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VILLAGE COUNCIL MEETING

TAKEN:

JUNE 16, 2010

5:30 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: Okay. I'm going to
2 call the meeting to order and call the roll,
3 please.

4 MR. GALLAGHER: Ms. Beckenbach?

5 MS. BECKENBACH: Here.

6 MR. GALLAGHER: Mr. Bolton?

7 MR. BOLTON: Here.

8 MR. GALLAGHER: Mr. Kesselem?

9 MR. KESSELEM: Here.

10 MR. GALLAGHER: Mr. Mateyo?

11 MR. MATEYO: Here.

12 MR. GALLAGHER: Mr. McDonald?

13 MR. McDONALD: Here.

14 MR. GALLAGHER: Mr. Stephan?

15 MR. STEPHAN: Here.

16 MR. GALLAGHER: Thank you.

17 MAYOR LICASTRO: Mr. McDonald has
18 something to read.

19 MR. McDONALD: I move that we go into
20 executive session to discuss pending or
21 litigations.

22 MR. MATEYO: Second.

23 MAYOR LICASTRO: Roll call on the
24 motion, please.

25 MR. GALLAGHER: Ms. Beckenbach?

1 MS. BECKENBACH: Aye.

2 MR. GALLAGHER: Mr. Bolton?

3 MR. BOLTON: Aye.

4 MR. GALLAGHER: Mr. Kesselem?

5 MR. KESSELEM: Aye.

6 MR. GALLAGHER: Mr. Mateyo?

7 MR. MATEYO: Aye.

8 MR. GALLAGHER: Mr. McDonald?

9 MR. McDONALD: Aye.

10 MR. GALLAGHER: Mr. Stephan?

11 MR. STEPHAN: Aye.

12 MR. GALLAGHER: Thank you.

13 (Whereupon, Council moved into executive
14 session.)

15 MR. GALLAGHER: It's been moved and
16 seconded we resume the public session.

17 Ms. Beckenbach?

18 MS. BECKENBACH: Aye.

19 MR. GALLAGHER: Mr. Bolton?

20 MR. BOLTON: Aye.

21 MR. GALLAGHER: Mr. Kesselem?

22 MR. KESSELEM: Aye.

23 MR. GALLAGHER: Mr. Mateyo?

24 MR. MATEYO: Aye.

25 MR. GALLAGHER: Mr. McDonald?

1 MR. McDONALD: Aye.

2 MR. GALLAGHER: Mr. Stephan?

3 MR. STEPHAN: Aye.

4 MR. GALLAGHER: Thank you.

5 (Whereupon, Council moved into public
6 session.)

7 MAYOR LICASTRO: Thank you for coming
8 tonight. You all received a copy of the minutes
9 from the May meeting. Is there a motion to
10 approve?

11 MS. BECKENBACH: So move.

12 MR. MATEYO: Second.

13 MAYOR LICASTRO: Any discussion? All in
14 favor of the motion?

15 Ayes: 6. Nays: 0.

16 MAYOR LICASTRO: Thank you. The Mayor's
17 court report for May. The County Treasurer
18 received \$725; the Village of Bratenahl, \$26,393;
19 the Treasurer of the State of Ohio \$6,464; and
20 the Court Computer Fund \$1,525. Any questions on
21 that? Apparently not. Thank you.

22 We have several items of correspondence.
23 I'll move through these quickly. The first is
24 from Dominion East Ohio. Dominion East Ohio Gas
25 has petitioned the PUCO for reimbursement for

1 their pipeline infrastructure replacement
2 program. The PUCO did approve Dominion's request
3 to assume ownership and responsibility for curb
4 to meter service lines. And Dominion installs,
5 repairs, ties in or replaces. To recoup the cost
6 involved, residents in August of this year, if
7 it's approved by PUCO, will have an increase of
8 \$1.68 minimum to a \$1.72 maximum per month for
9 this purpose appear on their bills.

10 Again, this has not been approved yet by
11 the PUCO, but Dominion has made this request.
12 Talking to some of the other mayors, it's likely
13 PUCO will approve this for the purpose.

14 MS. MEADE: Do we know when?

15 MAYOR LICASTRO: August. \$1.70 a month
16 is not a whole lot.

17 MR. STEPHAN: Every homeowner?

18 MAYOR LICASTRO: Yes. But the good
19 thing is they're going to take over actually the
20 entire system and repair and replace, et cetera,
21 at their cost. Sorry, at the cost for which
22 we're about to reimburse them. Any questions on
23 that? Thank you.

24 We also received documents from FEMA,
25 the Federal Emergency Management Agency, saying

1 that the final flood hazard determination for our
2 community is in compliance. And this very long
3 protracted set of documents is summarize by this
4 fact. Prior to December 3rd of 2010, we are
5 required as a condition of continuing eligibility
6 in the natural flood insurance program to adopt
7 or show evidence of adoption of the floodplain
8 management regulations that meet the standards in
9 paragraph et cetera, et cetera, et cetera.

10 I'm informing everyone that we've met
11 the requirements, but we have to do one more step
12 before end of the year. I'm going to give these
13 to our solicitor so he can put his head together
14 with Mr. Bierut and figure out what kind of
15 legislation we need to meet this. Any questions
16 on that?

17 MR. BOLTON: I didn't hear a mandate.

18 MAYOR LICASTRO: It says your community
19 is required as a condition of continuing
20 eligibility in a natural flood insurance program
21 to adopt or show evidence of adoption of
22 floodplain management regulations.

23 That's some sort of a mandate if you ask
24 me.

25 MR. BOLTON: Is there any property in

1 the Village in a floodplain? It's a 100 year
2 floodplain.

3 MAYOR LICASTRO: That's correct. There
4 are a couple noted in this document.

5 MR. STEPHAN: It says regulation, so we
6 have to write regulations?

7 MAYOR LICASTRO: You know, Paul, I don't
8 know. That's why we're going to have Mr. Matty
9 and Mr. Bierut.

10 MR. BIERUT: Briefly, we already have
11 things in our code about the floodplain and where
12 to build and not build. I think that this is
13 supposed to adopt the new maps that they've come
14 up with we talked about a few months ago. I'm
15 fairly certain they can provide the model
16 legislation for it as necessary.

17 MAYOR LICASTRO: It appears to be pretty
18 straightforward, but let's meet the letter of the
19 law. We'll have Mr. Bierut and Mr. Matty work
20 this out between the two of them.

21 MR. STEPHAN: Don't want any lot line
22 encroachment or floodplains on the existing
23 property and so forth to have an unexpected
24 impact.

25 MR. BIERUT: Earlier this year, if you

1 recall, we sent out copies of letters of people
2 saying it's been revised in some areas and the
3 maps are available for review. I'm not sure
4 anybody reviewed the maps.

5 MAYOR LICASTRO: Not to my knowledge.

6 MR. BIERUT: Not to my knowledge. I
7 know we have some here and no one called my
8 office.

9 MR. STEPHAN: That was the shifting in
10 the shoreline?

11 MR. BIERUT: Yes.

12 MAYOR LICASTRO: Thank you. We are very
13 pleased to be informed that at the Community
14 Center there are a couple of Joseph Haber murals
15 from the 1940s that have value not only in their
16 aesthetic value, but as historic pieces. Howard
17 Garfinkel is the one that uncovered this for
18 outside.

19 Howard, would you like to comment on
20 this, please?

21 MR. GARFINKEL: Sure. During Future
22 Search, since we spend so much time in the gym, a
23 number of us were looking at these murals. And
24 we saw that they are in a state of disrepair.
25 And it turns out that they were from the WPA,

1 Cleveland Federal Arts project. The artist was
2 Joseph Haber. They were installed in the gym in
3 1940, so they're 70 years old.

4 And Joseph Haber is not apparently a
5 well-known WPA artist, but these pieces have been
6 part of Bratenahl's heritage for all this time.
7 And they're really in a state of precariousness
8 because some of these little tiles are chipped
9 and some are missing. So I brought over a guy
10 named Albert Albano, who is the executive
11 director of the Intermuseum Conservation in
12 Cleveland, which is an incredible organization.

13 And he really liked them and really
14 believes that something should be done about
15 them. So we see, "we" meaning the people who are
16 involved at this point, see a great opportunity
17 for the Village to seize the moment, particularly
18 since the Community Center is reverting back to
19 Bratenahl at the end of the year, to do something
20 about these murals. Number one, renovate them.
21 Number two, conserve them. Number three, protect
22 them, because they're unprotected from random
23 basketballs and such.

24 So the idea would be we'd raise the
25 money privately. We don't know how much it's

1 going to cost at this point, but the ballpark
2 number just for right now, it's just a ballpark
3 number, is \$10,000 to have them worked on and
4 preserved for all time.

5 The ICA is such a cool place that we
6 could actually involve a lot of the Village,
7 people who are interested in art, interested in
8 the history of these pieces, contribute. And if
9 they contribute a certain amount of money, then
10 the ICA will invite them to its facilities, which
11 is a restored Vitrolite showroom from the 1920s
12 on Detroit Avenue. It's an incredible place.
13 There's artwork from all over the world there.
14 Nobody knows it's there.

15 So if somebody contributes to this, they
16 will get a chance to see the pieces as they're
17 being restored. And I thought maybe -- I didn't
18 think this, but we think maybe there could be a
19 pre restoration party where everybody is invited
20 to the gym to take a look at these, you know, get
21 a presentation from somebody from the ICA, make
22 it a big community activity and, you know, it's a
23 feel good moment. It's an opportunity for the
24 Village to do something good. So that's where we
25 are right now. Mary and Lein Blackburn, my

1 neighbor and I are meeting tomorrow to sort of
2 kick this thing off. And we'll have a formal
3 quote from the ICA probably in the next few
4 weeks.

5 MAYOR LICASTRO: Intermuseum
6 Conservation Association.

7 MR. GARFINKEL: The ICA. This is a real
8 Cleveland treasure, I'll tell you. It's
9 ICA-artconservation.org. They work all over the
10 world.

11 MR. KESSELEM: Where else in the city
12 are they around.

13 MR. GARFINKEL: I don't know yet. I put
14 a call into the Cleveland Artist Foundation to
15 find out what they know. I talked to Diana. She
16 did not see anything in the archives when she was
17 doing her book. And the two murals are pictured
18 in the book. There is a book on federal art
19 projects in Cleveland. And apparently in 1940
20 there were a number of murals that were
21 commissioned and put up in schools around the
22 city. There's apparently one very large one in
23 Collinwood, but I don't know because this was as
24 of 1974.

25 And so there are, you know, probably

1 about six or seven in Cleveland schools. And
2 we're trying to find out more about Joseph Haber
3 and all that kind of thing.

4 MR. STEPHAN: Are there any schools
5 scheduled to be demolished where these murals
6 were on the walls?

7 MR. GARFINKEL: That's a good question.
8 Albert Albano has been telling me they've been
9 working on a lot of federal arts project in and
10 around the Cleveland area. They did the
11 Schreckengost elephant at the zoo, relocated it.
12 They've done some of these stone sculptures that
13 used to be the estates or something. I can't
14 remember. There's a list of them. And there's
15 just a lot of WP era art in and around Cleveland
16 and they're trying to preserve it.

17 MAYOR LICASTRO: Mr. Mateyo.

18 MR. MATEYO: Do you know Bill Shealy who
19 is a resident?

20 MR. GARFINKEL: Yes.

21 MR. BOLTON: He's a good one from the
22 historical standpoint.

23 MS. BECKENBACH: Where is the ICA
24 located on Detroit?

25 MR. GARFINKEL: On Detroit and 39th.

1 You can't miss it. There was a thing called
2 Vitrolite. It's like a tile that you see in a
3 lot of buildings. And this is a restored
4 Vitrolite showroom that they have their
5 operations in. It would be worth giving \$100 to
6 this project to go over there and see it. I'm
7 serious.

8 MR. STEPHAN: I'd like for all of us to
9 encourage Mr. Garfinkel to keep looking.

10 MR. GARFINKEL: You mean keep going?

11 MR. STEPHAN: Go to the schools, maybe
12 you'll find some more.

13 MAYOR LICASTRO: But, Howard, you
14 offered to help raise the funds. We appreciate
15 that.

16 MR. GARFINKEL: We're going to make it
17 fun for everybody. I hope everybody in this room
18 gets involved.

19 MAYOR LICASTRO: Mr. Robins.

20 MR. ROBINS: Thank you very much for
21 bringing this up. As a matter of just looking
22 back at what has happened historically, Future
23 Search one seven years also identified these as a
24 worthy restoration. There were people who said
25 they were going to follow-up on it and that did

1 not happen. So I'll be the first to tell you
2 I'll make a donation. And thanks for --

3 MR. GARFINKEL: You're not the first,
4 but I'll take the donation.

5 MR. ROBINS: Thank you for your
6 leadership on this.

7 MR. GARFINKEL: This can be a real -- I
8 don't want to be repetitive, but this could be a
9 real feel good moment for the Village. I mean,
10 because if you're doing something that everybody
11 can enjoy and it's part of everybody's history
12 here, what's wrong with that? It's just win/win,
13 so we'll make it happen.

14 MAYOR LICASTRO: Howard, it already is a
15 feel good moment. Thank you for your efforts.

16 MR. GARFINKEL: I'm feeling great right
17 now.

18 MAYOR LICASTRO: I also received a
19 document from the court community service.
20 You're aware we contract with them to clean up
21 the on ramps and off ramps on the freeway. This
22 is their year-end report. And, again, these are
23 misdemeanor offenders that choose Court Community
24 Service in lieu of paying fines. These numbers
25 are astounding.

1 For example, last year they collected
2 56,809 bags of litter. Now, Mrs. Goyanes might
3 say it's 50,000 of these were in Bratenahl alone.
4 17,598 tires and 2,055 cubic yards of debris.
5 Absolutely amazing. Over 470,000 hours of
6 community service were performed by this agency.

7 So again, I just thought those numbers
8 would be something you'd find fascinating. And,
9 again, we're very pleased that they do the job on
10 the ramps, not as often as we'd like, but they're
11 authorized to do so by ODOT. Believe me, if they
12 didn't do it, it would be disastrous.

13 MS. BECKENBACH: Do we call ODOT? I'm
14 starting to be a true fan of Laura over there. I
15 came up the east end and the grass is at best two
16 and a half feet high. And the rubbish is equally
17 as the grass is now.

18 MS. GOYANES: I asked about the grass
19 cutting. They said they do it four times.

20 MS. BECKENBACH: For the season.

21 MS. GOYANES: That's it.

22 MAYOR LICASTRO: Mr. Zalar did call
23 Bonnie Teeuwen the deputy director of district 12
24 a couple days ago and complained about the
25 condition of the pavement on the westbound on

1 ramp. And she promised to look into that as
2 well, so, yes, we keep a dialogue about it.

3 MR. ZALAR: I can report on it right
4 now. The westbound exit ramps at Eddy Road,
5 Martin Luther King and 72nd are going to get a
6 temporary mill and fill to get rid of some of
7 that bumpiness. The understanding is that in
8 2011 they're going to do a total replacement of
9 the ramps. That would include the Eddy Road exit
10 westbound; Martin Luther King, we know that one
11 is bad; and 72nd Street.

12 The only issue we had is they're going
13 to start at ten o'clock at night and we have a
14 slight issue with the homes over here, so they're
15 kind of working on the logistics to possibly do
16 ours during the day. And that's going to start
17 like maybe even tomorrow. They're not exactly
18 sure if they're going to start 72nd and work back
19 this way or work Eddy Road and work west.

20 MAYOR LICASTRO: That's good news.

21 MR. KESSELEM: How long do you think it
22 will take them to do Eddy Road?

23 MR. ZALAR: They'll probably knock it
24 out in two days. They're not actually bringing
25 in large equipment. They're bringing in small

1 equipment. It's just a temporary to get them
2 through the summer months and winter months. And
3 next year they're going to pull up the whole
4 pavement. That was part of the project that they
5 had issues with the contractor years and years
6 ago.

7 MR. McDONALD: Are they going to keep
8 those ramps open, one lane, or close it.

9 MR. ZALAR: They'll close it temporarily
10 to do it, I think probably for the day. It's
11 probably a six, seven-hour window they're going
12 to work in. They'll close them down for that day
13 and then just one ramp at a time. Just to get
14 that taken care of and then open it back up.
15 They'll be in contact with our police department
16 when they're going to do that.

17 MR. KESSELEM: Are they also going to do
18 anything about the eastbound ramp? It's got a
19 ton of chuckholes coming from the eastbound.

20 MAYOR LICASTRO: I think eventually
21 they're going to replace it.

22 MR. ZALAR: According to Bonnie, they're
23 going to be doing some work on the Eddy Road
24 bridge.

25 MAYOR LICASTRO: Remember they're going

1 to replace, the front will be the Ashar stone to
2 match the sound walls. That's on the books as
3 well, but knowing how bad the pavement is, we're
4 proactive and called them and pleased to see the
5 program is in place. Thank you, Mr. Zalar.

6 Moving to my report, I'm going to jump
7 the agenda. I'm very pleased to say we have
8 Cindy Dunn with us tonight. Cindy is the CEO of
9 Judson Services. Judson Park and their other
10 affiliates are really the flagship for nursing
11 home, assisted living, and independent living for
12 seniors in the Cleveland area. Their proximity
13 to Bratenahl, one of their facilities is located
14 in University Circle, which I think is
15 interesting.

16 I mentioned that part of Future Search
17 talked about nursing homes and the feasibility of
18 perhaps building one in the Village, and if
19 indeed there was a need and what ramifications
20 there were. And the fascinating dialogue I had
21 with Ms. Dunn is she gave me some insight I
22 thought should be shared with all of us. So,
23 Cindy, if you would.

24 MS. DUNN: As the Mayor pointed out,
25 Judson Manor, which is the former Wade Park

1 Manor, in that building we have independent and
2 assisted. Then Judson Park, which is the one
3 that is up on the hill half in Cleveland Heights
4 and comes down to Cleveland, we have the 141-bed
5 health center, which is a licensed nursing
6 facility. We do a lot of assisted living and we
7 also have independent living.

8 Recently out east we are developing
9 South Franklin Circle, which is open, and that
10 has independent and assisted. We are not doing
11 nursing out there. What got us into this
12 discussion are a few trends that will show you
13 how our business plan has changed. And I think
14 if you talk to any others in our business, you
15 will hear similar thinking in terms of where the
16 future is going.

17 The product we have historically offered
18 is called continuing care retirement community.
19 It's been based on the idea of having services
20 for a person that's moved in post retirement and
21 there's something there for them for the
22 remainder of their life. And should they have a
23 health crisis, then there's kind of a wrap around
24 program.

25 What we're finding, and we've made the

1 adjustments, but a couple of interesting things.
2 Number one, we have not planned a nursing
3 facility out in South Franklin and the Chagrin
4 Valley. We are finding over 141-bed nursing,
5 about 40 percent of those beds are used by our
6 people who started at the Park or the Manor and
7 now from South Franklin.

8 The reason this seems to be falling off
9 are twofold. One is a growing trend for people
10 to just want to sort of -- the expression is age
11 and place. They do not want to move to a
12 different level of care. We believe that's true
13 and that's why we started a home care division
14 with the home care program. That's why we didn't
15 build the nursing facility out in South Franklin,
16 because quite frankly, when we look at healthcare
17 reform along with the market preference, we see a
18 growing tide that in the traditional nursing
19 facility, we see, number one, the short-term
20 rehab needs for people who had an acute episode.
21 They're in the hospital, Medicare will pay for
22 their rehab in a long-term care facility. They
23 come to the long-term care facility and somewhere
24 between two and four weeks the rehab usually is
25 over and they go back to where they live. And,

1 right now that's, you know, part of the business.

2 The other part, quite frankly, is just
3 because of the way reimbursement works, are
4 people who have spent down, run out of funds.
5 And in a nursing facility there can be Medicaid
6 certification. So they can get some relief if
7 they have no other recourse.

8 We are finding in our own system and as
9 I talked to other colleagues this is clearly a
10 trend that folks that can afford an alternative
11 really do and are choosing to sort of, number
12 one, stay at home and have help in the home.
13 They may take advantage of an adult day program
14 and have something going on like that; or we're
15 even finding, especially in the State of Ohio,
16 assisted living in most programs does it all.

17 There really is no longer a need to have
18 to leave an assisted living operation and go to a
19 nursing home operation. The only caveat is there
20 really is no good reimbursement in assisted
21 living. Medicaid, there are some pilot projects
22 out there, but Medicaid really does not cover
23 that.

24 So on our own planning is, as I was
25 saying to John, the Mayor, I feel that the

1 traditional nursing home as we know it is quickly
2 all across the state losing occupancy. People
3 are slowly going on to private long-term care
4 insurance, which will give them financial support
5 at a stay-at-home program as well as assisted
6 living or even independent for that matter.

7 So the options have dramatically changed
8 as of late. And we were just again sort of
9 talking about the composition of how these
10 programs all work together and what really isn't
11 happening in the future. I'm going to throw into
12 the mix the long-term, the healthcare reform.
13 It's yet to be seen, but it's now looking like,
14 to the best of our understanding of how this is
15 going to work, the government payment will bundle
16 the payment around an acute episode.

17 A person falls, breaks a hip, the
18 hospital gets a bundle payment, and then the
19 hospital decides everything that person needs
20 from the broken hip until full rehab. So it then
21 becomes the relationship the hospital sets up
22 that determines where the person will go for that
23 short-term rehab, rather than the person sort of
24 making their own decisions. The only exception
25 is in Ohio you do have the return to home rule

1 that does say if a person were in a community
2 like Judson, that they have the right to choose
3 to go back to their community.

4 So we throw that out, because, again,
5 the traditional long-term nursing facility where
6 people eventually go looks like it's very quickly
7 losing steam, so to speak. People are choosing
8 other alternatives. Why do they think assisted
9 living licensed facilities are better
10 alternatives to the nursing? They're homier,
11 they're less regulated, you don't have to pay a
12 bed tax, and you avoid another move.

13 So, again, between the assisted living
14 alternative, support for people staying at home,
15 we feel that you're seeing many nursing
16 facilities kind of downsize and really try to set
17 up relationships with hospitals.

18 MAYOR LICASTRO: Thank you. That's a
19 very succinct summary of a very complicated
20 topic. Certainly, important to all of us in this
21 room as we all age and as we have parents that
22 have already gotten there, I thought this
23 information was very timely. Again, I know at
24 Future Search we talked about does Bratenahl need
25 to build a nursing home. And that precipitated

1 my dialogue with Cindy and her presence here
2 today. So thank you for that presentation.

3 Are there any questions for Ms. Dunn?

4 MR. MATEYO: I have one. Cindy, I'm
5 curious with the healthcare reform, I don't know
6 if it's been passed or not, but how long do you
7 think it's going to take to find out what's in
8 the bill? Does the hospital look for one thing?
9 We know what's written down. How long before we
10 find out if it's viable, whether it's for a
11 Judson or the other medical providers.

12 MS. DUNN: The best information we are
13 getting is over the next few months, a lot of
14 people forecast that there will be revisions.
15 There will be new legislation to revise what
16 people are now realizing may not work in the
17 original form of the bill.

18 So except for those two or three things
19 that we know are going to roll out in the
20 immediate future, the children up to 26, those
21 two or three things, my understanding is
22 everything else is a big question mark.

23 MR. MATEYO: Okay.

24 MS. DUNN: We just had from Washington,
25 D.C., our VP of advocacy out of our national

1 not-for-profit organization, and that was their
2 advice. Don't rush yet to anything because a lot
3 is going to be settling out.

4 MAYOR LICASTRO: Mr. Bolton.

5 MR. BOLTON: My image of nursing homes
6 is that there's a level of care required which is
7 less expensive to provide in a central location
8 than in multiple outside locations. Is that
9 correct?

10 MS. DUNN: To some extent, but, again,
11 you know, a nursing home used to be heavy-duty
12 custodial support and care. There's the
13 short-term rehab folks and then the people that
14 tend to use short-term -- I mean, heavy-duty
15 long-term custodial care, toileting, dressing,
16 bathing, medication administration, all that is
17 custodial. That can be done in an assisted
18 living residential care environment.

19 The only thing you need the nursing for
20 is the, you know, the more complex medical
21 management. If you look at the composition of a
22 nursing home, most people, except for that
23 short-term rehab group, really are there for
24 custodial support and help. And that can be done
25 in a less costly environment, but still give

1 people that 24/7 support. And, again, that's
2 home care versus the living.

3 MR. MATEYO: In light of your comments,
4 the hospital would be the one way that -- I don't
5 know how to put it nicely. Would you be lobbying
6 UH or the Cleveland Clinic saying, hey, we want
7 to be the source when you come out of the
8 operation, send them to us? Would you be
9 lobbying to do that or is that sort of a --

10 MS. DUNN: You know, we've always
11 laughed. It's like dancing with the 800-pound
12 gorilla. Again, we're not for profit. We
13 understand one of those two hospitals has been in
14 conversation with a large for-profit chain. We
15 think it's going to look like a managed care
16 contracting deal where they just kind of roll it
17 out and this is a cheap deal we got and this is
18 where you go for rehab, so we'll see. Believe
19 me, we are doing everything we can to get at the
20 table and have the conversation.

21 MAYOR LICASTRO: Anyone else?

22 MR. ROBINS: Now, in addition to the
23 growing use of LTC, long-term care insurance you
24 described, do you see an increase in usage of
25 such instruments as supplemental needs trust?

1 MS. DUNN: Well, this national
2 association that we are a part of, the
3 not-for-profit organizations, has even proposed
4 something like a setup trust for long-term care.
5 It would act like Social Security was supposed to
6 act before the government invaded the funds and
7 spent it on short-term needs.

8 So if people voluntarily contributed to
9 that and, you know, that was held in a locked
10 trust that when it was their turn to have support
11 in the place they choose to have it, you know,
12 with the limits of what that would be, so we will
13 be learning more about that. That was part of
14 healthcare reform. And I think we're waiting to
15 get more definition of what that's going to look
16 like.

17 MAYOR LICASTRO: Thank you very much for
18 coming tonight. We appreciate it.

19 MS. DUNN: Thanks for having me and good
20 luck to you all. You've got a good man as
21 treasurer.

22 MAYOR LICASTRO: Moving to legislative
23 report. General assembly in Columbus is about to
24 recess for the summer and probably not return
25 until after the November elections. Remember

1 last year they passed all of six pieces of
2 legislation. They'll probably do less than that
3 this year. However, a couple of things to be
4 aware of, the bill to allow city services to be
5 shared has been introduced in both the house and
6 the senate.

7 There was some publicity on that.
8 Representative Foley and Turner have companion
9 pieces that they hope will be, as Mike Foley
10 called it, low-hanging fruit to allow communities
11 under the law to share services besides police
12 and emergency. We'll keep you informed about
13 that.

14 The commission of local government
15 reform had 44 potential recommendations. They've
16 been pared down to 14. There might be further
17 paring of that. We're not sure how effective
18 this will be. They're really recommendations.
19 Greater collaboration, tax structure changes,
20 alternative service to delivery model, et cetera,
21 et cetera, we'll see how that shakes out before
22 we get excited about it.

23 Also, Mayor's Court continues to be a
24 topic of discussion. There have been three
25 hearings on a piece of legislation to allow the

1 Attorney General to dissolve the Mayor's Court
2 that's in violation. We are not in violation.
3 Actually, that might not go forward because
4 members of the house contend the Attorney General
5 already has that authority and doesn't need
6 further authorization from the general assembly.

7 And one final note, the casino
8 regulation bill is moving through if not already
9 moved through the general assembly. That's
10 important for the four casinos that were approved
11 by a state-wide initiative and constitutional
12 amendment in last November's election. That's a
13 quick synopsis of what little is happening in
14 Columbus. Any questions on that? Thank you.

15 Mr. Zalar and I in the last couple weeks
16 have met with Bill Carroll from the Cleveland
17 Municipal School District work study program.
18 What Mr. Carroll does is he places individuals in
19 the community, such as Bratenahl, to come up with
20 a few hours of summer work so they're able to be
21 compensated and such.

22 Mr. Zalar and I met with Mr. Carroll a
23 couple weeks ago. We then met with an individual
24 he's recommending that the Village hire. And we
25 would like to move forward with this. Now, keep

1 in mind, the compensation for this individual is
2 all paid by Cleveland Municipal School District.
3 The insurance is paid completely by Cleveland
4 Municipal School District. The training is done.
5 This individual has worked summer jobs like this
6 in the past. Mr. Carroll is insistent that the
7 individual is properly trained. There really is
8 no liability to the Village whatsoever. It's 125
9 hours of service. We're only talking about three
10 plus weeks. Given the fact we have hamstrung the
11 service department by not allowing them summer
12 help, we'd like to move forward with this.

13 Mr. Zalar, do you have any comments
14 about this?

15 MR. ZALAR: I think it's a great
16 opportunity to help us out, as well as help out a
17 young individual get a start in life on the right
18 path.

19 MAYOR LICASTRO: Mr. Carroll emphasized
20 if there's any problems with the individual, he
21 will deal with them and replace the individual
22 for us. I think you summarized it perfectly.
23 It's a wonderful program that can help Mr. Zalar
24 get some grass cut and help these individuals. I
25 think this young man was a student at John Hay.

1 So he's slated to begin on June 21 and work again
2 for a three-week period. I thought you'd find
3 this interesting and approve.

4 MS. MEADE: What would he be doing for
5 the Village?

6 MAYOR LICASTRO: I'm sorry, Mr.
7 Kesselem, you had your hand up?

8 MR. KESSELEM: The type of equipment
9 he's going to be using, is it going to be
10 limiting him to grass cutting, hand mowing?

11 MR. ZALAR: Basically, some of the
12 larger equipment, I may have the garage give him
13 an idea of what it's like, but as far as using it
14 in the city limits or realm, no.

15 MAYOR LICASTRO: He doesn't have a
16 driver's license, so he's not going to be driving
17 the trucks. He'll be pushing a lawn mower is
18 basically what it comes down to.

19 MS. MEADE: Side streets?

20 MAYOR LICASTRO: No. FYI, the recycling
21 bin for paper is at the Community Center.
22 There's a sign in the front yard letting people
23 know it's there. We are being very diligent here
24 in Village Hall to segregate paper that can be
25 recycled and put it in that bin. So please, for

1 those of you who would like to contribute your
2 effort to recycle, please use this bin. Mr.
3 Stephan.

4 MR. STEPHAN: And cardboard?

5 MAYOR LICASTRO: They don't want boxes
6 put in full because it takes up too much space.
7 They will take cardboard. Any questions on that?

8 This year is the anniversary of the ADA
9 Act. And people that were instrumental in its
10 passage were signed by President George H. Bush
11 in 1990, are encouraging communities to come up
12 with proclamations saying that there should be
13 full implementation by public entities and
14 communities at large. So I think it's something
15 we should consider doing at our next meeting. If
16 Council thinks it's worthwhile, we'll draft
17 something that Mr. Matty can review and put on
18 the agenda for July. Is there any objection to
19 this?

20 MR. STEPHAN: Are all Village facilities
21 ADA certified?

22 MAYOR LICASTRO: No. The Community
23 Center needs to be. As a matter of fact, I met
24 with the facilities committee from Future Search.
25 We talked about that very topic, that that is

1 something we need to address and address
2 relatively soon. Village Hall is ADA compliant.
3 The lift you see out front meets the state and
4 federal requirements. The service garage I don't
5 think really needs to be, but the Community
6 Center is not and that is a concern.

7 MR. KESSELEM: Is the lift operable?

8 MAYOR LICASTRO: Most of the time. It's
9 operable usually when we don't need it. We have
10 at times held Mayor's Court cases on the front
11 steps because the darn thing is not reliable. At
12 some point in time when we have the funds we need
13 to remove that and put in a ramp. We didn't do
14 it initially in the Village Hall restoration
15 because we deemed it to be unsightly, but that
16 lift is a pain because it just never seems to
17 work consistently, but by its presence, we're
18 compliant.

19 MR. BOLTON: Mr. Mayor, which entity is
20 requesting, is it a government entity that's
21 requesting something?

22 MAYOR LICASTRO: Mr. Bolton, I'll get
23 back to you on it. I have it on my desk and I
24 can't recall. I will let you know that.

25 MR. BOLTON: Because I have to say if

1 it's a government entity, it just doesn't sound
2 right to me a government entity goes to other
3 government entity and say write us approval for
4 our action as a government entity. It's sort of
5 like Stalin.

6 MAYOR LICASTRO: Did you actually say
7 Stalin in these chambers?

8 MR. ROBINS: Did you get a similar
9 request for your private business?

10 MAYOR LICASTRO: No, I haven't. I'll
11 forward you the email and you can help me
12 determine who it came from, because I just can't
13 recall.

14 Moving on to department reports. Mr.
15 Zalar, I think you've already given yours,
16 haven't you?

17 MR. ZALAR: Yes, sir.

18 MAYOR LICASTRO: Chief?

19 CHIEF DOLBOW: May 19 through June 16,
20 we had a total of nine felony cases; 25
21 misdemeanor arrests; 12 warrants; 29 driving
22 under suspension; 14 OVIs; eight motor vehicle
23 accidents; 50 vehicles were towed; 18 alarms, all
24 of which were false; we had nine 911 calls, three
25 of which were false; we had a total of one fire

1 call; and a total of 307 traffic tickets were
2 issued.

3 Breakdown of the felony cases, we had
4 two possession of heroin; one failure to obey;
5 two failure to comply; one counterfeit trademark
6 violation; one possession of cocaine; one
7 attempted escape; and one vandalism charge.

8 MAYOR LICASTRO: Let me pause there.
9 Someone attempted to escape from our jail cell by
10 breaking out a window that is like this big
11 (indicating), even though there's bars on the
12 outside and chipping away the mortar. They were
13 unsuccessful in their attempt. Please proceed,
14 Chief.

15 CHIEF DOLBOW: They were charged
16 accordingly so we can recoup the damages. June
17 10, 2010 the Bratenahl Police Department aided by
18 the Maple Heights Police Department military,
19 task force officers, FBI and ICE search warrants
20 on two locations, one in Cleveland and one in
21 Maple Heights, stemming from evidence purchased
22 by undercover Bratenahl officers.

23 Three males were arrested, two firearms
24 were recovered and a large quantity of
25 confiscated counterfeit shoes and clothing

1 apparel were seized and entered into our
2 evidence. The investigation is ongoing with
3 anticipation of felony charges by way of Grand
4 Jury indictments to follow.

5 That, Mr. Stephan, is what you've been
6 inquiring these past few Council meetings. We
7 have been working with the FBI on these cases.
8 Channel 19 threw a monkey wrench by listening on
9 the scanners and caught us off guard and
10 something you had commented that you saw it on
11 TV, so that's a brief basically what that
12 entails.

13 Memorial Day parade was a huge success
14 and Bratenahl Police Department looks forward to
15 the same caliber of service for the upcoming
16 Independence Day celebration. I'd also like to
17 remind you that we're having a chili cook off
18 June 26 at 1:00 p.m. here in Village park. All
19 of you are welcome to attend. And we're also
20 having a golf outing on July 31 at Fowler's Mill.
21 That's all I have.

22 MAYOR LICASTRO: Questions for the
23 Chief?

24 MR. ROBINS: Not a question, but a
25 compliment. I happened to see the Chief on

1 television and he acquitted himself very well and
2 was an excellent representative of Bratenahl. So
3 I didn't realize you were surprised, but you did
4 a great job.

5 CHIEF DOLBOW: They caught me off guard.
6 I was very surprised and very uncomfortable, but
7 we have been working with the federal government
8 on these and hopefully hurt some terrorist
9 activity.

10 MAYOR LICASTRO: Most of it was
11 clothing, is that correct?

12 CHIEF DOLBOW: Yeah. Basically what
13 they're doing is they're counterfeiting Nike and
14 Timberland and Polo shirts and pants, different
15 things like that. It's counterfeit goods that
16 they sell for a high price and that money we
17 believe is going overseas to fund terrorism and
18 that's up to the FBI to follow that. We're just
19 making charges here locally.

20 MAYOR LICASTRO: Thank you, Chief. Good
21 work.

22 CHIEF DOLBOW: Thank you.

23 MAYOR LICASTRO: Mr. Jamieson, please.

24 MR. JAMIESON: Thank you, Mayor. For
25 the month of May, we did 15 building inspections,

1 registered nine new contractors, issued nine new
2 building permits, as well as seven new
3 certificates of compliance. And our exterior
4 maintenance program continues on with our
5 follow-ups. That would be my report for this
6 evening.

7 MAYOR LICASTRO: Mr. Matty, do you want
8 to comment on the meeting you had with them
9 regarding the exterior maintenance?

10 MR. JAMIESON: Mayor, we did have an L
11 and F meeting. And I know they're going to ask
12 about that in the L and F report. I thought
13 maybe Mr. Matty would.

14 MAYOR LICASTRO: What's an L and F
15 report?

16 MR. JAMIESON: I mean legislative.

17 MR. MATEYO: Go ahead, do it now. I
18 don't care.

19 MR. JAMIESON: I know that Mr. Matty and
20 I met and there was a need for some clarification
21 everyone requested and Mr. Matty has done that.

22 MR. MATTY: Mayor, what we've done is I
23 met with the commissioner builders Tom and Mary
24 from the building department. And we had sent to
25 the Legislative Committee and the law department

1 at the last Legislative Committee to amend
2 1409.04 of the code.

3 We're asking for a provision which will
4 clarify Mr. Jamieson's ability to issue a
5 citation if we need to. We'll also clarify the
6 process for trying to seek compliance first.
7 Cooperation first, but if not, the necessary
8 citation to Mayor's Court and/or follow-up by
9 other court action if the Village solicitor is so
10 authorized.

11 We also have worked with Mr. Jamieson to
12 revise a final notice, which would be sent to the
13 offending homeowners who have not complied. So
14 that if, in fact, they wish to have an appeal to
15 the Board of Building Code Appeals, they will do
16 so. If not, they will be given a certain time to
17 remedy their particular situation and hopefully
18 that will be done.

19 I think we have 15, if my memory is
20 correct, 15 that are not cooperating. So we may
21 have some homeowners that will have to go through
22 a process more than what they've gone through so
23 far. The rest are cooperating or have cooperated
24 or are on current extensions to remedy whatever
25 needs to be remedied on their particular home.

1 So I thought it was a very productive
2 meeting. And Mr. Jamieson filled me in on some
3 of the history, which I believe started with the
4 inspection of some 500 plus homes, began with 260
5 some homes that needed remedial work and we're
6 down to at least 15 that aren't cooperating in
7 some fashion whatsoever.

8 So at some point in time Village Council
9 is going to have to give me further direction if
10 our other avenue of Mayor's Court remedy does not
11 work, because we can go to Common Pleas Court to
12 abate a nuisance if we think that one does exist
13 in the Village. And that's where currently we
14 are at.

15 So with that Legislative Committee, if
16 Mr. Mateyo can discuss that at his next meeting,
17 that will be very helpful if we can get a
18 recommendation to proceed with that at our next
19 Council meeting so that we could send appropriate
20 notices. I don't want Mr. Jamieson sending the
21 appropriate notice necessary until we have that
22 clarification in the code.

23 MAYOR LICASTRO: I'm passing out a
24 summation of Mr. Matty's comments in this
25 document here. The fact we've had over 90

1 percent cooperation and/or compliance really
2 speaks well for the villagers. And I compliment
3 them on their efforts to comply. Again, we're
4 looking for compliance. We're not looking to be
5 punitive, but it's not fair to have people comply
6 and people that don't comply go without some
7 action by the Village.

8 So, Mr. Mateyo, if you'd be so kind to
9 pursue that, sir, we'd be very appreciative.
10 Thank you.

11 Mr. Kesselem.

12 MR. KESSELEM: I was just wondering
13 through the years now, Joe's been taking care of
14 some of these properties that aren't in
15 compliance. Have you ever been able to recover
16 some of the costs from it?

17 MR. ZALAR: I believe there's two that
18 we have. There's actually one down by Paul next
19 door, that's the attorney which is being billed
20 and we will return the funds, I believe, is that
21 correct?

22 MR. GALLAGHER: Yes.

23 MR. ZALAR: I would say at least 75
24 percent of the properties that we have done we
25 have gotten the money back or returned on it.

1 MAYOR LICASTRO: Is there another
2 question?

3 MR. ROBINS: There was an additional
4 issue that Mr. Bolton raised that was going to be
5 reviewed by Mr. Jamieson and Mr. Matty. And that
6 was permission to come on the property in the
7 first place. And it's clearly articulated in the
8 existing ordinance. I don't know if that's
9 addressed in here or not.

10 MR. MATTY: It's not addressed. Do we
11 have a current permission issue, Tom?

12 MR. JAMIESON: Not that I'm aware of. I
13 think there was -- I was at a meeting with Mr.
14 Bolton that was Community Affairs that one
15 resident didn't like the idea that someone came
16 on their property without being notified. And we
17 spent a lot of time notifying the entire
18 community about the program through all sorts of
19 our own media channels. People were very much
20 aware of where we were going. And you just can't
21 function, you can't operate a systematic exterior
22 maintenance program and set appointments for the
23 short window of time they have to comply.

24 MR. BOLTON: Mr. Matty, I believe it's
25 in the code, if you could double-check it, and

1 maybe make sure that I read it right and that it
2 applies to this circumstance.

3 MR. MATTY: Okay. That I will do.

4 MAYOR LICASTRO: Ms. Beckenbach?

5 MS. BECKENBACH: As I recall, the
6 circumstances were referring to the homeowner was
7 notified certainly with one letter, plus the
8 flyers that went out and a personal letter to
9 that particular owner of that house, so I just
10 don't want the record to reflect that we did not
11 notify the person, because we did.

12 MR. ROBINS: But if you go back and read
13 the ordinance, which I've done at Mr. Bolton's
14 request, you'll see it very clearly requires
15 gaining permission. That was not done. So I'm
16 not sure what the right thing is. I'm just
17 suggesting that if we have something on the books
18 now that we aren't following and if it's
19 cumbersome and it needs to be changed, Council
20 may want to review that and change it, but it
21 looks like that particular case and in some
22 others we violated the existing ordinance, but
23 that's not for me to determine that for Mr.
24 Matty.

25 MR. MATTY: I'll review the particular

1 facts. Mr. Jamieson has them with him. Normal
2 process would be permission. And if permission
3 is outright refused, the normal process would be
4 search warrant through an administrative judge,
5 but I will review that with Mr. Jamieson on
6 specific facts, because to be honest with you, we
7 went over how we were trying to get Mr. Mateyo's
8 information to him timely because of some concern
9 at the last Council meeting that we try to get
10 this compliance done before the end of the year.
11 So that's why I gave that priority.

12 MAYOR LICASTRO: Mr. Jamieson, do you
13 have a comment?

14 MR. JAMIESON: Just as far as the
15 permission, the reason to have anyone else, no
16 one called us and said you didn't have permission
17 to come on our property. It's probably a good
18 thing to change the verbiage if someone could
19 construe it that way, but some of this is policy.
20 And we haven't had many complaints about it.

21 MAYOR LICASTRO: Thank you. Mr. Bauman.

22 MR. BAUMAN: You had a whole room full
23 at that meeting? Out of the 12 citizens that
24 were there, all 12 of them supported the program
25 and wished it to remain as is actually.

1 MAYOR LICASTRO: Well, the Village looks
2 better for the program. There's no doubt about
3 it. It's been very successful. Thank you. Did
4 I miss anybody else?

5 MR. BOLTON: I wanted to ask, as I
6 understood it, Mr. Matty had drafted, had written
7 a memo and drafted a proposed change to the
8 housing code, which I read and I thought it was
9 fine. I wondered if we should put it on three
10 readings this month, have the committee review it
11 and see if there were any issues and then pass it
12 more promptly, whether it's by emergency next
13 month or following three readings, rather than
14 just passing it by emergency in a month.

15 MR. MATTY: That brings an issue to mind
16 that I wanted to speak to Council tonight. And
17 I'll use the communications ordinance as an
18 example. And maybe I'm old school, but my
19 understanding in working for the Council would be
20 the following.

21 The reason why I would like Mr. Mateyo's
22 committee to review it first, I always thought
23 that Council work through their committees first.
24 So I, myself, as a Village solicitor, would not
25 be in favor of producing an ordinance unless the

1 particular Council committee made a
2 recommendation to do so.

3 So what I would ask of Council members
4 is if you could use your committee structure as a
5 funneling device to get all the committee
6 members' ideas publicly disseminated and
7 discussed at the committee and/or if other
8 Council members or other members of the community
9 wish to participate in that discussion, get that
10 done at the committee level and then have the
11 committee make by motion a recommendation.

12 As an example in this case, if Mr.
13 Mateyo's committee thinks it's appropriate, make
14 a recommendation that the law director prepare
15 legislation to accept the committee's
16 recommendation for the following language. And
17 then in this case, it would be to add section E
18 to 1409.04. Then what we have is we have the
19 funneling of all the input from the community and
20 the Council members done ahead of when the
21 committee is going to refer it to Council and to
22 me and to the Mayor as a whole.

23 What has happened with the
24 communications ordinance, and we had some
25 discussion with Mr. Mateyo, that we produced an

1 initial document, his committee met, we had some
2 conversation with Mr. Mateyo, and then in the
3 last couple of days we start to receive
4 information from other Council members.

5 I am not going to draft legislation from
6 information from other Council members. I'm
7 waiting for the committee that is in charge of
8 that particular matter, the Legislative
9 Committee, to make a recommendation to me. Now,
10 if, in fact, that recommendation is legal, then I
11 will draft legislation. If I have a problem with
12 the recommendation, I will go back to that
13 Committee Chair and say, look, here's the section
14 of the code that I'm concerned about with what
15 you're trying to do here and I don't think it's
16 legally permissible.

17 But we need to work through our
18 committees, because to be honest with you, I'm
19 only trying to be fair not only to the Committee
20 Chair, but to myself and my office staff, because
21 we can't be drafting legislation that one Council
22 member wants, but the committee hasn't
23 recommended to us.

24 Now, if Council wants to act
25 differently, I need to know, but I'd like to use

1 your particular committees, whether it be finance
2 or safety or legislative, as the funneling device
3 to give me instruction for drafting legislation.
4 The Mayor has the right to do that himself. And
5 he has done that by asking me to look into this
6 or look into that, but I think if we can solve
7 that issue going forward, it would help with a
8 little bit of chaos that I've had the last couple
9 of days, because I'm getting different responses
10 from different Councilmen on the same issue. And
11 I don't want to step on anybody's toes, but I
12 want to have a channel of direction if that makes
13 sense.

14 MR. BOLTON: Sure. I guess I opened the
15 wrong door. I agree with you particularly with
16 controversial issues. I read this. My personal
17 opinion was it wasn't controversial. There may
18 be changes. I don't know what other Councilmen
19 think and women.

20 MAYOR LICASTRO: What are you talking
21 about?

22 MR. BOLTON: I'm talking about the
23 exterior maintenance. And one of the things
24 which has always been a little bit of a burr
25 under my saddle is that we pass so many

1 ordinances on emergency. And I thought this was
2 an opportunity to put it out there for comment
3 beyond the committee structure and kind of move
4 it up so that it wouldn't finally become law on
5 December 1, that kind of thing, but I'm happy to
6 do it. I was just trying to move something I
7 perceived to be not controversial forward.

8 MAYOR LICASTRO: Sometimes our desire to
9 be expedient does create some chaos. I'm glad
10 you addressed that, sir. What he's recommending
11 makes perfect sense. Finance, please.

12 MR. McDONALD: Finance Committee met
13 Monday evening. Councilman Bolton and Mateyo
14 were in attendance, along with several community
15 residents. And we met to discuss the
16 recommendations of the Audit Committee. Lee
17 Blazey and Brenda Brownrigg presented their
18 recommendations. And it was very good work done
19 by them. And they stated that we did, in fact,
20 have a fiscal shortfall starting with next year.

21 The fact that we would use up our
22 carry-over this year would indicate that we had
23 something on the order of a \$300,000 revenue
24 shortfall to our appropriations. They then
25 recommended or they indicated to us that we had a

1 need of roughly \$200,000 a year. That need was
2 understated somewhat, because they were using the
3 previous audit committee's spreadsheet to
4 determine what the starting point was.

5 Dr. Robins had done some calculations
6 and he thought that the shortfall was a bit more
7 than double that per year. Subsequently, I've
8 reworked the spreadsheet and it does look like
9 it's coming in close to double that need, so I've
10 distributed that spreadsheet late this afternoon
11 to the Finance Committee and to most of the
12 people who were at the meeting.

13 So if everybody can hang around after
14 this meeting and try to set some dates so we can
15 get back together, because obviously we have to
16 move this forward. So and they did suggest some
17 remedial action that we could take to cover that
18 shortfall. I don't think we want to throw out
19 numbers right now until we had a chance to go
20 through the reworked spreadsheet and then we'll
21 bring it back to Council.

22 In addition, there were some discussion
23 around understanding whether we were collecting
24 taxes from everybody that was working in the
25 Village. Sheila Birch attended the meeting and

1 she indicated that one of the questions had to do
2 with the dig that happened up near Eddy Road last
3 fall I guess it was. And she, in fact, had
4 looked at the books of the contractor's there and
5 they had, in fact, been tendering taxes to
6 Bratenahl.

7 The question was asked about the school
8 training center down the street. And she
9 supplied us an ordinance that says or shows that
10 an individual has to work in the Village 12 days
11 in a year to be subject to the taxes on the
12 Village. And we don't think those people up
13 there are here that many days in a year.

14 She did indicate that the IRS is now
15 providing to CCA when someone files a federal tax
16 return and then they have not filed a Bratenahl
17 return. And so we are following up on that with
18 CCA. And she indicated she has collected \$23,000
19 so far this year from people who filed federal
20 tax returns, but did not file a Bratenahl tax
21 return.

22 So I get a very good feeling that Ms.
23 Birch is working diligently on behalf of the
24 Village and is doing a good job at that. There
25 was a recommendation, so I'll make a motion.

1 MAYOR LICASTRO: Just a point of order
2 Sheila Birch is our income tax administrator.

3 MR. McDONALD: Any questions on any of
4 that? I would like to make a motion that
5 according to previous conversations that we, in
6 fact, hire the auditor to perform a procedure
7 audit. We have set aside \$5,000 for that audit.
8 And I would like to make a motion that we go
9 ahead and engage them.

10 MR. ROBINS: Do you mean performance
11 audit?

12 MR. McDONALD: Performance.

13 MR. MATEYO: Second.

14 MAYOR LICASTRO: Discussion of the
15 motion? All in favor of the motion?

16 Ayes: 6.

17 MAYOR LICASTRO: Anyone opposed? Thank
18 you. Does that end your report?

19 MR. McDONALD: That ends my report.

20 MAYOR LICASTRO: Mr. Stephan.

21 MR. STEPHAN: Tom, do you intend to
22 include the Audit Committee's recommendation to
23 the Finance Committee as part of your minutes for
24 the transcript?

25 MR. McDONALD: The numbers were so far

1 off base because they were using three or four
2 year old numbers. I can put it in there, but it
3 would be confusing because the numbers are going
4 to change rather dramatically.

5 MAYOR LICASTRO: Thank you. Public
6 improvement.

7 MR. BOLTON: Public improvements did not
8 meet. We are going to have a meeting in the
9 coming month I hope. And I would like to suggest
10 that because the Community Affairs meeting on
11 June 28 was cancelled, that that might be
12 appropriate. And I wondered whether Ms. Peterson
13 could check with the Bratenahl branch of the Land
14 Conservancy if they're prepared to meet. And I
15 wondered if Mr. Kesselem could ask whether the
16 Roedigers would be available.

17 MAYOR LICASTRO: Mr. Bolton, I've also
18 asked Mr. Zalar and Mr. Bierut to look at our
19 limited sewer and street project for this year.
20 We have put aside about \$30,000 for that. We've
21 actually identified probably another 15 we can
22 use for that purpose. So I've asked them for
23 recommendations on what sections of sewer are a
24 priority and what section of roadway. Even
25 though we have limited funds, we have

1 appropriated for it and to do this on a regular
2 basis makes sense. So hopefully they'll have a
3 recommendation for us soon for your committee to
4 review. Legislative, Mr. Mateyo.

5 MR. MATEYO: Prior to my Legislative
6 report, I'd like to publicly thank Dave Matty and
7 Diane Garrett for all of their help in the last
8 two weeks for the communications committee.

9 Legislative Committee report: A
10 regularly scheduled Legislative Committee was
11 called to order at 5:30 p.m. on Monday, June 7,
12 2010 by the Chairman. The agenda was to include
13 discussions on our home inspection program. The
14 Cleveland Water Department's master service
15 agreements to accept the Village of Bratenahl's
16 water facilities, and the Village ordinance to
17 create a communications committee of Village
18 Council.

19 Mr. Tom Jamieson, Village building
20 inspector, was in attendance to discuss the
21 Village of Bratenahl's home inspection program.
22 Mr. Jamieson, who is much nicer tonight than he
23 was then, comments were: It is virtually
24 impossible to make appointments for home
25 inspections, or to notify prior to such

1 inspections of people's home; the Village's home
2 inspection program is very user friendly; number
3 three, Mr. Jamieson will meet with Village
4 solicitor on or about June 14 to discuss the
5 right of appeal process, although no one, to
6 date, has sought appeal; number four, Tom stated
7 that currently there are 17 people on the "fix-up
8 list", a notice of violation has been sent.
9 Number five, Bratenahl needs a clarification in
10 the ordinance pertaining to appeals and
11 penalties.

12 The discussion turned to the Cleveland
13 Water Department's program to accept Bratenahl's
14 water facilities into the CWD. Legislative
15 Committee heard members of CWD at the May
16 meeting. Mr. Mateyo contacted Don Bierut,
17 Village engineer, and solicitor's office
18 regarding agreements. Mr. Bierut wrote a letter
19 to Mayor Licastro, and the solicitor will review
20 the three agreements from the water department.

21 Tom McDonald's moved acceptance of the
22 CWD's presentation, based on approval from
23 solicitor's office, seconded by Mr. Mateyo,
24 approved unanimously to proceed.

25 The last item for discussion was a

1 creation of communications committee. A motion
2 was made to approve with amendments. It was
3 seconded, and approved for presentation at the
4 next regularly scheduled Council meeting to be
5 held in June. The meeting was adjourn at 6:35
6 p.m..

7 I believe the discussion that Mr. Matty
8 brought us up-to-date on concerns a draft that he
9 had prepared and Ms. Garrett prepared organizing
10 and initiating the communications committee.
11 There then were at least six different
12 modifications and amendments. And I must admit
13 my computer skills are not of the finest order
14 and my computer didn't like that either. So I
15 was left with nowhere to go and I dumped
16 everything to Dave's office.

17 So it seems to me we have a draft that
18 was circulated prior. We have amendments that
19 have been made. I believe Mr. Stephan sent
20 around one again today. This is the revised one.

21 MR. KESSELEM: This is the complete.

22 MR. MATEYO: This is complete, 3483. I
23 believe that's the one that the Legislative
24 Committee unanimously approved for submission to
25 Village Council.

1 MAYOR LICASTRO: Two questions. The
2 water service agreement, is it then your
3 committee's recommendation then to Council that
4 we move forward?

5 MR. MATEYO: Correct.

6 MAYOR LICASTRO: And if Council indeed
7 is in favor of that, we need a motion to have Mr.
8 Matty prepare legislation that would allow us to
9 become --

10 MR. MATEYO: I so move.

11 MR. McDONALD: Second.

12 MAYOR LICASTRO: I want to make sure
13 we're done. Discussion of that? All right.
14 Doctor.

15 DR. SECURA: In regards to water in our
16 sustainability program and issues of
17 sustainability, I still don't understand why
18 Cleveland wants to take on the responsibility
19 they do. They keep us from having our own water
20 supply. Right now we're right next to a big
21 lake. We could actually drop wells and have well
22 use and we don't have to have Cleveland. I think
23 that before we buy into this program based on
24 what people are talking about, sustainability, we
25 ought to look into the possibility of either

1 dropping a well to have water for the Village or
2 taking our water off the lake and providing it
3 ourselves to be a small operation that I think is
4 doable. It would take money, of course, but I'm
5 merely suspicious of this, oh, let us take care
6 of your waterlines.

7 MAYOR LICASTRO: Dr. Secura, are you
8 suggesting a filtration plant?

9 DR. SECURA: Yes.

10 MAYOR LICASTRO: Well, understand
11 Cleveland's desire to do this does have a caveat.
12 And that is a no-poaching agreement if a company
13 moves from community A to community B that for
14 the first five years they share income tax.

15 One reason why it's not apparent as to
16 why that affects us is because it doesn't really
17 affect us. We don't really anticipate any
18 communities moving into the Village or from the
19 Village in the foreseeable future. That's the
20 advantage that Cleveland hopes to gain by having
21 communities agree to this water service
22 agreement. Again, it doesn't really affect
23 Bratenahl at all. And to have them take over an
24 aging infrastructure and maintain it, I don't
25 think is a real bad idea. Now, if one wants to

1 drop a well or two or 10 or 50, I don't think
2 it's precludes us from doing that. It just says
3 the existing system will be maintained as the
4 agreement says by Cleveland.

5 DR. SECURA: I'm just concerned that it
6 would be a restriction of using their -- if we
7 wanted to supplement.

8 MAYOR LICASTRO: I don't think there's
9 anything that prohibits us from building a
10 filtration plant or dropping wells. It just says
11 the existing system will be maintained by
12 Cleveland. Mr. Kesselem.

13 MR. KESSELEM: I think we're in a lucky
14 situation in Bratenahl that we have so little
15 commercial property that maybe a poachable item
16 that we're just falling into this residential
17 section that the whole contract is set up for
18 commercial poaching to stay away from the
19 commercial poaching aspect of Cleveland. And
20 they're trying to keep all of those people that
21 are working in Cleveland staying there, but
22 Bratenahl itself is all residential. We can't
23 see really any downside to this contract.

24 MAYOR LICASTRO: Mr. Kesselem, from that
25 has also come a concept of grace by the Mayors

1 Association not just involving Cleveland and
2 suburbs, but suburb to suburb that indeed an
3 understanding exists that if it moves from
4 Independence to Brooklyn that they agree to share
5 the income tax revenue so we're not fighting each
6 other. We're working in concert. It really is
7 another aspect of regionalism. I agree with your
8 statement, sir, I don't really see a need to say
9 no. Ms. Meade.

10 MS. MEADE: There's also an opt-out
11 clause. So if at some point once they enter into
12 the agreement with proper notice, we can get out
13 of the agreement. So that's in there as well.
14 And then the lines that they're talking about,
15 the Village owns the water mains that are 20
16 inches in diameter or smaller and the city owns
17 the water mains that are 20 inch in diameter or
18 larger.

19 So one of the reasons they propose it is
20 let's say some of the communities might have
21 budget constraints. And as one of their budget
22 constraints they determine they might have leaks
23 or they have to fix it, but they don't have the
24 budget so they don't attend to it and it gets
25 worse over time.

1 With this program, they dedicate at
2 least 10 million dollars a year to communities.
3 And there's a selection process where they
4 identify problem areas, prioritize them, and then
5 they remedy them. And only if you sign this
6 agreement can we participate in that type of
7 program, so it takes the burden from the
8 community and they take it.

9 Now, by residents paying their water
10 bills, that's what's funding that 10 million
11 dollars and it could increase up to 15 million a
12 year, but that's also a benefit to communities
13 with budget constraints from my perspective.

14 MR. ROBINS: And the sooner you sign,
15 the further up the priority list you can move.

16 MR. MATTY: The only caution I would
17 give Council is there's no guarantee that
18 Cleveland will spend 10 million. The language in
19 the agreement says Cleveland shall use its best
20 efforts so there's no guarantee on the 10
21 million, but that's in the one particular
22 agreement. This would entail three agreements
23 that you would have to authorize the Mayor to
24 sign. One would be an amendment to the water
25 service agreement. The second would be an asset

1 transfer agreement. And Mr. Bierut and I would
2 have to get together, because if we do have
3 assets that also entail real property ownership
4 or easements, those would have to be transferred
5 to the City of Cleveland.

6 And then there is a zone agreement that
7 the Mayor is speaking of, development zone
8 agreement, that would be in the sharing of taxes,
9 et cetera, which is all pretty much formatted.
10 So this is not something that we're going to be
11 able to change these provisions, but this is the
12 template that they are using for all the
13 communities who do want to participate with them.

14 And so we would need the motion to
15 reflect we will have three agreements that you
16 would wish legislation be drafted for the Mayor
17 to be authorized to sign.

18 MAYOR LICASTRO: Would someone amend the
19 motion as stated?

20 MR. MATEYO: I hereby amend the motion
21 to state it. I think I'm the one that got the
22 agreements, I sent them on to you and forwarded
23 them on to everybody I could. I don't know how
24 to interpret all that.

25 MAYOR LICASTRO: Is there a second to

1 the amendment?

2 MS. BECKENBACH: I second.

3 MAYOR LICASTRO: Mr. Stephan.

4 MR. STEPHAN: There's another caveat.

5 And that is that we are dependent upon the City
6 of Cleveland for the timing of repairs. There
7 was an article from, I believe, Mayfield Heights
8 where water was leaking in the street for 30 days
9 or more. And residents, the Village have no
10 recourse. It's a water department problem. They
11 fix it when they fix it.

12 MAYOR LICASTRO: Mr. Stephan, right now
13 we operate under that same mandate. On rare
14 occasions we'll pay for it ourselves hoping to
15 get reimbursement from Cleveland. Pretty much
16 right now if we have a water problem, Mr. Zalar
17 contacts Cleveland Water and they come out and
18 fix it. We're really operating in that manner
19 for all practical purposes now.

20 MR. STEPHAN: I'm not arguing that fact.
21 I just want everybody to know that that caveat
22 exists.

23 MAYOR LICASTRO: Mr. Bolton.

24 MR. BOLTON: Couple of questions for Mr.
25 Matty. Did Ms. Meade correctly state the opt-out

1 clause, isn't it after 20 years?

2 MR. MATTY: There's a 15-year provision.

3 MS. MEADE: They need a five-year
4 notice.

5 MR. MATTY: You're in the agreement for
6 the long haul.

7 MR. BOLTON: But not forever.

8 MR. MATTY: Not forever.

9 MR. BOLTON: The real property transfer,
10 before we actually vote on it, will Council be
11 told what property is involved and what easements
12 are involved?

13 MR. MATTY: We would need, and I don't
14 know if Mr. Bierut has that information as far as
15 whatever easements exist or whatever land
16 ownership we would have for whatever water
17 facilities are being transferred, they will not
18 just accept the facilities. They want the land
19 that the facilities are on or the easement that
20 the facilities are on.

21 So that reason being they have control
22 of the facilities and for the repair and the
23 maintenance of the facilities. And I don't know
24 what those are. Mr. Bierut, I don't know if you
25 know.

1 MR. BIERUT: In a simple case, if we had
2 a water tower here, the more complicated case,
3 some of the prior developments they have water
4 facilities that are in easements. They're
5 granted to the Village and the Cleveland Water
6 Department. So I don't know if they're looking
7 for ownership of those easements or how that
8 exactly works. We have to find that out.

9 MR. BOLTON: Well, I was asking because
10 I believe, and I don't know whether it includes
11 the water department, but I believe there are
12 revenues received by the Village for utility
13 easements and I wondered what the effect might be
14 on the income, the revenues to the Village. So
15 maybe that's just another thing to look at when
16 you're looking at what assets are involved.

17 MR. BIERUT: I'm not aware of any
18 revenue we receive from the utility easements.

19 MR. BOLTON: I think the utility
20 easements pay something like \$8,000 a year
21 between electric, telephone, water, any other.

22 MAYOR LICASTRO: Are you aware of that,
23 Jim.

24 MR. BOLTON: That came out a couple of
25 years ago at a meeting we had. Jim, you and I, I

1 think some other people were there.

2 MAYOR LICASTRO: We'll look into it
3 certainly. A motion has been made, amended and
4 seconded. Any further discussion? All in favor
5 of the motion?

6 Ayes: 6.

7 MAYOR LICASTRO: Anyone opposed? Thank
8 you. Public safety.

9 MS. BECKENBACH: Public safety met on
10 May 24 at 5:30 at the Village Hall. We're also
11 going to meet this coming Monday at 5:30 in
12 Village Hall.

13 Present were Beckenbach, committee
14 members Bill Bolton, Paul Stephan and Council
15 member Andy Kesselem. There were two agenda
16 items, the EMS contract. At the request of Mr.
17 Bolton, the committee investigated other sources
18 of EMS service, specifically private EMS and
19 hospital EMS service. Two preliminary bids will
20 be solicited from reputable services so that the
21 committee can compare rates and service to the
22 Cleveland proposal. The primary criteria for
23 comparison are response time, number and
24 qualifications of staff on the truck for every
25 response, and the cost to the Village.

1 Ms. Beckenbach contracted American
2 Medical Response. They are currently a large
3 presence in the Akron community and in Southern
4 Ohio. AMR serves more communities and customers
5 than any other private ambulance service provider
6 in the nation, but are just entering Cuyahoga
7 County as a first responder. AMR currently
8 serves as a backup provider for Cleveland. They
9 currently do not have the backup time to
10 guarantee to meet the 911 calls in Cuyahoga
11 County as a first responder and thus are unable
12 to meet our current needs of a three to seven
13 minute response time. AMR does meet the staff
14 requirements. An all inclusive contract with AMR
15 would be in the neighborhood of \$125,000 per
16 year.

17 Mr. Bolton recommended that we meet with
18 Med Corp to determine if they are able to meet
19 our requirements and determine the contract cost
20 to the Village. That will take place next
21 Monday.

22 Traffic mirrors on Burton Road: Mr.
23 Stephan is continuing his polling of residents of
24 Burton Road to determine the viability of
25 installing a traffic mirror at the intersection

1 of Burton Road and Lake Shore Boulevard. Mrs.
2 Beckenbach contacted the police department and
3 there are no records of any auto accidents at
4 that intersection.

5 Safety on the freeway, I-90, was another
6 topic. Keeping in mind that this committee
7 recognizes that the Ohio Revised Code and the
8 Bratenahl code establishes that the position of
9 police chief is under the direction and
10 administration of the Mayor, and that the code
11 establishes procedures and policies for the
12 police department, we discussed possible safety
13 measures that might help protect our officers
14 while they police the highway.

15 Questions were asked. And most
16 important questions I have is -- there's I think
17 three of them here. Yes, do collapsible bumpers
18 and push bars act as additional safety equipment
19 for the police cars.

20 The question two would be would the
21 insurance institute for Highway Safety and
22 National Highway Transportation Safety Board be
23 able to provide their safety guidelines and
24 statistics? Mr. Bolton will make that inquiry.

25 Does ODOT provide highway mapping of

1 I-90? Would the District 12 Deputy Director,
2 Bonnie Teeuwen, be able to provide additional
3 information regarding highway safety? Mr.
4 Stephan will make this inquiry. There being no
5 further business, Mr. Stephan moved to adjourn at
6 6:25 p.m.

7 MAYOR LICASTRO: Mr. Stephan, I had
8 occasion, as I mentioned earlier, to speak to
9 Bonnie Teeuwen, the Deputy Director of District
10 12. And I told her this is something that
11 Council was looking into. Right now this stretch
12 of highway is not one of their top 200 hot list
13 areas of the worst accident areas in the county.
14 Hard to believe, but it's not.

15 So, therefore, they don't really have
16 any mapping or record of accidents here. They
17 only do that for the top 200. However, she was
18 looking to see if there's any kind of a record
19 they have of the number of accidents. Certainly
20 I asked the Chief how many we have and we
21 sometimes have three or four a day if it's bad
22 weather, but you might find that your question to
23 Ms. Teeuwen is redundant, as I kind of already
24 asked it and she already responded. And I will
25 see if there's more clarification that she has

1 for us.

2 MR. STEPHAN: I have a copy of the ODOT
3 report and I'll present it Monday night at the
4 committee meeting.

5 MS. BECKENBACH: Good. Thank you.

6 MAYOR LICASTRO: Any other questions?

7 MR. GALLAGHER: One comment if I could.
8 Ms. Beckenbach, there is a package for you over
9 there in your slot. And as a reminder to all of
10 to you, please check your slots when you're in
11 the building. Thank you.

12 MAYOR LICASTRO: Community Affairs.

13 MS. BECKENBACH: Community affairs did
14 not meet.

15 MAYOR LICASTRO: Recreation Commission.

16 MR. BAUMAN: Recreation commission. Let
17 me see, the community center usage, security and
18 maintenance update in terms of maintenance. I
19 talk to Joe and the service department as time
20 permits and weather permits, will be doing a
21 little exterior painting on the building for us.

22 Activities launched or planned. Again,
23 we gathered the email list. Anybody interested
24 in an email update from the center on upcoming
25 events, just email the center,

1 Bratenahlcenter@sbcglobal.net. Again, we're
2 reviewing and updating our policies and
3 procedures manual. That continues.

4 Director Gallagher is trying to put a
5 children's reading hour together for preschool.
6 So you can call the center for details on that.

7 Tri-county table tennis club is now
8 meeting every Monday and Wednesday starting at
9 5:30 at the center. Beginners through advanced
10 players are welcome, \$4 per session. And
11 approximately three hours per session. Mr.
12 Bolton, I know you stopped in a couple weeks ago.
13 How was it?

14 MR. BOLTON: I have to say that they are
15 so excited to be in Bratenahl. They're very
16 friendly and welcoming. And my son is nationally
17 ranked and went in and he was the best at
18 college. He said he hadn't lost a match in a
19 year and a half. And he came back very humbled.

20 MR. BAUMAN: All right. Upcoming
21 events. The 4th of July celebration and
22 fireworks, Saturday July 3 at 7:00 p.m.,
23 fireworks will go off at dusk. The rain date is
24 Monday, July 5.

25 A Village wide rummage sale we're going

1 to have at the Community Center, Saturday and
2 Sunday, July 24th and 25th. Call the Community
3 Center for details or to reserve a table for \$20.

4 Club 55 will meet Tuesday, July 20, at
5 10:00 a.m.; and last, but not least, the budget
6 is on track.

7 MAYOR LICASTRO: Thank you, Mr. Bauman.
8 Any questions? Mr. Stephan.

9 MR. STEPHAN: Is the work done by the
10 service department for the community center on
11 behalf of the recreation commission reimbursed
12 out of recreation commission budget?

13 MR. BAUMAN: Yes.

14 MR. STEPHAN: Good.

15 MAYOR LICASTRO: And just as an aside.
16 Great effort on Memorial Day. The parade, the
17 ceremony, it was a little hot and some people
18 were affected by that, but just a wonderful
19 event.

20 MR. BAUMAN: Thank Laura. She did all
21 the heavy lifting on the parade and Stephanie did
22 most of the heavy lifting on the ceremony, so
23 thank you.

24 MAYOR LICASTRO: Mr. Kesselem.

25 MR. KESSELEM: I'm sorry I missed your

1 meeting for the recap on the parade. I was
2 wondering after the parade and because of the
3 heat that was here, Terry, who had passed out
4 there from the heat and also Mr. Humphrey, I
5 contacted both families. Both are doing well.
6 Terry thinks that a lot of it was caused by the
7 interaction of his meds for his heart. But after
8 doing that, I thought to myself there wasn't
9 really much help for heat exhaustion through the
10 Village. The officers were there. They called
11 911.

12 We were lucky, I think, by having some
13 of the veterans that one was a nurse and one was
14 a doctor, so both came to help. But I think we
15 need to have something if it's our police
16 officers to understand what do we do for heat
17 exhaustion considering as hot as it is even
18 tonight, you know, what steps can we do and what
19 plan should we put in place when we're having
20 these kind of events that there is more action
21 that we can take to help some of these people.

22 It's starting to get kind of scary on my
23 part. I raced over and tried to douse them with
24 some water to cool them down some, but it didn't
25 seem like -- we were all kind of what are we

1 going to do? What is causing them to fall down?

2 MAYOR LICASTRO: I know Mrs. Goyanes and
3 Ms. Gallagher had talked about water here at
4 Village park at the end of the parade and before
5 the ceremony. Chief Dolbow has been very
6 proactive in training our officers. Perhaps you
7 can look at that as a possibility as well.

8 CHIEF DOLBOW: Several years ago one of
9 my own officers passed out.

10 MR. KESSELEM: Am I the youngest one
11 that did the walk and that was probably one of
12 the longest walks in the most heat that I've done
13 for sometime, so I was hurting. I can't imagine
14 that the rest of us weren't.

15 MAYOR LICASTRO: There was someone on a
16 bicycle that said slow down that kept going up
17 and down.

18 MR. KESSELEM: When we were walking, we
19 were going as slow as we could.

20 MR. BAUMAN: That was Andre from the
21 commission and we were worried he was going to
22 pass out going up and down on the bike. We did
23 talk about some of that in our kind of debrief of
24 the event. And next year we're going to try and
25 make sure that -- not try to make sure, we will

1 make sure there is more water available and it's
2 readily available to everybody in the parade and
3 for the people when they get back to the ceremony
4 here, so that may help a little bit.

5 MAYOR LICASTRO: Keep in mind, Mr.
6 Kesselem, we usually have one if not two fire
7 engines, but unfortunately they were called to
8 service so they had to leave. Normally they'd be
9 right there and it could have helped.

10 MR. KESSELEM: I don't have a problem
11 with how things were attended to in that manner,
12 but it just seemed like it was pretty important
13 to try to get some help to Terry when he was
14 starting to collapse and we were all kind of what
15 should we do.

16 MAYOR LICASTRO: Thank you. Appreciate
17 your concern. Dr. Secura.

18 DR. SECURA: I want to go further with
19 that, because having Watched a show on police
20 dogs suffering from heat exposure, they had to
21 get the temperature down within minutes or the
22 dog would have died.

23 For myself, when I've been boating a
24 couple times, I get into a problem. I don't
25 notice it until you stop the boat and all of a

1 sudden that coolness is gone. I have to get in
2 the water and I have to get there quickly. My
3 mother had difficulty and we immediately put her
4 in a squad car that had the air-conditioner going
5 high.

6 I don't know who's the expert, but I
7 think that we really need to look at it in a more
8 expertly way whether we have to have cooling
9 blankets here in the Village or what has to be
10 done. What is the best first aid approach to
11 this, because the first responders are officers I
12 think at the time. And I think we have other
13 events like 4th of July coming up and people who
14 exercise like crazy here, they ride bikes like
15 crazy, and I would think this needs to be looked
16 into much more detail so we are more prepared
17 than we are now.

18 MAYOR LICASTRO: Thank you.

19 CHIEF DOLBOW: Can't control the
20 weather. It boils down to being proactive and
21 plan for some shades and hydration.

22 DR. SECURA: Just having the squad cars
23 that are cold.

24 MAYOR LICASTRO: Thank you, Doctor.

25 MR. BOLTON: I hate to have us end this

1 conversation on an important, but in the big
2 scheme of things is that the overall impression
3 of the Memorial Day was fabulous. It was just a
4 fabulous event and I'd like to end our
5 conversation appreciating the work of the
6 volunteers involved.

7 MAYOR LICASTRO: Well said.

8 (Applause.)

9 MAYOR LICASTRO: Planning Commission.

10 MS. BECKENBACH: Planning Commission did
11 not meet.

12 MAYOR LICASTRO: There is an item for
13 the agenda this month. Shade Tree Commission.

14 MR. BOLTON: Did not meet. I see here
15 there's a new appointee, but because I didn't
16 know it then, I don't know anything about it, Mr.
17 Mayor.

18 MAYOR LICASTRO: Ms. Peterson is here.
19 You were kind enough to ask Jean Lyon.

20 MS. PETERSON: Not me, I think it was
21 Pat.

22 MAYOR LICASTRO: Pat is also a member of
23 the Shade Tree Commission, approached Jean Lyon.
24 And Jean Lyon is anxious and willing to be
25 appointed to the Shade Tree Commission. So if

1 there's a motion by Council to do so.

2 MS. BECKENBACH: I so move.

3 MR. KESSELEM: Second.

4 MAYOR LICASTRO: Any discussion? Then
5 Ms. Lyon is our newest members of the Shade Tree
6 Commission. All in favor of the motion.

7 Ayes: 6. Nays: 0.

8 MAYOR LICASTRO: Thank you. Thank you,
9 Pat.

10 MR. MATTY: Mayor, if I may before you
11 go on to old business.

12 MAYOR LICASTRO: Yes.

13 MR. MATTY: During your discussion on
14 these other issues, I want the record to
15 accurately reflect this issue of inspections.
16 And I've had a chance to take a look at Chapter
17 1409. When we're dealing with exteriors of the
18 homes, Chapter 1409 has a section 1409.01, which
19 requires a three-week prior notice be given to
20 the owner before our inspectors can inspect the
21 exterior of a home. Does not require permission,
22 does not require a search warrant.

23 1409.02, which requires permission and
24 which requires or may require a search warrant is
25 for a right of entry into the interior of a home.

1 So as long as Mr. Jamieson and his inspectors
2 have complied with the notice requirement for an
3 exterior, they may inspect the exterior of a home
4 and then issue their proper remedial warning
5 thereafter.

6 So I want the record to reflect that,
7 because there are two issues here. Exteriors and
8 interiors. And, of course, the interiors require
9 more action if permission is not given.

10 MAYOR LICASTRO: Thank you for that
11 clarification, Mr. Matty. Before we proceed with
12 the agenda, there is a motion Council is
13 considering. Could you phrase the motion for us,
14 for Northeast Regional, please.

15 MR. MATTY: Mayor, I understand Council
16 would like to make a motion where the Village
17 solicitor is instructed to file a partial
18 opposition, partial consent group election for
19 the Village for purposes of the pending motion
20 and hearing for preliminary injunction in the
21 Northeast Ohio Regional Sewer District case.

22 MS. BECKENBACH: I make that motion.

23 MAYOR LICASTRO: You second it.

24 MR. MATEYO: I second it.

25 MAYOR LICASTRO: For clarification, this

1 is Northeast's effort to take over the stormwater
2 management plan. The Village has taken several
3 positions prior to this and it's been recommended
4 this is the most advantageous for the Village at
5 this time. It gives us several options that we
6 can then pursue down the road. Any discussion of
7 the motion?

8 MS. MEADE: Would you state again,
9 partial opposition and partial consent?

10 MR. MATTY: So that the residents
11 understand the judge has told all the communities
12 to join a number of groups. And this is one of
13 the groups that we are electing to join.

14 MAYOR LICASTRO: Any further discussion?
15 All in favor of the motion?

16 Ayes: 6.

17 MAYOR LICASTRO: Anyone opposed? Thank
18 you. Moving to old business, Resolution Number
19 862.

20 MS. BECKENBACH: I'd like to introduce
21 Resolution number 862 for passage, a resolution
22 commending and expressing appreciation to Dorothy
23 Jackson for her outstanding service on Shade Tree
24 Commission of the Village of Bratenahl.

25 MR. BOLTON: Second.

1 MAYOR LICASTRO: Mary, do me a favor.
2 Would you read the body of it, please.

3 MS. BECKENBACH: The whole thing?

4 MAYOR LICASTRO: All five paragraphs.

5 MS. BECKENBACH: Whereas, Dorothy
6 Jackson has served the Village of Bratenahl and
7 its residents on the Shade Tree Commission for
8 the past eight years; and whereas, in her
9 capacity on the Shade Tree Commission, Dorothy
10 Jackson has performed her duties with devotion
11 and distinction.

12 Now, therefore, be it resolved by the
13 Council of the Village of Bratenahl, State of
14 Ohio, that section one the Mayor and Village
15 Council on behalf of the Village and all of its
16 residents hereby express their deepest gratitude
17 and appreciation to Dorothy Jackson for her
18 devoted service to the Village of Bratenahl as
19 Chair of the Shade Tree Commission for the past
20 18 years. She was not the Chair.

21 MAYOR LICASTRO: That's got to be
22 corrected. It should say as a member for the
23 last eight years.

24 MS. BECKENBACH: Correct. Section two,
25 the clerk of Council is hereby authorized to

1 direct and directed to furnish a duly inscribed
2 and certified copy of this resolution to Dorothy
3 Jackson and family with amendments, with the
4 change, please.

5 Section three, this resolution shall
6 take effect at the earliest time provided by law.

7 MAYOR LICASTRO: You do need to offer
8 that for suspension.

9 MS. BECKENBACH: I'd like to offer that
10 for suspension, this resolution.

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 862 for passage.

4 MAYOR LICASTRO: Is there a second?

5 MR. McDONALD: Second.

6 MAYOR LICASTRO: Is it assumed we'll do
7 this by acclamation?

8 MR. MATEYO: Yes.

9 MAYOR LICASTRO: So moved by
10 acclamation. Do you have a question, Mr.
11 Stephan?

12 MR. STEPHAN: Yes. I recall we
13 recognize -- never mind. Probably just a lapse
14 of memory. I'm getting old. I didn't know we
15 suspended the rules for resolution to recognize
16 someone. I apologize for the interruption.

17 MAYOR LICASTRO: We have and did. Thank
18 you. By acclamation. Moving to new business
19 ordinance number 3483.

20 MR. McDONALD: I would like to introduce
21 ordinance number 3483 for first reading. An
22 ordinance establishing the Council communications
23 committee. Do you want me to read the whole
24 body?

25 MAYOR LICASTRO: If you want to, sure.

1 MR. McDONALD: Whereas, the legislative
2 committee and the Village Council have
3 recommended establishing a communications
4 committee of the Council; and whereas, preface to
5 formation of such communications committee, an ad
6 hoc communications committee developed a mission
7 statement advocating an open and transparent
8 communications form using processes and
9 technologies to deliver and to receive complete,
10 accurate, and timely information of interest and
11 value to and from residents, staff, and external
12 stakeholders regarding Village of Bratenahl
13 business; and whereas, the Mayor and the Council
14 recognize the importance of exploring,
15 identifying and utilizing all available methods
16 and technological forms of communication and
17 agree with the need to provide and enable
18 efficient effective transparent communication
19 with Village residents and the general public.

20 Now, therefore, be it ordained by the
21 Council of the Village of Bratenahl, State of
22 Ohio, that section one, there is hereby
23 established a communication committee which shall
24 consist of three Council members appointed by the
25 Mayor who shall also appoint the Chairman thereof

1 and confirm by Council. The rules of proceedings
2 of Council shall be observed at all meetings of
3 the committee and such meetings shall open to the
4 public.

5 Section two, the responsibilities of the
6 communications committee shall be to recommend to
7 the Mayor and Council improvements, concepts,
8 physical and format recommendations to all viable
9 or traditional communications methods. Each
10 method will include, but are not limited to, the
11 following: Printed, electronic, visual and audio
12 mediums. The intent is to facilitate an open and
13 transparent communication form to deliver and to
14 receive complete and accurate, timely information
15 of interest and value to and from residents,
16 staff, external stakeholders regarding the
17 Village of Bratenahl business.

18 MAYOR LICASTRO: Thank you.

19 MR. BOLTON: There's some on the back.

20 MR. McDONALD: No, it's the signature.

21 MR. GALLAGHER: There is no section
22 three.

23 MR. BOLTON: I have an earlier draft.

24 MAYOR LICASTRO: Thank you, sir. Moving
25 to ordinance number 3484 reappropriation.

1 MR. STEPHAN: The ordinance I'm reading
2 says it's an emergency. That was incorrect, the
3 first reading.

4 MR. GALLAGHER: The decision was made to
5 make it a first reading in our discussion earlier
6 and so I provided Mr. McDonald with a copy
7 knowing he'd be reading it without that on there.
8 The first reading there is no emergency.

9 MR. BOLTON: So number three is
10 scratched off and declaring an emergency is
11 scratched off.

12 MAYOR LICASTRO: Ordinance number 3484,
13 reappropriation.

14 MR. ROBINS: Before we go on -- go
15 ahead.

16 MR. BOLTON: I was moving forward to
17 8434 and I don't have a copy of that.

18 MR. ROBINS: I think there needs to be
19 some discussion on 3483 as per the earlier
20 comments that both Mr. Matty made and the
21 committee made. This ordinance does not reflect
22 the wishes of the intent of the committee as
23 written. So I'll let the committee talk about
24 that.

25 MS. BECKENBACH: That's why we're taking

1 it back to committee.

2 MR. ROBINS: I'll let the committee talk
3 about that.

4 MR. STEPHAN: I'd like to speak to that
5 issue since no one else has. The motion was
6 passed by the legislation committee that this
7 ordinance, as amended, be brought to this Council
8 meeting. The amendments were presented to the
9 law director and there was one criticism of the
10 revised wording.

11 MR. McDONALD: The amendments that came
12 through the email today and yesterday?

13 MR. STEPHAN: Yes.

14 MR. McDONALD: That was not at the
15 committee meeting. The committee didn't vote on
16 those.

17 MR. MATTY: What we need to be very
18 careful of, Mr. Stephan, is the amendments that I
19 read that came through emails, first of all, I'm
20 concerned about amendment process through emails.
21 That's not a proper Council process. The
22 amendment process has to occur at Mr. Mateyo's
23 committee. The emails that I got concerning
24 those amendments were after his committee had
25 met.

1 The second concern I have about those
2 amendments, the body of the amendments, the
3 insertion into the actual text of the
4 legislation, I don't have a problem with Mr.
5 Mateyo's committee considering additional whereas
6 clauses, but the additional action clauses
7 violates 731.05 of the Revised Code.

8 The committee is only legislative in
9 nature. It can only recommend. It cannot get
10 into administrative implementation and
11 administrative duties. We don't have the benefit
12 of having a charter in this Village, which would
13 allow Council or could allow Council to get into
14 those arenas.

15 So when Mr. Mateyo's committee
16 reconvenes and meets, you have to keep the
17 committee in the terms of recommendations, not in
18 the terms of development or implementation.
19 Those are administrative duties. The Council's
20 role would be the budgetary process for that
21 implementation or for that development if the
22 Village's administration chooses to so go there.

23 So that's kind of the culmination of
24 this whole chaotic process that Mr. Mateyo and my
25 office were trying to deal with. We end up with

1 amendments that are attempting to be made that
2 are contrary to law, and I can't permit that.

3 Had his committee issued a
4 recommendation, which would have said we take the
5 initial legislation and we want to add those
6 items, I would have gotten back to Mr. Mateyo
7 timely and said you can't do two, you can't do
8 three, you can do one, you can do four. And then
9 he would have taken that back to his committee.

10 So I simply ask for tonight that he do
11 that and keep the committee, Mr. Mateyo, in the
12 realm of recommending, because you can't go
13 beyond that or you violate the Ohio Revised Code.

14 MR. ROBINS: As a guidance, can you
15 provide the ordinances that were passed for other
16 standing committees, Finance Committee, for
17 example.

18 MR. MATTY: I don't have them. I'm
19 assuming they're in the code.

20 MAYOR LICASTRO: They're codified.

21 MR. ROBINS: But I would suggest those
22 be looked at so there's consistency.

23 MR. KESSELEM: If we could request what
24 those codified ordinances were for, how they were
25 written so we might be able to see those.

1 MR. McDONALD: They're online.

2 MAYOR LICASTRO: They're in the codified
3 ordinances.

4 MR. McDONALD: It's online.

5 MAYOR LICASTRO: It's available online.

6 MR. KESSELEM: The latest revisions that
7 had gone through had been put down on a similar
8 basis. And we can hand these over to you tonight
9 so it might expedite a little bit more time
10 involved in going through.

11 MAYOR LICASTRO: Mr. Kesselem, as Mr.
12 Matty said, it should go through the committee
13 process rather than have an individual Council
14 person submit them. Again, not to paraphrase.

15 MR. MATTY: Correct. What should happen
16 here is we have individual amendments or
17 individual ideas, whether they be Council or
18 residents, if they go to Mr. Mateyo's attention
19 as Chair, they certainly can come to us at the
20 same time and then we can have a discussion with
21 Mr. Mateyo as he's proceeding, but I would prefer
22 that the committee be the entity or the funnel
23 for these ideas, because the law department's
24 only role in this is to say, okay, if this is the
25 committee, if this is what the committee wants to

1 do by motion as made, is it legal or is it not?

2 MR. ROBINS: Let me ask a specific
3 question. Did you say Council recommends and the
4 Mayor's decides?

5 MR. MATTY: No, I said the way this is
6 worded is it's recommend to the Mayor and
7 Council. The Mayor has to be the administrative
8 part of this, because it's his duty, it's his
9 administrative duty to implement and develop it.
10 It's Council's role to provide the budgetary
11 process if they wish to do so for that
12 implementation and development.

13 MAYOR LICASTRO: Thank you.

14 MR. KESSELEM: If I may.

15 MAYOR LICASTRO: Please.

16 MR. KESSELEM: I'd like to ask if the
17 Legislative Committee could meet at an earlier
18 date so that it might give a longer distance so
19 that legal could look at these things on a timely
20 basis so they're not rushed two days before a
21 Council meeting and get pushed ahead. So we
22 might want to look at scheduling.

23 MAYOR LICASTRO: Did you set a meeting
24 date, Mr. Mateyo?

25 MR. MATEYO: Yes, it's the first Monday.

1 We can change that. We did have more than -- we
2 did not send this to legislative meeting several
3 weeks ago. We did set it, they came back
4 promptly, but everybody kept changing. Remember,
5 we kept amending the amendments to the amendments
6 and coming back there. And I have, as I told
7 them, my computer or the operator couldn't figure
8 out how to figure out -- we have six different
9 amendments, I don't know how to install it.

10 MR. KESSELEM: I actually thought that
11 legislative met last week.

12 MR. MATEYO: No, that was finance.
13 Legislative meets the first Monday of the month.

14 MR. ROBINS: So what's the legal
15 responsibility that a Council committee has?

16 MAYOR LICASTRO: Council committees
17 recommend to the Mayor and Council. Let's not
18 get bogged down on this. We've had dialogue on
19 this.

20 MR. STEPHAN: I'm sorry, I have one more
21 question. My understanding is that 3483 was
22 amended and not seen by the committee as amended;
23 is that correct?

24 MR. GALLAGHER: I don't know what you
25 guys did in your emails, but what I printed out

1 tonight was the last thing that was sent by Mr.
2 Matty's office as authorized by the committee.

3 MR. STEPHAN: The committee did not
4 authorize except the generic as amended and
5 that's all been rejected at this meeting.

6 MAYOR LICASTRO: Nothing has been
7 rejected.

8 MS. BECKENBACH: Nothing has been
9 rejected.

10 MAYOR LICASTRO: Nothing has been
11 rejected. It's been put on first reading for
12 further clarification to make sure it is legal.
13 We haven't had a new committee of Council for
14 probably 100 years.

15 MR. STEPHAN: I'm pointing out -- I'm
16 sorry, I apologize.

17 MAYOR LICASTRO: To do it properly and
18 if it needs additional time is the way to do it.
19 That's all Mr. Matty is recommending. That's all
20 your colleagues are recommending. No one has
21 rejected anything. What he's saying is be
22 careful with amendments via email. There has to
23 be a public process, which means another
24 committee meeting. Hopefully it can be done in a
25 timely manner to get something we all agree on.

1 MR. STEPHAN: It will be done, believe
2 me, but I want to point out that the statement
3 was made committee has to address the wording as
4 3483 was sent and considered by the committee on
5 the meeting Wednesday, I believe, two weeks ago
6 or whenever. And in that text, section three, is
7 different from what was read this evening. So
8 the committee has not seen the change to section
9 three.

10 MR. GALLAGHER: The only difference is
11 because we're not going for suspension. Section
12 three wasn't changed, it was removed.

13 MR. MATTY: Mr. Mateyo, in your
14 committee's discussion, you can recommend whether
15 or not you wish this to be done by an emergency
16 measure or not and that will solve that issue so
17 that when that comes back to Council, we would
18 either have the emergency clause in it or we
19 would not. That issue can be resolved that way.

20 I think what Mr. Gallagher is saying is
21 the reason why he removed it was because of the
22 fact it would only be first reading tonight, but
23 that can be handled by the committee.

24 MR. STEPHAN: I understand.

25 MR. MATTY: I understand, Mr. Stephan.

1 I understand the difference in it, too.

2 MAYOR LICASTRO: Let's move on to
3 ordinance number 3484, reappropriation. Mr.
4 Bolton.

5 MR. BOLTON: All right. I'd like to
6 introduce ordinance number 3484, an ordinance to
7 make additional appropriations for current
8 expenses and other expenditures and further
9 amending appropriations ordinance number 3475 and
10 declaring an emergency.

11 MAYOR LICASTRO: Is there a second?

12 MR. MATEYO: Second.

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

15 MR. GALLAGHER: Ms. Beckenbach?

16 MS. BECKENBACH: Aye.

17 MR. GALLAGHER: Mr. Bolton?

18 MR. BOLTON: Aye.

19 MR. GALLAGHER: Mr. Kesselem?

20 MR. KESSELEM: Aye.

21 MR. GALLAGHER: Mr. Mateyo?

22 MR. MATEYO: Aye.

23 MR. GALLAGHER: Mr. McDonald?

24 MR. McDONALD: Aye.

25 MR. GALLAGHER: Mr. Stephan?

1 MR. STEPHAN: Aye.

2 MR. GALLAGHER: Thank you.

3 MR. BOLTON: I'd like to introduce
4 ordinance number 3484 for passage. And I'd like
5 to read it, just a little bit of it. To provide
6 for the current expenses and other expenditures
7 of said Village of Bratenahl during the fiscal
8 year 2010. The following funds are hereby set
9 aside and appropriated as follows: That the
10 appropriations for the following funds be
11 increased as follows: DOPWIC fund previous
12 appropriation \$1,724 and change. Increase
13 required, \$40,000. The amended would be \$41,724
14 and change.

15 That the total appropriations for the
16 fiscal year 2010 increase the amount. It says
17 the amount of \$4,647,164. It does not say by how
18 much the total appropriations are increased.

19 MR. GALLAGHER: \$40,000.

20 MR. BOLTON: Okay.

21 MAYOR LICASTRO: Do you want to explain
22 the need for this?

23 MR. GALLAGHER: This is the money to pay
24 back the DOPWIC loan that we set aside in the
25 general fund, but the auditors want to us to pay

1 it out of the restricted fund. In order to do
2 that, it would have to be appropriated in the
3 restricted fund and that's what we're doing.

4 And while this new number exceeds the
5 last CER that you have, if that's where you were
6 going with the line of questioning, this 40,000
7 as a transfer to the General Fund to the DOPWIC
8 fund becomes another source of income for the
9 DOPWIC fund and increases the CER.

10 MR. BOLTON: I thought DOPWIC was in a
11 restricted fund and it was in our appropriations.
12 So it's basically an inner fund transfer?

13 MR. GALLAGHER: Correct.

14 MAYOR LICASTRO: That's correct. Well
15 phrased actually. Any other comments? Roll call
16 on passage, please.

17 MR. GALLAGHER: Ms. Beckenbach?

18 MS. BECKENBACH: Aye.

19 MR. GALLAGHER: Mr. Bolton?

20 MR. BOLTON: Aye.

21 MR. GALLAGHER: Mr. Kesselem?

22 MR. KESSELEM: Aye.

23 MR. GALLAGHER: Mr. Mateyo?

24 MR. MATEYO: Aye.

25 MR. GALLAGHER: Mr. McDonald?

1 MR. McDONALD: Aye.

2 MR. GALLAGHER: Mr. Stephan?

3 MR. STEPHAN: Aye.

4 MR. GALLAGHER: Thank you.

5 MAYOR LICASTRO: Next ordinance 3485,
6 recodification.

7 MR. MATEYO: I'd like to introduce
8 ordinance 3485, an ordinance approving the
9 recodification, editing and inclusion of certain
10 ordinances as parts of the various component
11 codes of the codified ordinances of the Village
12 of Bratenahl, Ohio, and the amendment, enactment
13 or repeal of certain sections of the traffic and
14 general offenses codes so as to conform with
15 state law and declaring an emergency.

16 MR. BOLTON: Second.

17 MAYOR LICASTRO: Roll call on
18 suspension, 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 MR. MATEYO: I'd like to introduce
8 ordinance number 3485 for passage.

9 MAYOR LICASTRO: Is there a second?

10 MR. BOLTON: Second.

11 MAYOR LICASTRO: This is something we do
12 every year, of course. Any comments or questions
13 on this? Mr. Stephan.

14 MR. STEPHAN: Is this legislation?

15 MR. GALLAGHER: Is this legislation?

16 MR. STEPHAN: Yes. It appears to be an
17 approval of recodification, which to me is
18 legislation.

19 MAYOR LICASTRO: What?

20 MR. ROBINS: This thing should go to
21 Legislative Committee.

22 MR. STEPHAN: It's a change in
23 ordinance. And that, by definition, is
24 legislation. And I'm questioning if this is
25 going to the Legislation Committee.

1 MR. GALLAGHER: No.

2 MAYOR LICASTRO: Codification is
3 something we do every year, Mr. Stephan. The big
4 book you see on Mr. Matty's desk are the codified
5 ordinances. This is a way to get them codified
6 and accurate and up-to-date. It incorporates
7 everything passed in the last fiscal year to make
8 certain they are part of the codified ordinances.

9 MR. KESSELEM: Still should go in front
10 of legislative at the meeting though.

11 MAYOR LICASTRO: I'm not sure why.

12 MR. McDONALD: This is going to be an
13 interesting year.

14 MAYOR LICASTRO: You don't prefer to
15 codify them?

16 MR. KESSELEM: No, it's not to codify
17 them, it's about the process of legislation.
18 Should it have gone to legislation last month so
19 that we can approve it today?

20 MR. STEPHAN: Let me simplify this,
21 excuse me for interrupting. I'll withdraw the
22 question so that it's not an issue of whether or
23 not it's legislation and call the question.

24 MAYOR LICASTRO: The question has been
25 called. Roll call for passage, please, unless

1 there's further discussion?

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: Ordinance number 3486,

16 Pay Claims.

17 MR. KESSELEM: Ordinance 3486 introduced

18 that the following claims against Bratenahl

19 Village are hereby directed from the funds and

20 the clerk is hereby authorized and directed to

21 withdraw funds from the treasury for payment to

22 wit.

23 MAYOR LICASTRO: Ask for suspension,

24 please.

25 MR. KESSELEM: And ask for suspension.

1 MAYOR LICASTRO: Second on suspension,
2 please.

3 MR. MATEYO: Second.

4 MAYOR LICASTRO: Roll call on
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 MR. KESSELEM: Introduce 3486 for
20 passage.

21 MAYOR LICASTRO: Would you give the
22 total, Mr. Kesselem, on the back of the second
23 page, please.

24 MR. KESSELEM: Complete total?

25 MAYOR LICASTRO: The one that says total

1 above the line.

2 MR. KESSELEM: Total of pay claims
3 \$159,056.73.

4 MAYOR LICASTRO: Is there a second on
5 passage?

6 MS. BECKENBACH: Second.

7 MAYOR LICASTRO: Questions? Mr. Bolton.

8 MR. BOLTON: On page 2, the first half
9 fire contract is listed. Has Cleveland now begun
10 billing in half-year increments? It used to be
11 quarterly.

12 MR. GALLAGHER: Yes, but we're in the
13 second quarter and they didn't get around to
14 sending out the first quarter until the second
15 quarter was coming out.

16 MAYOR LICASTRO: So the answer to your
17 question would be maybe.

18 MR. BOLTON: And there's a DOPWIC loan
19 payment here of \$20,800, which is half of what
20 we've just approved in transfer. Did you decide
21 to just do the transfer all at once?

22 MR. GALLAGHER: Yes. Next payment will
23 be in November.

24 MAYOR LICASTRO: Yes, Mr. Kesselem.

25 MR. KESSELEM: Under the administration,

1 this is probably a question for --

2 MAYOR LICASTRO: I'm sorry, which page
3 is that?

4 MR. KESSELEM: It's page 2. The Richard
5 Anthony for the irrigation start-up on -- looks
6 like Eddy Road and Village Hall, last month we
7 asked about what that water bill was early in the
8 year, because we weren't irrigating Eddy Road.
9 What's the start-up on Eddy Road?

10 MR. ZALAR: That's to get the system
11 turned back on and tested. We also have to,
12 because of the backflow preventer up there, it
13 has to be inspected every year.

14 MR. KESSELEM: Have you found any reason
15 for why we're being billed early in the year for
16 what seems to be irrigation on Eddy Road and last
17 month's --

18 MS. EHLERINGER: I would say that was
19 clarified with the water department. When we
20 questioned them about it, they acknowledge that's
21 what it is.

22 MAYOR LICASTRO: Do we pay the bill?

23 MR. GALLAGHER: We do. We're going to
24 get a credit.

25 MR. KESSELEM: So we can watch that,

1 Joe. I have one more. The Walter H. Drain
2 Company, the 2796, is that a yearly fee that they
3 charge us?

4 MR. GALLAGHER: Yes.

5 MR. KESSELEM: That they charge us.

6 MAYOR LICASTRO: That's the
7 recodification.

8 MR. KESSELEM: What did we get out of
9 that 27? Did they send us CDs?

10 MR. GALLAGHER: No, they send us paper
11 and update the web page.

12 MAYOR LICASTRO: It's more costly to get
13 hard copy and CDs, but they do update.

14 MR. KESSELEM: I know I talked to Merele
15 about this.

16 MR. GALLAGHER: We cut down
17 substantially the number of hard copies we get,
18 but the police officers all keep a small version
19 of it and we get those pages for them to upgrade,
20 and then we have three sets of the full size and
21 that's it.

22 MS. MEADE: So there is a hard copy to
23 review.

24 MAYOR LICASTRO: Yes. It's right --
25 show it to us, Mr. Matty.

1 MS. MEADE: Does that stay at Village
2 Hall?

3 MAYOR LICASTRO: We made one for Mr.
4 Matty. We have a master copy here.

5 MR. KESSELEM: Are they going to start
6 sending CDs of the codified ordinances?

7 MS. EHLERINGER: I asked Mike Kelly to
8 provide that for us. I have not spoken to him in
9 this process to ascertain he is actually doing
10 it, but I'll call him tomorrow and I'll let you
11 know.

12 MR. KESSELEM: The reason why I ask is
13 in upgrading the website at some point in time if
14 there's a need for codified ordinances in CD form
15 for villagers, that might be a possibility that
16 we can burn CDs.

17 MAYOR LICASTRO: Couldn't you get it
18 from the link?

19 MR. KESSELEM: You can't download.
20 You'd have to download each separate section.
21 It's a real bugger on their site. That's why
22 they're in business. They keep it there.

23 MAYOR LICASTRO: Any other questions?

24 MR. ROBINS: Under administration, page
25 2, Future Search, Murphy & Company shows a bill

1 for \$1,821. My question is is this the end of
2 the Future Search bills? They seem to trickle in
3 over a number of Pay Claims. And if it is, can
4 we get an itemized listing of all bills for
5 Future Search?

6 MAYOR LICASTRO: I think the answer to
7 your first question is I think it's the last.
8 And the answer to your second question is yes.

9 MS. MEADE: Do we know what the total
10 cost is?

11 MAYOR LICASTRO: We estimated between
12 three and 4,000. And I think with this bill
13 we're right in that range somewhere. Anyone
14 else?

15 MS. MEADE: Could Jim provide me with
16 the detail of the total costs?

17 MAYOR LICASTRO: I think Mr. Robins just
18 asked for that. Certainly.

19 Anyone else? Roll call on passage,
20 please.

21 MR. GALLAGHER: Ms. Beckenbach?

22 MS. BECKENBACH: Aye.

23 MR. GALLAGHER: Mr. Bolton?

24 MR. BOLTON: Aye.

25 MR. GALLAGHER: Mr. Kesselem?

1 MR. KESSELEM: Aye.

2 MR. GALLAGHER: Mr. Mateyo?

3 MR. MATEYO: Aye.

4 MR. GALLAGHER: Mr. McDonald?

5 MR. McDONALD: Aye.

6 MR. GALLAGHER: Mr. Stephan?

7 MR. STEPHAN: Aye.

8 MR. GALLAGHER: Thank you.

9 MAYOR LICASTRO: Mr. Kincaid, I know you
10 had some concern. Would you like to voice them
11 now?

12 MR. KINCAID: Oh, I can do that now.
13 Last month I had emailed Mary to try to get this
14 read into the minutes last month, because I was
15 unable to attend. I was in a business meeting.
16 I will just read the section of the body of the
17 email that's pertinent to this.

18 It says, I know the subject of the deer
19 population has been talked about in Council
20 before, but the situation is way out of hand. I
21 have counted as many as 13 deer on my property at
22 one time. My wife's gardens have been totally
23 eaten down and the vegetable garden as well.

24 When I called the State Wildlife agent
25 from Cuyahoga County, she informed me that I

1 could get a nuisance permit only after the
2 Village approved. This seems to be the only case
3 where the Village takes precedence over the State
4 in this type of situation. We have spent
5 countless hours and dollars upgrading our
6 property and maintaining the exterior to be
7 ruined by the uncontrolled spread of the deer.

8 Case in point is the water treatment
9 plant, which had the deer removed last year by
10 the State Wildlife officers. The Village needs
11 to take action either by culling out the herd or
12 having the State come in and resolve the problem.

13 My concern obviously is the deer
14 population. I've seen as many as six in the last
15 three days that have been killed on the highway.
16 I'm watching two of them just trotting on down
17 the middle of Lake Shore Boulevard yesterday.
18 And my neighbors are telling me that the Village
19 spent several thousand dollars taking one off the
20 spikes in their backyard off of their fence. So
21 I have a feeling that we need to do something
22 about that.

23 MAYOR LICASTRO: I'm not sure that last
24 statement is correct, sir. I don't think we
25 spent several thousand.

1 MR. KINCAID: The Village removed the
2 deer after they finished the deed, but the deer
3 apparently was trying to jump over their fence in
4 the backyard.

5 MAYOR LICASTRO: You made a comment it
6 cost several thousand dollars.

7 MR. KINCAID: No, I didn't say seven, I
8 said a couple.

9 MAYOR LICASTRO: Several I thought you
10 said. We didn't spend a couple thousand dollars.

11 MR. KINCAID: Well, whatever you spent
12 on it with the front end loader to pull the deer
13 off and dispose of the carcass, anyway that's
14 neither here nor there.

15 MAYOR LICASTRO: Mr. McDonald.

16 MR. McDONALD: If the wildlife people
17 remove part of the herd, how does that get paid
18 for?

19 MAYOR LICASTRO: I don't know. For
20 example, as far as a nuisance permit all you have
21 to do is request it.

22 MR. KINCAID: I cannot get a nuisance
23 permit without the Village. You have an
24 ordinance that says I'm not allowed to take
25 action against that particular animal. I can't

1 eliminate them.

2 MR. MATEYO: Do we have a motion to give
3 him a nuisance?

4 MR. KINCAID: Your ordinance says --

5 MAYOR LICASTRO: I don't think we do it
6 by motion. If there's an ordinance that
7 prohibits it, I think we need more.

8 MR. KESSELEM: There's an ordinance of
9 no hunting in the Village.

10 MR. KINCAID: You can't discharge a
11 firearm in the Village. You can't hunt in the
12 Village. I would suggest culling the deer with
13 professionals. The issue is that other Villages
14 have done this or other cities have done this.

15 MAYOR LICASTRO: Solon has about 3,000
16 deer. We have 13.

17 MS. BECKENBACH: We have more than 13.

18 MAYOR LICASTRO: Thank you, Mr. Kincaid.
19 We appreciate your concern. Take it under
20 consideration, please.

21 MS. BECKENBACH: Do we want to put that
22 in committee? What do you think?

23 MR. MATEYO: I don't know where you go
24 with it.

25 MR. GALLAGHER: Public safety.

1 MR. KINCAID: We need to reduce the
2 herd.

3 MR. MATEYO: I'm not questioning that.

4 MS. BECKENBACH: It's going to me.

5 MAYOR LICASTRO: Is there a motion to
6 move that to public safety?

7 MR. BOLTON: So move.

8 MS. BECKENBACH: You guys jumped on that
9 one. Whoa, she'll take it.

10 MAYOR LICASTRO: All in favor of the
11 motion?

12 Ayes: 6.

13 MAYOR LICASTRO: Anyone opposed? Thank
14 you. Ms. Goyanes, did you have a question?

15 MS. GOYANES: I just want to say that
16 the deer are fearless. They're not afraid of
17 people. I was at picnic grounds at Bratenahl
18 Place six p.m. having a picnic. There were six
19 of us there, three deer joined us.

20 MAYOR LICASTRO: Did you feed it?

21 (Laughter.)

22 MAYOR LICASTRO: Anyone else? Ms.
23 Meade.

24 MS. MEADE: With the Village, is there a
25 system that's in place for full-time positions

1 that has like pay ranges that they don't exceed
2 for each position. Like the hey group, for
3 example, might be for other businesses, where
4 there's kind of a low, medium and a high point?
5 Does the Village have anything like that in
6 place?

7 MAYOR LICASTRO: I'm not sure I
8 understand the question.

9 MR. McDONALD: She wants to know a range
10 for petroleum.

11 MS. MEADE: No, is there a process like
12 that in place for Village employees as part of
13 the hiring process per position, kind of a low
14 end and a high end.

15 MAYOR LICASTRO: There's ranges
16 established for service employees and police
17 officers. We stay within those ranges. It's in
18 the ordinance.

19 MS. MEADE: Okay. I have one last
20 question. I'm going to ask this with the utmost
21 respect and sensitivity.

22 John, Mr. Mayor, since you write for the
23 Lamplighter, you would be considered media. So
24 please help me understand why you single me out
25 at Future Search, the steering committee and most

1 recently at the Future Search Master Plan
2 Committee meeting and asked me to be there as a
3 resident only and not as the media, when you and
4 possibly others may be in attendance and
5 represent the Lamplighter?

6 MAYOR LICASTRO: I'll make this brief.
7 I'm not sure it's the proper venue. The question
8 was did the members of Master Plan Committee have
9 an issue with you taping the meetings. From that
10 came a discussion of wearing a hat as a resident
11 or the press. And as other members of the
12 committee told you, the press is not often
13 involved in that sort of intricate process.

14 The analogy I gave is you can never walk
15 in and see your car being worked on and see parts
16 all over the floor, you would freak out. You
17 come when the car is done. That's typically when
18 the press is involved. We certainly want your
19 input as an resident, but as members of the
20 committee, that really raised issues with being
21 taped at the master plan.

22 MS. MEADE: So a resident cannot bring a
23 tape-recorder in the event they cannot take notes
24 quick enough?

25 MAYOR LICASTRO: I can't answer that

1 question. It's a legality. I think it's a
2 courtesy to let people know if they object to
3 being taped. That was the only purpose of that
4 question.

5 MS. MEADE: Thank you.

6 MAYOR LICASTRO: Dr. Secura.

7 DR. SECURA: Referring to the censoring
8 law, I thought all public meetings are allowed to
9 be taped by citizens or by the committee itself.
10 I mean, we went through this about seven or eight
11 years ago when I was taping for Helen Moss.

12 MAYOR LICASTRO: Future Search
13 Committees are not a committee of Council.

14 DR. SECURA: I know they're not.

15 MAYOR LICASTRO: They don't involve
16 elected officials. There is not three of them
17 present, which usually invokes the Sunshine Laws.
18 It's the members of the committee that objected
19 to being taped. I'm not sure if all public
20 meetings can be taped.

21 MR. MATTY: All public meetings, all
22 parts of public meetings that are open to the
23 public can be taped unless the taping interferes
24 with the public meeting.

25 MS. MEADE: I guess my question was

1 raised with respect because you are the one who
2 has asked me on both occasions and it hasn't been
3 anyone from the committee itself.

4 MAYOR LICASTRO: I'm not sure if the
5 committee was aware of it until you broached it.
6 I just thought it was a courtesy to let people
7 know you were taping. Mr. Kesselem.

8 MR. KESSELEM: I have a question. If
9 it's possible, I'm going to say at the
10 legislative committee we were looking for
11 ordinances. And there isn't or wasn't an
12 ordinance book similar to what -- I know I've got
13 one, but is there an ordinance book that could be
14 left out for Council members?

15 MAYOR LICASTRO: It's right there on the
16 top. It's on top of the shelf.

17 MS. EHLERINGER: We keep it back here
18 because it's too heavy to go up there. And if
19 you want a book that is down there, I'll have a
20 copy made.

21 MAYOR LICASTRO: To answer your
22 question, yes.

23 MR. KESSELEM: Merele, was gracious
24 enough to give me one. I'm willing to bring it
25 in, but as long as it's a Council member's book,

1 I don't want to mess around with Merele's. There
2 needs to be one for legislative.

3 DR. SECURA: Sorry, Mr. Mayor, I'm
4 referring this back to the solicitor. I was
5 under the impression from about four or five
6 years ago when the issue of called, the question
7 came about that it must be voted upon. That the
8 Council members must vote whether they want to
9 spend the input and the dialogue and that you
10 didn't automatically go to --

11 MAYOR LICASTRO: That's correct, I did
12 ask if there were any further discussion and
13 there was none, so we moved forward.

14 DR. SECURA: I thought you had asked for
15 a vote, that's what I asked.

16 MAYOR LICASTRO: My apologies. I asked
17 if there were any further discussion, there was
18 none, so we moved forward.

19 DR. SECURA: I don't think I understood
20 clearly the aspect of marking legislation for
21 suspension. And I understood you saying that the
22 committees can put that in their recommendation.

23 MR. MATTY: Not suspension, emergency.

24 DR. SECURA: Emergency. Thank you.
25 That does not preclude the Council to take

1 something that is not indicated for emergency and
2 declare it themselves.

3 MR. MATTY: They can always amend the
4 recommendations.

5 DR. SECURA: Thank you very much.

6 MAYOR LICASTRO: Is there a motion to
7 adjourn?

8 MS. BECKENBACH: So move.

9 MAYOR LICASTRO: We are adjourned.
10 Thank you very much for coming.

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