through
 24 that with the ramp, because the Mayor suggested
 25 that a ramp for accessibility, a concrete ramp

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1 was the way to go. We might all agree with that.
 2 But, it could also be treated as the annual
 3 maintenance expense. And yet, for making a plan,
 4 if we want to put in a ramp, this committee
 5 should consider that instead of saying it could
 6 be a maintenance item.

7 MS. LEE: Think about it another way.
 8 Maintenance will be fixing the lift machine that
 9 we have there. Putting in a ramp is clearly
 10 capital, because it's going to be attached to the
 11 building that adds to the value of the building.
 12 It's not whether it cost \$3,000, has useful life
 13 of three years, it's what it is.

14 MR. BOLTON: I agree and I understand
 15 that, but what should the committee consider?
 16 That's our problem. If an item can be
 17 maintained, does that mean we shouldn't consider
 18 it?

19 MAYOR LICASTRO: Mr. Bolton, just to
 20 keep with your example, one reason why we're
 21 asking you to consider other options is we're
 22 spending way too much money to replace that lift,
 23 which never seems to work when we need it to
 24 work. So we're looking at a ramp, whether it's
 25 concrete or wood, can't really fail unless it

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1 collapses. So just to focus on that specific,
 2 you know, we're tired of maintaining something
 3 that is really beyond maintenance.

4 So in that instance, we ask you to look
 5 at it as a capital expense, because we have to
 6 have ADA, especially on court night, and the
 7 elevator just is not working, which is the other
 8 thing.

9 MR. ZALAR: We've also tried to keep up
 10 on the maintenance as a minimal cost. We tried
 11 to milk this thing along until it's time for
 12 replacement. We're right at that juncture where
 13 we're going to have to seriously think about
 14 replacing it. That's why we brought up the ramp
 15 idea, because of the maintenance.

16 MR. BOLTON: I'm absolutely for the
 17 ramp.

18 MR. ZALAR: But with the ramp, the only
 19 thing we'll have to do is shovel it off in the
 20 winter.

21 MR. BOLTON: I picked it as an item that
 22 I thought would not be controversial in its own
 23 way. If the process is that the department head
 24 makes a capital improvement suggestion to the
 25 Mayor and the Mayor brings it to Council, there's

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1 no role for the committee. So before the
 2 committee meets a number of times and puts a lot
 3 of time in, we want to know what's our charge.

4 And we took our charge to be try and
 5 identify all projects, not just those that have
 6 so far come forward, and put them in a list, talk
 7 with the relevant department heads as to how they
 8 prioritize them, what would they cost, talk with
 9 the Mayor, talk with finance and put together a
 10 plan which would then be given to the
 11 administration formally for the administration's
 12 review.

13 MAYOR LICASTRO: Mr. Bolton, if I may
 14 just offer this as an effective solution. A lot
 15 of time and effort went into the plan, you've
 16 acknowledged that. I would suggest that that's a
 17 really good place for your committee to start to
 18 go through those, some of which are clearly
 19 capital.

20 MR. BOLTON: Absolutely.

21 MAYOR LICASTRO: In the meantime, let
 22 Mr. Blazey talk to the auditor's office and see
 23 what detail we need from his chair, as far as
 24 what and how we define things, but it's not like
 25 we can't make some progress, because given the

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1 fact that there is a lot of items in there that
 2 need some immediate attention and some more long
 3 range, you can work to that end until we get
 4 further details from Mr. Blazey and perhaps
 5 clarify your goals.

6 MR. BOLTON: One of the members of the
 7 committee said that they did not want to work on
 8 this project until they knew what the charge of
 9 the committee was. And we want it to go as
 10 quickly as possible so that any project that will
 11 be well performed during the summer could be done
 12 in the summer. We were intending to meet every
 13 Tuesday night until the next Council meeting.

14 MAYOR LICASTRO: Mr. Bolton, to give you
 15 perspective, the Village engineer, the street
 16 commissioner and myself put together a list of
 17 things we thought should be prioritized. Now, if
 18 the committee wants to augment that or diminish
 19 it as they see fit, certainly we're looking for
 20 that kind of feedback, but it's a heck of a good
 21 place to start with a plan that really we thought
 22 encompassed, other than the Community Center,
 23 projects that needed to be addressed. So I don't
 24 think you're wasting your time by diving into
 25 that. Especially, we need a ruling from the

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1 auditor, so proceed with all due haste, deal with
2 the items that are obviously capital until we get
3 further clarification from the auditor, but it
4 shouldn't stop your process.

5 MR. BOLTON: I'd like to ask the other
6 members of the committee if they would like to
7 meet next week.

8 MR. KESSELEM: We're talking Tuesday?

9 MR. BOLTON: Yes. Or, would you like to
10 wait for Mr. Blazey?

11 MAYOR LICASTRO: If you meet on
12 Tuesdays, do them here because of court.

13 MS. LEE: I can get the answer within
14 the week, so I don't think you have to worry
15 about when you're going to have your next
16 meeting. As soon as I get it, I'll give you a
17 phone call or send an email.

18 MR. BOLTON: Can we impose upon you to
19 stop by at 5:30 or do you have plans?

20 MS. LEE: 5:30 next Tuesday? Sure.

21 MAYOR LICASTRO: I would look at what
22 you have in front of you as a compilation of
23 priorities that were crafted by our
24 professionals, particularly Don Bierut. And
25 whether we define them in this column or that

1 column, it really is a matter of finance. I
2 think your committee knowing how much is in there
3 needs to start work on this immediately so we can
4 get some direction going forward. Verification
5 will come.

6 MR. McDONALD: I think the genesis of
7 this whole report was to recognize that the
8 Village has not done proper maintenance on our
9 physical plan and to set up priorities. What you
10 call them, if we tuck point the bricks in the
11 chimney, that's clearly operating, but it's
12 maintenance on the capital asset and that's the
13 kind of stuff we have to do. What you call it is
14 not as important as getting it prioritized and
15 listed and financed to see how we can do that.

16 MR. BOLTON: I agree. Another item was
17 the dump truck, which is being purchased over
18 time on a one-year lease.

19 MAYOR LICASTRO: A dump truck has a
20 shelf life of more than three years.

21 MR. BOLTON: But that's part of the
22 intellectual problem.

23 MAYOR LICASTRO: There's a lot of
24 substance there. We'll sort out the semantics
25 later. Mr. Stephan.

1 MR. STEPHAN: The proposal we are making
2 is the proposal is for spending during the
3 current year. It's a one year as I look at the
4 proposal. And the committee is interested in
5 developing a multi-year plan.

6 MAYOR LICASTRO: Mr. Stephan, it's a
7 multi-year plan. That is not a one-year plan.

8 MR. STEPHAN: And the second point is
9 we're looking for items to add, which are not in
10 the document that was presented to the committee.
11 And we want to know that the Mayor and Council as
12 a whole endorses the concept of our looking into
13 projects that are not included in the document
14 that was presented to us.

15 MAYOR LICASTRO: I'm certain we're
16 always looking for more input or additional items
17 to add to that list. It was not meant to be
18 definitive. It was meant to be a heck of a good
19 start and that's how we presented it to you.
20 Does that end your report? Raj.

21 DR. SECURA: To Councilman Bolton, it
22 seems that I'm getting confused about capital
23 improvement versus capital expenditures. And I
24 know that we were looking at the LED, the
25 lighting project, we had to go out 10 years and

1 look at our savings, because they want to know
2 that for NOPEC what are our potential savings.

3 As far as I understand when we were
4 doing some capital things here is that
5 maintenance and it's the total cost, so if you
6 want to way say the ramp is going to cost you
7 10,000 and will last five years, with cement it's
8 going to be 50,000 in five years, the maintenance
9 is always going to have to be figured in the bill
10 when you're considering the purchase. And that's
11 what we had to do in our project.

12 We had to -- in fact, it's in
13 maintenance that we saved the money, not in
14 electricity or the purchase of the product. So
15 the capital expenditures are separate, but the
16 total bill is important based on maintenance,
17 because Joe has maintenance on his equipment and
18 that cost comes out of his budget, that's how I
19 see it.

20 For the grant, I came to the Mayor last
21 week. He signed the documents that allows them
22 to raise money. We should have money in the
23 account by next Monday. And then we'll work with
24 the Mayor on purchase orders with Zenith
25 Electric. We are specifying GE lamps for some

1 obvious reasons. GE is very close to us. And
2 the project then will be working with Joe and
3 setting up a time schedule for getting this
4 project on the way. We were looking at a couple
5 months from the time we need the money.

6 MAYOR LICASTRO: Thank you, Dr. Secura.
7 Mr. Bolton, going forward, certainly Mr. Bierut
8 and Mr. Zalar and I are available to attend the
9 meetings to give our input if you so desire and
10 to help start to get our teeth into this and
11 allow it to move forward.

12 MR. BOLTON: Well, anybody is welcome.
13 We're trying to save people time, but, of course,
14 anybody and any villager is welcome, with you in
15 particular, is always welcomed.

16 MAYOR LICASTRO: I would invite Mr.
17 Bierut before you invite me.

18 MR. ROBINS: Another issue with
19 consistency. We've had a lot of inconsistent
20 treatment financially in the past. And with Mr.
21 Blazey's guidance, hopefully the Finance
22 Committee can be consistent about having a
23 capital vis-a-vis operating fund.

24 The other thing is strategic versus
25 tactical. As the Mayor mentioned, one of the

1 huge elephants in the room is this building, and
2 that wasn't mentioned. Then the third thing,
3 just as a piece of information about the issue of
4 maintenance versus capital, if you recall, the
5 sewer cleaning project at one time was going to
6 be, what, \$150,000 to do it once. We didn't have
7 the money at the time, so we said we'll divide
8 that up into parts and do it over a five-year
9 period. I don't know where we are, if we're in
10 the fourth year, probably skipped I think the
11 fourth year, of that five-year period, but that
12 shows actually in the capital plan as a
13 maintenance item. It's defined as a maintenance
14 item.

15 So, again, there has to be some
16 consistency with regard to definition that
17 occurred. At least that would be something I
18 hope would come out of this process. Why is that
19 important? When you go to the voters for money,
20 that makes a difference. In past, the Mayor has
21 talked about if we did something relative to this
22 building, we would do it through a bond or some
23 other special designated funding, as opposed to
24 coming out of the operating budget.

25 So to the extent we end up defining a

1 term that everyone agrees with and understands,
2 we can then have better clarity with going to
3 villagers for funding.

4 MAYOR LICASTRO: Perfect segue. One
5 reason, among many, we didn't include this
6 building is the Rec Commission, as an entity, is
7 coming up with an understanding of how it's
8 utilized and there's to be discussion on how it
9 should be utilized in the future.

10 If you look on the board, you'll see
11 there's a town hall forum tomorrow evening at
12 6:30 here at the center, open, of course, to all
13 residents, and the Rec Commission will conduct
14 this forum so they can start to share with the
15 community how it's utilized and get some feedback
16 on how it should be utilized going forward.

17 MR. ROBINS: With all due respect,
18 that's one group's input. The input should be
19 broader with regard to the Village-wide facility,
20 with a Village-wide facility's plan or at least
21 consideration, how this fits in the Village-wide
22 facility plan. And then what the rest of the
23 community would anticipate how they would like to
24 see things going forward. So that input is
25 useful. It's interesting, but not compelling.

1 MAYOR LICASTRO: I'm not certain it was
2 meant to be definitive. It's just the beginning.
3 Ms. Meade.

4 MS. MEADE: The Community Center that
5 was brought up, since Stephan and Andre are here,
6 tomorrow night's meeting, the intent is to really
7 focus on programs and activities held here,
8 correct? It's not so much on the facility's
9 future use, although you said you would welcome
10 the input, but that's not your priority, right?

11 MR. McKINNEY: Correct.

12 MS. MEADE: My question following up is
13 if they're looking at what happens within the
14 building and the parks, will there be separate
15 meetings held about the actual facility use
16 itself, will that be held separately? And if so,
17 when will those meetings take place and will a
18 committee oversee that?

19 MAYOR LICASTRO: Andre, do you want to
20 respond to that? I did ask the Rec Commission to
21 look at the use of the building and the building
22 itself. And perhaps it's the first step in an
23 ongoing process. I would assume it is.

24 MR. McKINNEY: This is our first
25 meeting, so we're going to kind of narrow it

1 towards programs that we're having at the
2 facility, what programs do we have in the parks.
3 As far as the whole building, that will be in the
4 latter meeting. We're having three of these,
5 three town hall meetings on this. So this is the
6 first one.

7 MAYOR LICASTRO: Ms. Gallagher.

8 MS. GALLAGHER: If I can add to that,
9 too. What we plan on doing that is we have many
10 people on the Rec Board who are going to present
11 basic facts that we think the public needs to
12 know in order to make a decision. So we're going
13 to present actual facts, how many people are
14 actually using it day to day? Who are they? Are
15 they residents? Are they nonresidents? How does
16 that group breakdown.

17 Secondly, we're going to present how
18 much does it cost for operating expense? What
19 has been the last three gas bills, electric
20 bills? So basically, this is we are going to
21 give information to residents basically about how
22 much they are being charged and how much basic
23 costs are, usage, that kind of thing.

24 And then we are going to turn it around
25 after that and say now that you know this, now
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1 that the Village owns the facility, what would
2 you guys like to see happen here? And we are
3 then going to take the information from
4 residents, this is not so much about us telling
5 them, this is the resident saying now that you
6 guys own the building officially outright, how
7 would you, as residents, like to see this
8 facility utilized.

9 After we feel that we have gotten as
10 many opinions as people are willing to give us,
11 we are then going to turn that over, give
12 highlights to the Council based on what we found.
13 So this is really a fact-finding mission for the
14 Rec Commission. Then what Council and the
15 Village at large chooses to do with that
16 information is not up to the Rec, it's up to this
17 group.

18 MS. MEADE: If I understood it, there
19 are going to be three meetings.

20 MS. GALLAGHER: Probably three meetings.
21 We're thinking only three meeting. It might be
22 two, it might be four. If only two or three
23 people show up to the meetings and we feel like,
24 wow, people don't want to show up, we're not
25 going to bother having three. But, if we notice

1 meetings continue to be well-attended, we'll
2 continue having as many meetings as we need until
3 the Village has spoken.

4 MS. MEADE: My question is most people,
5 if they attend, would probably attend one so they
6 can provide their input. So if the goal was to
7 give input on program and activities primarily in
8 the first meeting and that's the only meeting the
9 person could attend, if they want to actually
10 talk about the use, maybe they want to have an
11 extension from Case, you know, a research group
12 come in here and use the building and it's not
13 used for recreation, will that dialogue be
14 encouraged at every meeting?

15 MS. GALLAGHER: The meetings are going
16 to be exactly the same, the first and the second
17 meeting. Paul Kesselem isn't here, but he made
18 it very clear that his request is not so much to
19 talk about the greater use, whatnot, but the
20 Recreation Board has been given a budget. And so
21 he felt, and the commission agreed, that it is
22 our duty not to decide in 10 years if something
23 else should happen to this building. We are
24 given an annual budget. The commission's task is
25 to determine how best to spend the money given to

1 us based on what residents want to se.

2 MS. MEADE: The Rec levy budget.

3 MS. GALLAGHER: The Rec levy budget,
4 correct.

5 MS. MEADE: Back to the original
6 question then. If the building structure itself
7 isn't the drive for these meetings, will there be
8 separate meetings held to discuss that?

9 MAYOR LICASTRO: Again, the Rec
10 Commission is starting this process. It will be
11 an ongoing process. I'm certain at some point in
12 time the Council will weigh in with their
13 opinion. We'll look for feedback from the
14 residents on their opinions, as always, and
15 determine what course of action makes the most
16 sense.

17 MS. MEADE: Thank you.

18 MAYOR LICASTRO: Mr. Franco.

19 MR. FRANCO: Pardon my ignorance, but is
20 there -- I'm sorry, this is the first time I've
21 attended meetings. Is there a threat to this
22 building to not be functioning the way it is?

23 MAYOR LICASTRO: Let's just say there is
24 a dialogue.

25 MR. FRANCO: I'm just saying, is there a

1 threat to this building?

2 MAYOR LICASTRO: I wouldn't deem it a
3 threat. I think that's a bit too strong. I
4 think now that we have options we did not have
5 prior to this year, I think it's important that
6 we look to see what the building costs to
7 maintain, what its future viability is and
8 determine if, indeed, we want to make the
9 investment necessary to have it be viable and
10 safe. At the same time, we are going to look at
11 other options as well, so I wouldn't deem it a
12 threat. Let's just call it a dialogue.

13 MR. FRANCO: Okay. Because a lot of us
14 are baby boomers in the Village. As we get
15 older, this building is going to become more and
16 more important to people as a place just to come
17 to, to take whatever classes, and all the things
18 that are offered here. And I've lived in the
19 Village prior to this being the Community Center.
20 It was a small Village. And I think it's
21 imperative to keep this place functioning for the
22 people of the Village. And I think that the
23 Council should figure out a way to drive people
24 to this building so that they can see what a
25 wonderful place it is.

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1 MAYOR LICASTRO: Mr. Franco, we'll see
2 you tomorrow at 6:30, and we look for your input
3 then. Let's move on.

4 Legislative.

5 MR. MATEYO: Meeting was not held.

6 MAYOR LICASTRO: Thank you. Public
7 Safety.

8 MS. BECKENBACH: Public Safety met
9 Monday, this past Monday, at 5:30 in the Village
10 Hall. The agenda was monthly Public Safety
11 committee meeting. It has been determined that
12 Public Safety committee meetings meet on an
13 as-needed basis. Ms. Beckenbach moved that at
14 this time the committee post the meetings of
15 Public Safety on the Bratenahl calendar when
16 there is a definitive request from the police
17 department or request related to Public Safety
18 from Council or a resident.

19 This was seconded by Mr. McDonald. The
20 motion carried. Mr. Stephan abstained. Mr.
21 Stephan asked if the Public Safety and Community
22 Affairs committee could be combined. Ms.
23 Beckenbach was not sure of the regulations
24 requiring a Public Safety committee as a
25 stand-alone committee and will review the Ohio

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1 Revised Code.

2 I have done that. And the Ohio Revised
3 Code says that a safety committee stands alone.
4 Mr. Stephan also suggested that both committees
5 meet on the same evenings so that the members
6 would not need to attend on two separate days.
7 No decision was made.

8 Mr. Stephan wishes to change the wording
9 of the two committees' definitions as stated in
10 the rules governing Council. He will work on the
11 language and present it at future meeting. Mr.
12 Stephan moved that the police chief include
13 cumulative month-to-month statistics on his
14 monthly report. That has been accomplished. And
15 that was a motion made and was seconded by Mr.
16 McDonald.

17 Ms. Beckenbach was asked to contact Mr.
18 Flask at the City of Cleveland, who is the Chief
19 of Public Safety, for the same information
20 related to EMS. I have a call in and have not
21 received -- he has not responded as of yet.

22 Two other questions were asked. Does
23 the Village have a plan of notification for
24 emergency evacuation. My understanding is that
25 we do not at this time.

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1 The second question was are there
2 records kept regarding the automated license
3 plate scanner usage. And the answer is the
4 scanner's capability are in a specific range and
5 used not only on the freeway, but in the Village
6 at the discretion of the officer in the patrol
7 car. Records are kept when there is a
8 disposition or outcome as a result of the plate
9 scanner traffic stop.

10 The total as of today is 87 traffic
11 stops as a result of officers using this
12 additional tool. A motion was made to adjourn at
13 5:50 p.m.

14 MAYOR LICASTRO: Questions? Thank you.
15 Community Affairs.

16 MS. BECKENBACH: Community Affairs met
17 on April 25. The minutes from the March meeting
18 were approved. Mr. Bolton discussed the
19 disconnect of gutters that have taken place in
20 the Village before any recommended and passed
21 legislation took place. Is a resident
22 grandfathered in when and if any new legislation
23 is passed. Mr. Bolton recommended that we
24 contact the Village solicitor for advice on this
25 matter.

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1 The agenda item was rain containers.
 2 Recommendations from the committee at this point
 3 are the type, size, location and appearance of
 4 rain containers need to be approved by the
 5 building department and the ARB before the
 6 Village grants a disconnect. The rain container
 7 should be indistinguishable from the house. The
 8 containers should be consistent with the
 9 materials and be concealed with material
 10 consistent with the exterior of the home material
 11 coloration and style.

12 If the resident is using an
 13 architectural rain container, it must meet the
 14 standards set forth by this committee regarding
 15 size, material, location and appearance.
 16 Location should comply with the existing setbacks
 17 that exist in the current code. Rain containers
 18 located in the front of the house must be hidden
 19 by either landscaping or fencing and must not be
 20 visible from the street. These were all
 21 suggestions. We have not moved on any of these.
 22 More suggestions are always welcome. And I'm
 23 sure this discussion on rainbarrels will
 24 continue.

25 There's one other question that came up.
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1 Is a large box-like container that might contain
 2 plantings considered by definition as a rain
 3 container or a type of rain garden? The
 4 committee will seek advice from the building
 5 department on that matter. Mr. Bolton moved to
 6 adjourn and the motion was passed.

7 MAYOR LICASTRO: Questions? Thank you.
 8 Mr. Mateyo, communications.

9 MR. MATEYO: At a regularly scheduled
 10 Communications Committee of the Village of
 11 Bratenahl, held on May 3 at 5:30 p.m., the
 12 Recreation Center with all members present.
 13 Discussion centered on the Village solicitor's
 14 memo of May 2 to the Communications Committee
 15 pertaining to website RFP.

16 After much discussion of every point
 17 mentioned, the Committee unanimously approved a
 18 motion to have the Solicitor and the
 19 Administration of the Village of Bratenahl
 20 proceed with the drafting of necessary documents
 21 so that interested outside parties might bid on
 22 the website development and improvements for our
 23 Village.

24 With the knowledge that the
 25 Administration is responsible for the RFP process
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1 and mindful of how long this has been debated, we
 2 were all in agreement that the Solicitor and
 3 Administration proceed with this.

4 The Communications Committee
 5 respectfully request that it be involved in any
 6 and every way possible because of the knowledge
 7 and work done to date. By a motion duly made and
 8 seconded, the meeting was adjourned at 6:45 p.m.

9 MAYOR LICASTRO: Mr. Mateyo, we did work
 10 long and hard on that document.

11 MR. MATEYO: I understand that.

12 MAYOR LICASTRO: We worked long and hard
 13 on it. There are some revisions Mr. Blazey
 14 incorporated that then were sent to Mr. Matty for
 15 his legal review and then asked to meet with your
 16 committee to discuss with your committee as well.

17 MR. MATEYO: Thank you very much.

18 MAYOR LICASTRO: Ms. Schwartz.

19 MS. SCHWARTZ: We're having a fundraiser
 20 on June 12th, five to nine p.m.. It's going to
 21 be held at the Shorby Club. It's called Solute,
 22 if you will. And it is to benefit our police
 23 department. We do have a wish list for them.

24 And we're going to have an auction. It will be a
 25 southern barbecue and a southern band, so it will

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1 be very nice. I believe it's \$70.

2 MR. McKINNEY: \$75.

3 MS. SCHWARTZ: \$75, thank you. Cindy
 4 and Larry Trotter are sponsoring the wine and the
 5 beer. It's their creation as well. There will
 6 also be a cash bar. All of our police
 7 department, I believe, are attending with their
 8 spouses. And Erok, our police dog, is also going
 9 to be in attendance.

10 MAYOR LICASTRO: Thank you, Ms.
 11 Schwartz. I encourage everyone to attend. It's
 12 going to be a great party. The proceeds go to
 13 the police.

14 Recreation Commission.

15 MR. McKINNEY: Basically, I've given you
 16 an update on the Memorial Day. The parades is
 17 Monday, May 30, starts at ten o'clock at Coit
 18 Road. Total expenses thus far have come to
 19 \$6,992.30. And out of that we have a total
 20 income of \$8,410. \$1,500, which came from the
 21 Rec department, \$250 which came from the
 22 Bratenahl Community Foundation. And everything
 23 has been paid for thus far.

24 I would like to make sure and invite
 25 everybody to the town hall meeting tomorrow,

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1 which will be a Q and A about direct commission
2 activities that we have. It's tomorrow at 6:30
3 right here.

4 MAYOR LICASTRO: In this room?

5 MR. McKINNEY: It's going to be in the
6 gym.

7 MAYOR LICASTRO: Thank you, sir.

8 MS. GALLAGHER: Andre, we were actually
9 going to plan on doing it here. We thought if
10 more people show up, we'll move it. We changed
11 it back to here.

12 MAYOR LICASTRO: Thank you. Any
13 questions? Thank you. Planning Commission did
14 not meet. Shade Tree Commission, Ms. Meade,
15 anything from Shade Tree?

16 MS. MEADE: We did not meet.

17 MAYOR LICASTRO: Thank you. There's no
18 old business. Before we begin with the agenda
19 items on new business, I believe there's a motion
20 that needs to be made. Mr. Kesselem.

21 MR. KESSELEM: I'm asking Mr. Matty to
22 present a motion to Council regarding my standing
23 on Council and any ethical regulations that may
24 bring. So, Mr. Matty, if you could present.

25 MR. MATTY: Councilman, if you are in
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1 agreement, the language that I would suggest for
2 your motion is as follows: That the Village
3 Solicitor is hereby directed to investigate,
4 prepare and file a request for an advisory
5 opinion with the Ohio Ethics Commission
6 concerning the issue of whether Councilman
7 Kesselem is prohibited or restricted in any
8 manner in his duties and/or actions as an elected
9 Village Council member in light of his wife's
10 position as publisher and wordsmith of More
11 Bratenahl, that being a publication of an entity
12 named Creative Works, Inc.

13 MAYOR LICASTRO: Is that your motion,
14 sir?

15 MR. KESSELEM: I so move.

16 MAYOR LICASTRO: Is there a second?

17 MR. STEPHAN: Second.

18 MAYOR LICASTRO: Discussion? All in
19 favor of the motion.

20 Ayes: 6.

21 MAYOR LICASTRO: Anyone opposed? Thank
22 you.

23 Moving to new business, ordinance 3521.
24 Before you introduce this, Ms. Beckenbach, Mr.
25 Blazey, would you explain the nature of this

1 ordinance?

2 MS. LEE: The ordinance is necessary
3 because the people that are running the parade
4 have so much money, that we have to a higher
5 expense allotment. We spend it all, so we might
6 as well make sure the ordinance let's them spend
7 it all.

8 MS. BECKENBACH: I'd like to Ordinance
9 number 3521, an ordinance to make additional
10 appropriations for current expenses and other
11 expenditures and further amend the appropriations
12 in ordinance number 3517 and declaring an
13 emergency.

14 MR. MATEYO: Second.

15 MAYOR LICASTRO: Roll call on
16 suspension, please.

17 MR. BLAZEY: Ms. Beckenbach?

18 MS. BECKENBACH: Aye.

19 MR. BLAZEY: Mr. Bolton?

20 MR. BOLTON: Aye.

21 MR. BLAZEY: Mr. Kesselem?

22 MR. KESSELEM: Aye.

23 MR. BLAZEY: Mr. Mateyo?

24 MR. MATEYO: Aye.

25 MR. BLAZEY: Mr. McDonald?

1 MR. McDONALD: Aye.

2 MR. BLAZEY: Mr. Stephan?

3 MR. STEPHAN: Aye.

4 MS. BECKENBACH: The amended amount is
5 \$174. And I'd like to introduce ordinance number
6 3521 for passage.

7 MR. MATEYO: Second.

8 MAYOR LICASTRO: Any discussion? There
9 being none, roll call on passage, please.

10 MR. BLAZEY: Ms. Beckenbach?

11 MS. BECKENBACH: Aye.

12 MR. BLAZEY: Mr. Bolton?

13 MR. BOLTON: Aye.

14 MR. BLAZEY: Mr. Kesselem?

15 MR. KESSELEM: Aye.

16 MR. BLAZEY: Mr. Mateyo?

17 MR. MATEYO: Aye.

18 MR. BLAZEY: Mr. McDonald?

19 MR. McDONALD: Aye.

20 MR. BLAZEY: Mr. Stephan?

21 MR. STEPHAN: Aye.

22 MAYOR LICASTRO: Before we go to
23 ordinance number 3522, Mr. Bierut, would you
24 comment on the nature of this, please.

25 MR. BIERUT: Yes. This is legislation

1 to empower the county engineer's office to
 2 replace the bridge over Nine Mile creek on
 3 Lakeshore. If it sounds familiar, we talked
 4 about it last year, I think, maybe 18 months ago.
 5 For one reason or another, the paperwork didn't
 6 make it down there or they lost it or whatever.
 7 In any event, with the new county administration,
 8 it has to be redone.

9 MAYOR LICASTRO: And this is being done
 10 at the county's expense, correct?

11 MR. BIERUT: The county paid for the
 12 design and construction of the bridge.

13 MAYOR LICASTRO: Thank you. Mr.
 14 McDonald.

15 MR. McDONALD: I'd like to introduce
 16 Ordinance Number 3522 for suspension, an
 17 emergence ordinance enacted by the Village of
 18 Bratenahl, Cuyahoga County, Ohio, hereinafter
 19 referred to as municipality in the matter of the
 20 hereinafter described improvement and request the
 21 cooperation of County of Cuyahoga, Ohio,
 22 hereinafter referred to as County and declaring
 23 an emergency.

24 MR. MATEYO: Second.

25 MAYOR LICASTRO: Roll call on
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1 suspension, please?

2 MR. BLAZEY: Ms. Beckenbach?

3 MS. BECKENBACH: Aye.

4 MR. BLAZEY: Mr. Bolton?

5 MR. BOLTON: I have so many questions
 6 about the ordinance, I'd like to abstain.

7 MR. BLAZEY: Mr. Kesselem?

8 MR. KESSELEM: Aye.

9 MR. BLAZEY: Mr. Mateyo?

10 MR. MATEYO: Aye.

11 MR. BLAZEY: Mr. McDonald?

12 MR. McDONALD: Aye.

13 MR. BLAZEY: Mr. Stephan?

14 MR. STEPHAN: Aye.

15 MR. McDONALD: I'd like to introduce
 16 3522 for passage.

17 MAYOR LICASTRO: Is there a second?

18 MR. MATEYO: Second.

19 MAYOR LICASTRO: Mr. Bolton, you have a
 20 question?

21 MR. BOLTON: I have many. First of all,
 22 because I have many, I don't want to take this
 23 body's time. Does this have to be passed tonight
 24 or could it be first reading and I could ask my
 25 questions of Mr. Bierut and the Village Solicitor

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1 before the next meeting?

2 MR. BIERUT: I don't know. Merele, I
 3 think we're looking for it quickly.

4 MS. EHLERINGER: We're looking for it
 5 quickly, because for whatever reason, either they
 6 didn't receive it or we didn't receive it, and
 7 they were expecting to receive something from us
 8 in January.

9 MAYOR LICASTRO: I can speak to that.

10 They were looking to also finalize their capital
 11 budget. And since this is part of their capital
 12 expenditure, they have to have our approval
 13 before it's something they can incorporate into
 14 their capital budget. So that's why they're hot
 15 for it. We actually did this by simple motion, I
 16 think, a year and a half or two years ago, but
 17 with the new county structure, Mr. Bolton, that
 18 was null and void, so we have to go through that
 19 process again. This is being redundant, but
 20 they're the ones asking for it quickly so it
 21 becomes part of their capital budget.

22 MR. BOLTON: Should I ask my questions
 23 then? I'm trying to save everybody time.

24 MAYOR LICASTRO: We are anxious to hear
 25 your questions.

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1 MR. BOLTON: I'll start with the big one
 2 and then go to the details. Can the Village
 3 limit its expense?

4 MAYOR LICASTRO: I'm sorry, I didn't
 5 hear that.

6 MR. BOLTON: Can the Village limit its
 7 expense?

8 MAYOR LICASTRO: We're not paying for
 9 it.

10 MR. BOLTON: It says in here that it's
 11 sharing of cost and maintenance cost related to
 12 improvements installed by the county. And since
 13 the Village has no voice in what those
 14 improvements might be, I want to know if we can
 15 limit our expenses.

16 MR. BIERUT: My understanding is they're
 17 paying for the design and construction and it's
 18 up to any municipality to maintain the structure
 19 after it goes in.

20 MR. BOLTON: Well, obviously in terms of
 21 maintenance.

22 MR. BIERUT: Right.

23 MR. BOLTON: But if there are
 24 significant cost overruns in construction, the
 25 Village would be subject to its proportionate

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1 share of those overruns?

2 MR. BIERUT: Not that I'm aware of.

3 MR. BOLTON: I just read this quickly.

4 MR. BIERUT: I think there's one spot
5 that I read in the last page or two where it
6 outlines the municipality has to pay for certain
7 things or at least one thing. And I called their
8 office about that. What that concerns is, I'll
9 give an example, say the Village gave somebody
10 permission to run a fiber optic line over that
11 structure or in the ground right next to the
12 structure and the county doesn't know about it
13 prior to the work starting, it would be our
14 responsibility to tell that utility owner that
15 that utility is out of the way or relocate that
16 utility.

17 The other utilities, the backtrack, I
18 don't think there's anything on the structure. I
19 think there's a waterline that crosses it maybe
20 that area.

21 MR. ZALAR: It goes underneath.

22 MR. McDONALD: I think it may be
23 referring to underfunding that the municipality
24 hereby agrees to participate with the county in
25 the cost of the improvement by an allocation from

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1 the county motor vehicle license tax fund to pay
2 the county portion of the project.

3 MR. BIERUT: That's correct. They're
4 using our money out of the tax. If I'm not
5 mistaken, we have some money that's allotted us
6 from the tax, license tax.

7 MAYOR LICASTRO: That's a restricted
8 fund.

9 MR. McDONALD: So we don't use it for
10 anything else.

11 MAYOR LICASTRO: It doesn't come out of
12 the general fund.

13 MS. BECKENBACH: Well, what happens if
14 the bill is higher than what we have in the fund?

15 MAYOR LICASTRO: The bill will be way
16 more than we have in the fund. There's only a
17 few thousand dollars in that fund.

18 MS. BECKENBACH: So then are we
19 responsible for the extra?

20 MAYOR LICASTRO: No, the county is
21 mandated to replace this bridge. And they're not
22 doing it until --

23 MR. BIERUT: 2014 or 15.

24 MR. MATTY: Mary, to answer your
25 question, the federal government will pay 80

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1 percent of that increased cost and the county
2 will be responsible for the other 20.

3 MS. BECKENBACH: So that doesn't affect
4 us?

5 MR. MATTY: Doesn't affect us.

6 MS. BECKENBACH: Thank you.

7 MR. BOLTON: Now I'm getting into the
8 smaller issues. The County owns the bridge at
9 present and is responsible for its replacement or
10 its structural maintenance. It seems to me that
11 what this funding bill does is it takes what is
12 now the Village's county motor vehicle license
13 tax, which it has a responsibility to take care
14 of the bridge in any event, but it wants to take
15 some money of ours in order to do it.

16 So my question is why should we pay them
17 to do what they have to do anyway?

18 MR. McDONALD: This year, there's \$5,000
19 budgeted in that particular, so that's -- how
20 much is this going to cost?

21 MAYOR LICASTRO: It's going to cost
22 hundreds of thousands, I think, more than that.
23 It's the biggest bridge in the Village.

24 MR. BOLTON: Well, that's my first
25 concern. I really hate going through them all.

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1 Can we not defer this a month?

2 MR. BIERUT: I really can't answer that.
3 I'll be glad at any time to answer your
4 questions.

5 MR. BOLTON: I mean, there are a number
6 of requirements here placed upon the Village,
7 which may already be in statute, I don't know.
8 My understanding is that the road does not belong
9 to the Village and yet we are being given
10 responsibilities for the road, from Eddy Road to
11 140th Street via controlling the bridge.

12 The legal question is whether we can
13 legally accept those responsibilities.

14 MAYOR LICASTRO: Lakeshore Boulevard is
15 a county road east of Bratenahl Road.

16 MR. BOLTON: Right.

17 MAYOR LICASTRO: I don't see this
18 document.

19 MR. BOLTON: This is a county road
20 already and yet they are placing -- they seem
21 minor, but when you add them all up together, I'm
22 wondering what it costs.

23 MR. McDONALD: Isn't Bratenahl Police
24 Department required to keep the road open to
25 traffic at all times anyway? That's what they're

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1 saying we have to do.
 2 MR. MATEYO: That's correct.
 3 MR. BOLTON: I don't know if that's
 4 that's correct. I know we do it, but I don't
 5 know if we're legally obligated to the county to
 6 do it.
 7 MR. MATTY: The best I can say,
 8 Councilman is this: This is a standard
 9 cooperative agreement if we wish to have federal
 10 and county money do the improvement. There is
 11 nothing in this agreement that I saw or Don saw
 12 that is outside their normal agreement. In fact,
 13 they even caution you that you cannot change this
 14 agreement if you wish to have their cooperation
 15 and their funds.
 16 Now, as to how it's implemented, the
 17 Chief would have to chime in as to what he does
 18 and Don would have to chime in as to what the
 19 maintenance may be for us if there are any costs
 20 there. That's why I asked Don about the
 21 utilities in advance. But, this agreement, if
 22 you want the improvement done at the county and
 23 federal government expense, is going to be as it
 24 is here or for any other improvement that
 25 involves federal or county money.

1 MS. BECKENBACH: Otherwise, we pick up
 2 the tab.
 3 MR. MATTY: Otherwise, you do the
 4 improvement with their consent on your dime.
 5 MR. BOLTON: Well, it's their
 6 responsibility to do this, so why do they need --
 7 MR. MATTY: Only if you cooperate with
 8 them in the form of this agreement.
 9 MR. BOLTON: Where does that come in? I
 10 mean, I'm sorry, but I think you're asking us
 11 for --
 12 MR. MATTY: Don, do we have a basis for
 13 this?
 14 MR. BIERUT: I know that each
 15 municipality you need consent to allow them to
 16 come in and do work, even if it's their own road.
 17 MR. BOLTON: I'm happy to have us
 18 consent.
 19 MAYOR LICASTRO: That's what this does,
 20 Mr. Bolton, this is a consent.
 21 MR. BOLTON: Well.
 22 MAYOR LICASTRO: There is a motion on
 23 the floor.
 24 MR. MATEYO: There is a motion.
 25 MAYOR LICASTRO: Right. Is someone

1 calling the question?
 2 MR. MATEYO: I call the question.
 3 MR. STEPHAN: I had my hand up. First
 4 of all, I think the county would like to know
 5 that municipality is misspelled in Section C.
 6 Number two, thank you, Councilman
 7 Bolton, for reading this at the last minute when
 8 it arrived, because as I read it, it does say, as
 9 you noted, that by an allocation from the county
 10 motor vehicle license, doesn't say that the
 11 Village is responsible for that allocation. It's
 12 the Village's portion as I read it.
 13 MR. BOLTON: Thank you. You're right.
 14 MR. STEPHAN: I haven't seen anything
 15 that commits the Village to spend money for the
 16 construction, only the maintenance. And the
 17 other question I have is if our waterline runs
 18 along that section of the road and we've sold our
 19 water system to the City of Cleveland, then I
 20 would assume that obligates them to participate
 21 and co-operate with the county in some manner,
 22 not us.
 23 MR. BIERUT: That's correct. Any
 24 utility that is in the right-of-way, is thereby
 25 the grace of whoever owns the right-of-way, be it

1 First Energy or certainly a public department
 2 like the Cleveland Water Department. It's their
 3 responsibility to move or support their utilities
 4 during construction.
 5 MR. STEPHAN: So to confirm, we dodge
 6 the expense of moving the waterline in whatever
 7 way is necessary by selling it to the city?
 8 MR. BIERUT: Yes. I've never seen an
 9 instance where the city statute, if they own the
 10 waterline, they had to pay. It was still the
 11 water department who would have to pay to get out
 12 of the way.
 13 MAYOR LICASTRO: Let me just offer this
 14 to make you more comfortable, Mr. Bolton. This
 15 isn't scheduled until 2014. If you went through
 16 this and came up with significant changes you'd
 17 like on see made or concerns you want to voice,
 18 Council can always repeal this legislation.
 19 That's always Council's option. In the meantime,
 20 it is boilerplate. It's been reviewed by the
 21 engineer and attorney. If you want to change
 22 your mind and think your concerns are
 23 overwhelming, you can ask Council to repeal it.
 24 MR. BIERUT: I could also offer that I
 25 know you're downtown, obviously. I can set up

1 something with one of the programmers at the
2 engineer's office and we'd meet with him during
3 the day at your convince and walk through this
4 thing.

5 MR. BOLTON: Great. I appreciate it.
6 The basic problem is we haven't had it very long
7 and I had a bunch of concerns, which I was asking
8 really for time to consider the ordinance.

9 MR. McDONALD: Move the previous
10 question.

11 MAYOR LICASTRO: The question has been
12 called. Is there a second to calling the
13 question?

14 MR. MATEYO: Second.

15 MAYOR LICASTRO: All in favor of the
16 calling the question?

17 Ayes: 6.

18 MAYOR LICASTRO: Anyone opposed? Thank
19 you. Call the roll, please.

20 MR. BLAZEY: Ms. Beckenbach?

21 MS. BECKENBACH: Aye.

22 MR. BLAZEY: Mr. Bolton?

23 MR. BOLTON: I'm going to abstain.

24 MR. BLAZEY: Mr. Kesselem?

25 MR. KESSELEM: Aye.

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1 MR. BLAZEY: Mr. Mateyo?

2 MR. MATEYO: Aye.

3 MR. BLAZEY: Mr. McDonald?

4 MR. McDONALD: Aye.

5 MR. BLAZEY: Mr. Stephan?

6 MR. STEPHAN: Aye.

7 MAYOR LICASTRO: Thank you. Last item
8 on the agenda 3523, Pay Claims. Mr. Bolton.

9 MR. BOLTON: I do not have that. I
10 would like to introduce ordinance number 3523,
11 Pay Claims, for suspension and declaring an
12 emergency.

13 MR. McDONALD: Second.

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

16 MR. BLAZEY: Ms. Beckenbach?

17 MS. BECKENBACH: Aye.

18 MR. BLAZEY: Mr. Bolton?

19 MR. BOLTON: Aye.

20 MR. BLAZEY: Mr. Kesselem?

21 MR. KESSELEM: Aye.

22 MR. BLAZEY: Mr. Mateyo?

23 MR. MATEYO: Aye.

24 MR. BLAZEY: Mr. McDonald?

25 MR. McDONALD: Aye.

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1 MR. BLAZEY: Mr. Stephan?

2 MR. STEPHAN: Aye.

3 MR. BOLTON: I would like to introduce
4 ordinance number 3523, in the total amount of
5 \$78,130 for passage.

6 MR. McDONALD: Second.

7 MAYOR LICASTRO: Questions? There being
8 none, roll call on passage, please.

9 MR. BLAZEY: Ms. Beckenbach?

10 MS. BECKENBACH: Aye.

11 MR. BLAZEY: Mr. Bolton?

12 MR. BOLTON: Aye.

13 MR. BLAZEY: Mr. Kesselem?

14 MR. KESSELEM: Aye.

15 MR. BLAZEY: Mr. Mateyo?

16 MR. MATEYO: Aye.

17 MR. BLAZEY: Mr. McDonald?

18 MR. McDONALD: Aye.

19 MR. BLAZEY: Mr. Stephan?

20 MR. STEPHAN: Aye.

21 MAYOR LICASTRO: All right. That ends
22 our agenda. Any comments from Council? Thank
23 you. Anyone in the audience? Ms. Bucci.

24 MS. BACCI: Good evening, Mayor. I'm
25 aware from my previous experience in municipal

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1 government, that the state highway fund and the
2 larger state highway construction and maintenance
3 fund are restricted, but can be used under
4 certain conditions to pay for Village equipment
5 and salaries.

6 And the question that I have is when Joe
7 started working with the civilian people to clean
8 up the litter on Eddy Road.

9 MR. ZALAR: Park community service.

10 MS. BACCI: Right. I knew it was C C
11 something. Anyway, have we considered using
12 those funds to pay that portion of his weekly
13 wages, because I think you're spending a greater
14 part of a day weekly and --

15 MR. ZALAR: About four hours.

16 MS. BACCI: Right. So if you took that
17 money and were able to move it to the state
18 highway funds, then Joe would have some extra
19 money in his budget that he has diverted from his
20 salary. So I think maybe that's something that
21 our new clerk could look into. And if so, I'd
22 like to see if we could also go retroactively
23 back into 2010 when he started this project and
24 be able to reappropriate those funds for
25 something he might need in his department.

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1 MAYOR LICASTRO: Thank you. We'll look
 2 into that. Ms. Meade.
 3 MS. MEADE: Yes. Thank you.
 4 Is there any news that you would like to
 5 update residents on the dike 14 project and how,
 6 if any, that might impact Bratenahl?
 7 MAYOR LICASTRO: Dike 14? I'm not aware
 8 of anything of late. I know they're talking
 9 about having a different approach to make it more
 10 open and accessible, but I don't know much
 11 detail. I'm certain once that's flushed out,
 12 they'll ask for our input, but nothing.
 13 MS. MEADE: With that ad hoc, could you
 14 give an update on the next meeting?
 15 MAYOR LICASTRO: I believe it's May
 16 25th.
 17 MS. SCHWARTZ: May 31, 7:30 p.m.
 18 MAYOR LICASTRO: May 31, 7:30 in this
 19 room.
 20 MS. MEADE: Then one last question.
 21 With the Community Center, I know there was a
 22 reference tonight that we took possession of it
 23 this year.
 24 MAYOR LICASTRO: That's actually a
 25 misstatement. We've had possession of it since

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1 the 80s, but as of January 1 of this year, we
 2 have options we did not have prior. I think
 3 that's correct.
 4 MS. MEADE: One of the things I recently
 5 read is it talked about a 2009 date, so I was
 6 wondering if there was other documentation or
 7 pieces that I'm missing that closes that gap
 8 between 2009 and in 2011.
 9 MAYOR LICASTRO: We're curious about
 10 that ourselves. We've asked the Cleveland
 11 Municipal School District for whatever legal
 12 documents they have and we have not yet received
 13 them.
 14 MS. MEADE: Thank you.
 15 MAYOR LICASTRO: Is there a motion to
 16 adjourn?
 17 MS. BECKENBACH: So move.
 18 MAYOR LICASTRO: Is there a second?
 19 MR. MATEYO: Second.
 20 MR. BLAZEY: Ms. Beckenbach?
 21 MS. BECKENBACH: Aye.
 22 MR. BLAZEY: Mr. Bolton?
 23 MR. BOLTON: Aye.
 24 MR. BLAZEY: Mr. Kesselem?
 25 MR. KESSELEM: Aye.

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1 MR. BLAZEY: Mr. Mateyo?
 2 MR. MATEYO: Aye.
 3 MR. BLAZEY: Mr. McDonald?
 4 MR. McDONALD: Aye.
 5 MR. BLAZEY: Mr. Stephan?
 6 MR. STEPHAN: Aye.
 7 MAYOR LICASTRO: We are adjourned.
 8 We'll see you Memorial Day.
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