

BRATENAHL VILLAGE.
BRATENAHL COMMUNITY CENTER
10300 BRIGHTON ROAD
BRATENAHL, OHIO 44108
(216) 383-0468

VILLAGE COUNCIL MEETING
AND EXECUTIVE SESSION
September 18, 2019
4:30 p.m.

MAYOR JOHN LICASTRO
MARY BECKENBACH
KEITH BENJAMIN
JOYCE BURKE-JONES
GINA HUFFMAN
MARLA MURPHY
JAMES PUFFENBERGER

DAVID J. MATTY, ESQ.
NANCY L. MOLNAR, RPR

3

MS. BIRCH: Ms. Beckenbach?
MS. BECKENBACH: Aye.
MS. BIRCH: Mr. Benjamin?
MR. BENJAMIN: Aye.
MS. BIRCH: Ms. Burke-Jones?
MS. BURKE-JONES: Aye.
MS. BIRCH: Ms. Huffman?
MS. HUFFMAN: Aye.
MS. BIRCH: Ms. Murphy?
MS. MURPHY: Aye.
MS. BIRCH: Mr. Puffenberger?
MR. PUFFENBERGER: Aye.
(Whereupon, council went into executive session at 4:31 p.m.)

2

MAYOR LICASTRO: Okay. It's 4:30. I'll call the meeting to order and ask the clerk to call the roll.

MS. BIRCH: Ms. Beckenbach?

MS. BECKENBACH: Here.

MS. BIRCH: Mr. Benjamin?

MR. BENJAMIN: Here.

MS. BIRCH: Ms. Burke-Jones?

MS. BURKE-JONES: Here.

MS. BIRCH: Ms. Huffman?

MS. HUFFMAN: Here.

MS. BIRCH: Ms. Murphy?

MS. MURPHY: Here.

MS. BIRCH: Mr. Puffenberger?

MR. PUFFENBERGER: Here.

MAYOR LICASTRO: We need a motion to go into executive session to discuss pending and threatened litigation.

MR. PUFFENBERGER: So move.

MS. BURKE-JONES: So move.

MS. BECKENBACH: Pick one.

MAYOR LICASTRO: One of you second it, please.

MS. BECKENBACH: Second.

MAYOR LICASTRO: Call the roll, please.

4

MAYOR LICASTRO: Is there a motion to return to open session?

MS. BURKE-JONES: I so move.

MS. BECKENBACH: Second.

MAYOR LICASTRO: Roll call on the motion, please.

MS. BIRCH: Ms. Beckenbach?

MS. BECKENBACH: Aye.

MS. BIRCH: Mr. Benjamin?

MR. BENJAMIN: Aye.

MS. BIRCH: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

MS. BIRCH: Ms. Huffman?

MS. HUFFMAN: Aye.

MS. BIRCH: Ms. Murphy?

MS. MURPHY: Aye.

MS. BIRCH: Mr. Puffenberger?

MR. PUFFENBERGER: Aye.

MAYOR LICASTRO: Okay. We have a half hour, ladies and gentlemen.

(Whereupon, council moved out of executive session at five o'clock.)

(Recess taken.)

MAYOR LICASTRO: Please rise and join me

in the Pledge of Allegiance.

(Pledge of Allegiance.)

MAYOR LICASTRO: Thank you. We went into executive session at 4:30 to discuss pending threatened litigation. They came out in open session at five o'clock. Again, I call the meeting to order. We've already called the roll. And let's do the fun stuff first.

So officer Garris. Officer Garris is here with Cash, our K-9 officer. Last time I saw him he was this big (indicating.) He has grown. Looking at his paws, he will grow some more. Officer Garris, if you will come forward, please.

Raise your right paw and hand.

(Laughter.)

(Whereupon, K-9 Officer was sworn in by Mayor Licastro.)

MAYOR LICASTRO: Congratulations.

(Applause.)

Why don't you introduce your family.

OFFICER GARRIS: That's my mom Robin, my wife Kelsey, my grandma Shirley, the old man is my dad Tim, the little one is Jr.

MAYOR LICASTRO: And Tim's father is a long-time K-9 officer for what department, sir.

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MAYOR LICASTRO: That's July 17th, 31st, August 21st. Thank you very much. Ms. Birch.

MS. BIRCH: Fiscal officer's report, I know you can hardly wait. At the end of August, we had total fund balances of \$2,159,931 in cash and investments of which \$749,914 is in the general fund. We collected \$278,375 from CCA this month for our August tax collections. You will recall we get the money one month after CCA does.

We don't have a breakdown yet as to how much is from collections from the new income tax levy that was passed in May of this year, so those, as you know, are going into the special revenue fund for police expenses and service vehicles, but as I said, we don't have the breakdown yet.

Last item, the audit appears to be going well. The majority of the field work at Village Hall is over. However, the individual that was assigned to do most of the work on the court was pulled off temporarily to go to another job and we're not sure when she will be back. It should be soon. I know they're anxious to wrap up, too.

Generally, when the field work is about
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TIM GARRIS: Cleveland Metro Parks.

MAYOR LICASTRO: He assisted us about a couple months ago with some suspects as well, so thank you.

TIM GARRIS: You're welcome.

MAYOR LICASTRO: He was instrumental in getting a lot of what we have for Cash for free. Thank you for that.

TIM GARRIS: You're welcome.

MAYOR LICASTRO: You're willing to stay or you're welcome to go.

Okay. We have three sets of minutes from July 17th, July 31st, and August 21st. I think these have been posted and they were also sent to you. Are you familiar? Are you comfortable with approving all three sets?

MR. PUFFENBERGER: I am.

MAYOR LICASTRO: Would you make a motion to accept all three as offered?

MR. PUFFENBERGER: So move.

MR. BENJAMIN: Second.

MAYOR LICASTRO: Discussion or corrections or amendments? There being none, all in favor of the motion, please.

Ayes: 6. Nays: 0.

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done, we will get a call or an e-mail from the chief auditor with selected questions, some open items as they're looking through all their papers, and then we know we're on the last legs of the audit, but that hasn't happened yet. So I think they haven't really finished the court's at all. We won't be getting that until that part is done. That concludes my report, sir.

MAYOR LICASTRO: Thank you, ma'am. Even though we never fully recess in August, we have a paired down meeting. So some of the reports we give you will be for a two-month period. Please bear with us, and let's begin with the Mayor's court report. This is for July 2019. The Treasurer of the State of Ohio received \$7,808; the City of Cleveland, \$307; the county treasurer \$1,025; the Village of Bratenahl \$35,497.

For August, the Treasurer of the State of Ohio, we received \$8,375; the City of Cleveland \$319; the county treasurer, \$1,045; and the Village of Bratenahl, \$38,342. Any questions from council on that?

MR. PUFFENBERGER: I do have a question. Back up to Sheila's report, we discussed how much of our CCA revenue was delinquency versus

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current. Do we have a breakdown of that?

MS. BIRCH: It hasn't yet arrived. All we got was the sheet that basically says this is what you got. And probably within a few days we should be getting the rest of the report. So to say, for example, with holdings from various employers would say XYZ employer and how many come from them. There's also a breakdown as to collections from delinquents without naming the names.

MR. PUFFENBERGER: The feel is we got significant delinquent revenues this past month.

MS. BIRCH: I think so.

MR. PUFFENBERGER: Thank you.

MAYOR LICASTRO: Thank you. Item report from the Court Community Service. This is an organization that takes miscellaneous offenders from Cleveland Muni and gives them community service time as opposed to fines and costs. One of their function is they clean trash from the highways. They clean the Eddy Road ramps periodically and not periodically enough, but you'll see them with their van and their yellow shirts on over their clothing, so we again thank them for their efforts. I can't imagine how much

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trash there would be if they didn't pick it up.

To that end, I met with the new director of District 12 for ODOT, John Picuri, and discussed two things: Trash on the off ramps, especially the Eddy Road westbound off ramp. He is trying to find a solution that is a permanent fix so that we don't have trash. They came out two weeks ago. Two days after they were there, it was loaded with trash again. We have signs up. We have fines posted. I'm not sure if it's long-term solution, because they will not let our service department work in their right-of-way. Nor should they. It's very dangerous. Good meeting with Mr. Picuri, I'm waiting for some feedback.

He's also looking at -- as you know, they started the construction of the two interchanges. One for the Martin Luther King westbound off ramp, putting a traffic light there, and one at the Martin Luther King eastbound off ramp, putting a traffic light there. We suggested they change the timing on the traffic light south at MLK right by the bridge that's for Broad Avenue. No one ever uses that intersection. So we suggested they put a

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loop there so the only time that light would go red is when there's a car at the intersection. Otherwise, it will create a bottleneck for traffic. And if any of you have driven around there around rush hour, the traffic is overwhelming. So they'll get back to me about that.

Judge O'Leary is not here yet. Is he outside petting the dog? We'll come back to that. So let's move to committee reports. And as a courtesy, to Mr. Puffenberger, you notice we made a motion to approve the purchase of three new police vehicles for 2020. And I'll let Jim pick up the piece on that, but the officer most recently hit, Officer Taylor Zana, he's sore, but is recovering. He ws not seriously injured.

This is the third car we had hit on the freeway in the last three, four months. We're careful to put them in safe spots, but when drivers are under the influence of drugs, particularly heroin, I guess there is no safe spot. The driver and passenger of the van were transported for treatment. Officer Zana was treated and released. Any updates on him, chief?

CHIEF DOLBOW: He's fine. He's back to Molnar Reporting Services, LLC (440) 340-6161

work today.

MAYOR LICASTRO: We weren't certain if that car would be totaled, which would add one additional car we would need for 2020. A few hours ago I received notice it is repairable and we will repair it and have it back in about two weeks. So Mr. Puffenberger, if you would.

MR. PUFFENBERGER: Yes, Finance Committee, Finance Committee met at its normal date and time and place, Thursday, September the 12th, at 5:30 p.m. As per usual, we evaluated September pay claims after some discussion and clarifications over the last few days. The committee does recommend obviously that we pass ordinance number 4045 and you'll see 4045 on your agenda. That is September pay claims. That allows us to pay our bills.

The committee will also -- this is a shorter meeting than typical. We've had some very long meetings. This is a shorter one. In the interest of time, I will address just items that are actionable or at some point will be actionable.

Second item we discussed is insurance claim, potential insurance claims for the Eddy Molnar Reporting Services, LLC (440) 340-6161

Road median plantings. I don't think Jeanne is here today, is she?

MS. BURKE-JONES: No, she's not.

MR. PUFFENBERGER: I thought perhaps she could address that. Some of you know, some of you probably haven't heard or are hearing this for the first time, that some of the fairly expensive plants in our median on Eddy Road have been stolen. And we are simply looking for assurance that it was submitted to insurance. Probably a little possibility that we'll get any reimbursement on that, but we simply discussed it to make certain that we were doing everything we could to get some sort of reimbursement.

Third item, a day or two before our meeting, we were made aware that there was a proposal being prepared for a gentleman who would like to put a Pilates studio in this building. And this is something I think the committee felt was a very good idea. There was a proposal with certain financials, certain financial aspects and T and Cs presented. We were able to get a copy of that prior to our meeting. We do -- and there's Sue back there. Sue, we do have some recommendations for edits to that proposal and

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plans. I know that -- I'll address this now. I know that there was some consternation among employees hearing this was going to be the case that perhaps there was going to be an issue with taking away a health plan they're satisfied with. I can assure everyone there have been no decisions made, no suggestions made even as to the type of plan. We're simply beginning a process, as we should, to evaluate the potential of the plans.

And the first opportunity to do this will be with the gentleman who will be presenting to the Finance Committee, I believe it's on September 27th, thanks to Ms. Murphy for setting that up. And we're going to be looking at alternative plans to see if we can do better. One of the options is an HSA, which is a Health Savings Account. Many organizations are going to that. We made no decisions on whether that's the appropriate thing for this Village, but it could potentially save us money if it works here, so we're simply evaluating that. I don't want anybody to be concerned anything is being taken away from them.

Next item we discussed was the status of Molnar Reporting Services, LLC (440) 340-6161

prior to the next meeting we'll be discussing that, okay, so we can move that forward.

MS. CAPELLO: Absolutely.

MR. PUFFENBERGER: Okay. Wonderful. The gentleman was supposed to have called me this week. One of the residents tonight uses this gentleman as her Pilates instructor. She asked him to call me. He's not done that yet. I'm looking forward to that conversation.

Fourth item, resolution 1157 in your agenda. What this is basically a housekeeping issue. We need to do this on a monthly -- a yearly basis to certify our tax rates for the following year. In this case, for the year 2020. There were a couple of questions. I happened to stop by and visit with Sheila this morning and we resolved those, I think, to our satisfaction.

And so the committee does -- we actually recommended this with the caveat that we would solidify some of these issues and they have been, so the committee does officially recommend passage of Resolution 1157 on your agenda here this evening.

There was some discussion, also, of the potential for enhancing our employee healthcare

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the Ohio online checkbook. If some of you are not familiar with that, this is something that is done in conjunction with the Treasurer of the State of Ohio. And what occurs here is that basically all of our finances are posted online. Virtually every check we write, someone can take a look at it online. This is an attempt to be as transparent as we possibly can be.

The city that Mr. Benjamin works for, who pioneers in this area in implementing such a thing in South Euclid. We decided as a council in February to implement this and to authorize and direct the administration to put this online. It isn't as yet, but we're looking to have this up online and populated with all of our statistics sometime very soon.

The last item I'll discuss here this evening is police vehicles. The Mayor alluded to that. There is Officer Lisk who handles our vehicle, police vehicle inventory, made a presentation to us and indicated we do need to replace two of our Explorer Interceptors fairly high mileage Explorers. And they would be replaced with Tahoes through the state. We got state purchasing dollars.

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And after discussion of the necessity to do so, certainly everyone is aware and the Mayor alluded to this, the damage that we've had on vehicles over the last several months, it is a necessity we felt to replace these two vehicles. So the committee voted unanimously to move forward to do so. And that completes my report.

MAYOR LICASTRO: Sir, at this time we would need a motion. So the window of time for the purchase of these vehicles is end of September. We will not receive it until January of 2020, for which we can use money from the tax initiative to pay for it. In order to move forward, we need a formal motion from council to authorize the purchase of the two Tahoes, each unit costs \$51,394.69.

So is there a motion to move forward to purchase two of these for to 2020?

MS. MURPHY: So moved.

MR. BENJAMIN: Mayor, is that fully equipped with the MTDs and the cages and everything?

MAYOR LICASTRO: It is.

MR. PUFFENBERGER: I can give you the breakdown.

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MAYOR LICASTRO: It's fully equipped.

MR. PUFFENBERGER: It includes the decals and equipment and everything.

MR. BENJAMIN: That's usually 13, \$15,000.

MAYOR LICASTRO: The equipment actually is \$15,130. Good guess. Now, we're able to take the camera systems we have and put them on this new vehicle. We couldn't do that with the most recent Tahoe, but this is complete. Did someone second that motion?

MS. BURKE-JONES: I'll second.

MR. MATTY: Mayor, can we add to the motion that it will be under the state purchasing program? And that at our next meeting, we will ratify this by legislation so we actually have a resolution for Mrs. Birch to have in the file for police vehicles. And, Chief, if you can send me the paperwork on each vehicle, then we can produce that legislation for the next meeting.

MAYOR LICASTRO: Thank you. So, Jim, would you make your motion, please.

MR. PUFFENBERGER: I simply say so move and not repeat that.

MS. BURKE-JONES: I'll revise my second

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for that.

MAYOR LICASTRO: Thank you. Any further discussion of the motion? All in favor of the motion?

Ayes: 6. Nays: 0.

MAYOR LICASTRO: Thank you. Before we begin public improvements, Mr. Bierut.

MR. BIERUT: Concerning the C&Y Global site, they hired -- and I'll speak strictly for the site contractor. They hired a site contractor. He's unable to start right now because of a couple trees that have to come down because of the Indiana bat or possibility Indiana bat in the trees. There's been no sightings, nothing like that. They can't take the few trees down until October 1st, then begin grading, at which time the contractor said it will be two weeks to complete his work.

We received an e-mail from C&Y Global this afternoon. I think the gentleman is here from C&Y Global asking for an extension until October 31st from September 30th. I think the same time because of the site work, they've asked for an extension on the concrete work through December 15th. Unfortunately, I don't remember

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what the cutoff was for that. Maybe it was November 30th. Of course, they can't do a lot of the concrete work without the site work being done.

MAYOR LICASTRO: To move this forward, we have the court holding a restraining order that would have gone into effect September 30th to make sure there was compliance. This just came to the floor in the last few hours. So Mr. Wang, is it not? Do you have anything to add, sir?

C&Y GLOBAL REP: Yeah, yeah.

MAYOR LICASTRO: Can you stand up, please.

C&Y GLOBAL REP: Because of the trees, we need to notify the US Fish and Wildlife. And they say that the approval won't take more than 30 days, so that's I thought the 30 days to added enough time and basically come to work in the grading 30 days later.

MAYOR LICASTRO: So you're comfortable if council were to be generous and extend the deadline to the end of October; is that correct?

MR. BENJAMIN: Are we still on tract? The agreement called for, I believe, completion

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of remediation by October 31st. Was that the case?

MAYOR LICASTRO: Mr. Matty.

MR. MATTY: No, I think we were longer than that.

MR. BIERUT: It was split. It was in two or three different parts because site was by September 30th and that's what the request is by October 31th. There was a concrete portion and I believe there was a fence portion maybe.

MR. BENJAMIN: All by October 31st. I thought everything would be completed by October 31st.

MR. BEIRUT: Unfortunately, I don't have the agreement with me.

MR. MATTY: My memory tells me it was November 15th that everything was supposed to be complete.

MAYOR LICASTRO: It was November 15th.

MR. BENJAMIN: So are we still on schedule, even with the Indiana bat issue, for completion of all scheduled remediation efforts by November 15th?

C&Y GLOBAL REP: It's separated in three categories. One of them doesn't have any effect.

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It's still on schedule. The fence is still on schedule. The other is waiting and the couple depends on the water management before we lay concrete. That's why both of them got pushed up 30 days.

MR. BENJAMIN: I appreciate the update. Certainly you can't argue with the Ohio EPA. They work on their own timeline. I understand that.

MAYOR LICASTRO: So, sir, what is a reasonable end date to have everything done?

C&Y GLOBAL REP: Now will be December 15th.

MAYOR LICASTRO: So C&Y Industry is asking to extending the deadline for all work to be done, to Mr. Benjamin's point, by December 15th, including fence, grading, concrete work, et cetera. So Mr. Puffenberger, yes.

MR. PUFFENBERGER: Are there any environmental risks in the interim in extending this?

C&Y GLOBAL REP: Any environmental?

MR. PUFFENBERGER: Any environmental risks.

C&Y GLOBAL REP: No.

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MAYOR LICASTRO: Mr. Bierut.

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

MR. PUFFENBERGER: So we're not putting anything at risk, the creek or anything of that nature by extending this?

MR. BIERUT: No.

MR. PUFFENBERGER: Okay.

MAYOR LICASTRO: So any further questions of council? So if it's your pleasure, we need to have a motion to extend this deadline for completion of everything to December 15th before the court injunction is -- restraining order is applied.

MS. BECKENBACH: I so move.

MR. BENJAMIN: Second. I appreciate an update next month on efforts.

MAYOR LICASTRO: Sir, can you keep us updated through Building and Mr. Bierut, Don, you'll keep us apprised as well?

MR. BIERUT: Yes.

MAYOR LICASTRO: Did you have a question, Ms. Murphy?

MS. MURPHY: No, but I would appreciate a monthly report on what the status is and how the work is going, as well as making it clear

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that this is the last -- the first and the last extension we agree to. That's being very generous considering we had to go to court over this.

MAYOR LICASTRO: I'm not sure that anyone knew about the Indiana bat, but we now do. Any further discussion? All in favor of the motion?

Ayes: 6.

MAYOR LICASTRO: Anyone opposed? Thank you. You had a few items, Ms. Burke-Jones.

MS. BURKE-JONES: Yes, we were to have a meeting last month, but it was cancelled. One reason was the Lakeshore Boulevard contract between Holden Lane and Bratenahl Road. Did you just want to give an update on that situation?

MR. BIERUT: I can do that. We had three bids come in. The estimates, 10 percent of the estimates, we've gone back and looked at what can be modified and the way we're doing it. I think the big thing we're doing is, if you remember, we had a split between fall and spring. And there were considerable efforts to button up the road for the wintertime.

Now, we're going to bid into late fall,

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early November-ish, whatever that will be and could start in the springtime to build it.

MAYOR LICASTRO: For everyone's edification, this is done through DOPWIC, District One Public Works Integrating Committee. It's for a complete resurfacing, including curbs, sewer work, et cetera, from Bratenahl Road west to Holden Lane. We received a matching grant from DOPWIC to make this happen. The estimate we got from Mr. Bierut's office was \$650,000. The bids came in over that 10 percent cap.

So again, we're going to rebid it in November with all done in calendar year 2020. This is different than the resurfacing you see from Holden Lane west. That's strictly a mill and fill. They put the first coat down. They're going to repair curbs then do the second coat on that as well.

MR. BIERUT: I can speak to that. They should be repairing the curbs on Friday, putting the final pavement down on Monday.

MAYOR LICASTRO: If you haven't driven it, it's way better than what it was. Please proceed.

MS. BURKE-JONES: Thank you. And the Molnar Reporting Services, LLC (440) 340-6161

other item that was on the agenda last month was the fence replacing at the end of Bratenahl Road. It had been reviewed by ARB and they requested some additional information for the fence, so we could not approve it going out to bid. It has been postponed again, but I anticipate, Don, that we're going to be able to have a presentation to ARB this coming month.

MR. BIERUT: That's correct. And hopefully follow-up with public improvement the following week.

MS. BURKE-JONES: Great. Fantastic. We did not have a meeting this month. However, there are two in May and June of -- the committee had requested that we have a -- we sent in an RFP for an architecture firm retainer so that when we have projects that need architecture involvement, similarly as we have an engineer, as we have a planner, as we have an attorney, that we can get that consulting work immediately instead of having to get specific -- send out a bid for a particular project.

And I wanted to -- we have not -- it has not been pursued until this point in time, but I requested and provided information from council

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that you believe it's a good idea for us to pursue. I believe when you look at our capital improvements, what we were planning on getting done this year, we're not quite on schedule. And I think a lot of that has to do with the fact that we don't have that consultant available to us or available to administration to use.

MAYOR LICASTRO: We were thinking about Bill Doty, reaching out to him. He's been a great friend to the Village.

MS. BURKE-JONES: I think we talked about the fact that we already have worked with a number of architects, so this can be just a small -- we're not talking about a big project. And obviously we can put a cap on the type of projects, so we're not talking about building a building with this contract. This is just to do smaller projects that need to be done. Any questions on that issue?

MR. PUFFENBERGER: No. I applaud your efforts to get this done, because I know you've been talking about this for some months. I think it needs to be done sooner rather than later, because there are several projects that can move forward quickly if, in fact, this is

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accomplished. So if we have names already on the list, I think we should review that and make a decision very quickly.

MAYOR LICASTRO: We thought of Bill Doty only because he's done work in the Village in the past and has been very reasonable. We'll reach out to him. If there are any other suggestions let us know.

MS. BURKE-JONES: Already, as we know, and we've worked with a few architects already, so it makes sense if we had a good experience with those that we would contact those to ask if they're interested in this so we can proceed with this.

MAYOR LICASTRO: Does that complete your report?

MS. BURKE-JONES: Yes, I believe. So do I have concurrence?

MAYOR LICASTRO: Yeah, I think we all agree.

MS. MURPHY: Yes.

MR. PUFFENBERGER: Absolutely.

MS. BURKE-JONES: So we can move on this immediately.

MAYOR LICASTRO: Yes, we'll contact Mr. Molnar Reporting Services, LLC (440) 340-6161

Doty and we're open to suggestions. Legislative.

MR. BENJAMIN: Legislative committee did not meet. We've been attempting to schedule a committee meeting in the next couple weeks, but we are running into some issues with our availability on certain dates. So most likely we'll have a meeting scheduled by mid October at some point and we'll post it on the website.

MAYOR LICASTRO: Thank you, sir. Public safety.

MS. BECKENBACH: Public safety did not meet, but I would like -- Mr. Jones and I will discuss this at lengths, obviously. This Community Center building has been discussed for several years. During that period, Doty and Miller architects have provided an extensive 2016 report to the Village of which I have copies.

The proposal for architectural engineering service for the center was formulated and distributed to the public in 2018. All of us have a copy of the results of that study. And it is time to move the Community Center discussion to both the Public Improvements Committee and the Public Safety Committee because of the severe conditions of the space. This council needs to

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arrive at a decision at their next meeting.

First, I'd like to let the committee know that the demographics of our community has changed. Currently, 70 percent of the residents in this community are retired. The average age is 62. And this building would be a great place for them to meet, greet, have their exercises, have their meetings and have discussions or whatever they so choose.

Bratenahl needs to move forward with the results of the resident survey taken, where the outcome was to keep and improve this structure or we close the facility down. That was the second option. And it was voted by the community in 2018, that we keep the building. Unfortunately, because of the time lag, the current Community Center has huge issues that are now moving into the danger zone. Some are dangerous and some are not, but we have to move forward. So Joyce and I are going to have a meeting of the whole eventually.

MAYOR LICASTRO: I suggest we do a meeting of council as a whole.

MS. BECKENBACH: Okay.

MAYOR LICASTRO: There are issues here,

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including dollars, that we have to look at carefully. So I'm not denigrating the work of the committees, that's certainly very valuable. Mr. Benjamin.

MR. BENJAMIN: I was going to suggest the same thing. I don't disagree with Councilwoman Beckenbach at all. I think that there are absolutely many issues with this building and this facility. And there have been studies done and reports done and there continue to be additional issues that arise and the Public Improvements Committee has done an incredible amount of work on this, but in order to expedite the process and make sure that every Councilperson is on the same page, because at the end of the day, it's this body that's going to have to make these tough decisions, I do believe, and I stated it before, that we should be doing committee of the whole, council of the whole meetings so we can all hear the same information and make our educated decisions on how to move forward.

MAYOR LICASTRO: Yes. And we did surveys, we did town hall meetings, a lot of you participated. We have some direction, but it's

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probably dated. So bring us back to the floor, I think we all need to engage. By "we" I mean not only those sitting here, but you sitting there as well, so great suggestion.

MS. BECKENBACH: I have lots of pictures that show the major damage inside and out of this building that we have to really look at before somebody hurts themselves and/or we have a real issue.

MAYOR LICASTRO: Thank you. Ms. Burke-Jones.

MS. BURKE-JONES: Thank you. I caution Mary in saying that there are safety issues in this building, that if it is indeed that case --

MS. BECKENBACH: There's been two fires and someone has fallen in a hole in the driveway.

MS. BURKE-JONES: All I'm saying is if indeed it gets down to whether the building should be occupied or not, so I caution making statements like that that we be clear about -- be specific about it.

MAYOR LICASTRO: Point well taken. Be careful. So let's pause here before we get to recreation and planning, et cetera. Judge O'Leary has joined us. Sir, you have the floor.

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Thank you.

MR. O'LEARY: Mr. Mayor, members of council, thank you for inviting me to come this evening. I know you have a full calendar on there, so just two things I wanted to touch on briefly. One of them is that the last time I spoke to council, it was about the proposal that I had approached the General Assembly about so the Cleveland Housing Court would have the jurisdiction to be able to hear felony and environmental crimes as well as administrative appeals from the Board of Building Standards, Board of Zoning Appeals.

There are two bills that are pending in the Ohio Senate. Those are senate bills 96 and 103. And I'm in contact with the two primary sponsors, Senators Kenny Yuko and Matt Dolan are moving that bill forward. I am working with -- or reaching out to members of the Ohio House to see if the House will introduce the companion bills, so those are in committee now. I hope that we have proponent testimony sometime in early to mid October.

Second thing is that on October 25th, which is the last Wednesday in October -- I'm
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sorry, October 23rd, we are hosting a neighborhood housing clinic here in the Community Center. I have about seven or eight neighborhood housing clinics each year. This, I believe, is the first one that we'll be having in Bratenahl. And there's sort of a housing fair where we invite partner agencies to join us. And then those are resources available for citizens to come see what services the different organizations provide and then ask questions from me and any elected officials that want to come.

I'm working with Mayor Licastro, I love welcome input from the council members. You know, for Cleveland, we have the Cleveland Building Department, the Cleveland Health Department, a numbers of other departments that wouldn't have anything really to offer to Bratenahl, but we do have water pollution control and the Division of Water. I was here last week for a presentation from the Cleveland Restoration Society about their Heritage home loan program that CRS is typically there.

I want to make sure that we have appropriate agencies for Bratenahl so that when people come, that it's the right people to talk
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to. And the Mayor said that I think that the building department and is it public service?

MAYOR LICASTRO: Well, our building commissioner Scott Packard will attend, Scott, Judge Ron O'Leary, I will attend as well and building will be there as well. We'll talk about exterior maintenance program, the rental, long-term rental inspection, where we are with point to sale and all that that's pertinent to Bratenahl.

MR. O'LEARY: That's going to be again on October 23rd from six to eight here in the center. What my report does is we typically send out a notices about a week and a half to two weeks before a neighborhood clinic, so we'll be mailing those. We typically get the mailing list from the clerk of coats. Mr. Turner is pretty good with keeping up with the list, but if you would please let everyone else know here in the Village, we certainly want to welcome everyone and be available so that everyone knows about it.

MAYOR LICASTRO: Judge, if you have a template, a flier, if you will, forward it to me we'll get it on our website.

MR. O'LEARY: Great. I'll make sure my
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staff gets that to you probably within the next week or so.

MAYOR LICASTRO: Any questions from council for the judge? Mr. Puffenberger.

MR. PUFFENBERGER: Judge O'Leary, when you were here last time, many of us sent you letters of support for the initiatives that you had before the state legislature.

MR. O'LEARY: Yes.

MR. PUFFENBERGER: Do you need any other support getting to this stage?

MR. O'LEARY: I'll let everyone who had sent in support know about when the hearing is. And then if anyone would be interested in going to Columbus for proponent testimony, I work with the sponsors to find out what it is that they're looking for. Sometimes it's a very short turnaround.

There's a bill pending in the house that's House Bill 252, that will provide demolition funding for county land banks. Right now our county land bank, it has almost no funds left. And that's really causing a problem for the parts of the city that continue to need demolition to continue stabilization. There's a
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lot of the city that has gotten back on its feet after the foreclosure crisis. The west side, the south side, pockets on the east side around University Circle, Shaker Square, Lee/Harvard have largely recovered their market values preforeclosure crisis, but there's still a lot of parts of the city that really need the demolition funding. And without the county land bank having sufficient resources, it just isn't going to be able to do its job.

When that bill got introduced, I was actually in Columbus for a different matter, driving back when I got the notice that they were going to have proponent testimony the next day. So it may be a very short turnaround, but I'll let you all know as soon as I hear.

MAYOR LICASTRO: Thank you, Judge. We look forward to seeing you. I'm sorry.

MS. BURKE-JONES: Because we've made use of the land bank, haven't we, ourselves?

MAYOR LICASTRO: Oh, yes, five or six properties. It's been a great asset to all communities. And the fact that they're out of funds is a serious situation.

MR. O'LEARY: They're not completely
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broke, but there's not nearly enough, particularly for properties that are going through state forfeiture. Those are the ones that are so bad that no one will purchase them.

MR. BENJAMIN: The county has now prioritized foreclosure remediation funds in their budget as well for this, for this year. Thinking that the foreclosure crisis is over, it doesn't need remediation, with the exception of Cleveland, which, of course, needs a lot of funding.

MAYOR LICASTRO: Feeling the Judge's pain, getting the General Assembly to see the reality of the situation is challenging indeed. Hopefully they acquiesce.

MR. O'LEARY: There's been good bipartisan support for House Bill 252. Representative Greenspan introduced it. I know representative Upchurch put some significant effort into getting it moved through the house. So hopefully we can get some of the senators maybe who are working on the legislation I proposed to support it as well.

MS. BURKE-JONES: Thank you very much for your efforts.

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MAYOR LICASTRO: See you on the 23rd.

MR. O'LEARY: Thank you all very much.

MR. PUFFENBERGER: If council -- excuse me one moment. I have to go talk to Judge O'Leary for one moment in the hallway, I'll be right back.

MAYOR LICASTRO: Moving forward with Recreation Commission report. Ms. Capello.

MR. BENJAMIN: She's in the hallway.

MAYOR LICASTRO: Let's move to Planning Commission.

MS. BECKENBACH: Planning Commission is going to meet next Wednesday at 5:30.

MAYOR LICASTRO: Thank you. Ms. Capello, the rec report.

MS. CAPELLO: Yes, sir. Good evening everyone. Recreation met September 4th. I do have two things this evening. The Rite Aid near the Cleveland Clinic, I think they're on Chester, she said that there were a lot of residents here that indeed needed their second shingle shot. So we are setting up a shot clinic for September 30th, six to seven. They will be bringing everything, flu, pneumonia, shingles, and whatever other shots they have out there, except

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for the MMR.

MAYOR LICASTRO: So Ms. Capello, the second shingles vaccine is a two-step process?

MS. CAPELLO: Yes, six months.

MAYOR LICASTRO: They're going to be bringing both?

MS. CAPELLO: They'll be bringing both, yes.

MAYOR LICASTRO: Okay. So those of us who had the first, they'll have the second available?

MS. CAPELLO: Yes.

MAYOR LICASTRO: Interesting.

MS. CAPELLO: So presented the word. Insurance companies will be contacted individually, so you need your insurance card and an ID card.

Secondly, Recreation is talking about the 2020 calendar. So if any of you have ideas or suggestions or comments, now is the time to make them. Thank you.

MAYOR LICASTRO: Thank you. Would you please allow Mr. Puffenberger to enter the room?

MS. CAPELLO: I'm sorry.

MR. PUFFENBERGER: I'm perfectly

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comfortable here.

MAYOR LICASTRO: Well said. Shade tree commission does not have a report.

MS. BURKE-JONES: I did talk to Jeanne and they did meet. However, they did not have a quorum, so there's no action to set forth for this committee. Thank you.

MAYOR LICASTRO: Mr. Benjamin, a quick recap on branding, if you would.

MR. BENJAMIN: Sure. The branding implementation is going to begin moving forward in the near future. Actually, it's already started. If you saw the agenda tonight, you'll see the new logo that was presented at the last -- or not the last council meeting, the council meeting in July.

And the citizen steering committee group that worked on this project would like to continue to play a role. And so they are going to be convening. There's not a meeting scheduled yet, but they will be convening in the near future to look at setting priorities for implementation and making recommendations to council to move forward. The first of which, for example, is gateway signage. How big should it

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be? Where should it go? What are the recommendations? What are the costs? Getting some quotes so that Village Council then can make an educated decision on how they want to move forward and funds these efforts. So that's where we're at.

MAYOR LICASTRO: Thank you. Before we begin under new business, any comments from the public on agenda items? Ms. Goyanes.

MS. GOYANES: Yes. This is about the police cars. Can I comment on that?

MAYOR LICASTRO: This section is for items you see under new business.

MS. GOYANES: This is for new business?

MAYOR LICASTRO: Yes, ma'am.

MS. GOYANES: Never mind.

MAYOR LICASTRO: Ms. Meade.

MS. MEADE: Yes. A quick comment on Keith's comment with the branding update.

MAYOR LICASTRO: Ma'am.

MS. MEADE: Just a quick update, please.

MAYOR LICASTRO: Hold on. We have time at the end of the meeting. This portion is to comment on items you see listed under new business.

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MS. MEADE: I believe -- I always thought the three-minute rule applied to old and new business. Has that changed?

MAYOR LICASTRO: There's nothing under old business, so let's make it pertinent to new.

MS. MEADE: Under pay claims, we have the auditor's bill of \$7,708.50. I was curious, is that the total auditor's fee or is that a partial bill?

MS. BIRCH: That is a partial.

MS. MEADE: What will the total be, approximately?

MS. BIRCH: I have no idea, because they essentially charge by the hour.

MS. MEADE: Okay. And then when it comes to the magistrate's fees, we have one fee at \$1,100 and it looks like it's for one time. And then we have another magistrate who's billed twice and his fee is less than the other one that billed for one.

So I'm wondering are there dates missing or can they charge different fees?

MAYOR LICASTRO: They charge the same fee and that's been resolved.

MS. MEADE: I don't know how it's been
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resolved.

MAYOR LICASTRO: Ms. Cooks gave us documents to council that answered their questions and the amount on pay claims is accurate.

MS. MEADE: I'm not questioning the accuracy. I'm questioning whether the first magistrate, Chuck Bauernschmidt, it's got one date. So is the \$1,100 fee accurate for one date or is that for multiple dates?

MAYOR LICASTRO: They get paid \$200 an hour. So one court could not be 1,100. It's for multiple courts.

MS. MEADE: So could I get the additional dates if he was billing for that to equal the \$1,100 fee?

MAYOR LICASTRO: Yes.

MS. MEADE: The dump body truck for almost \$21,000, could you provide some detail on that?

MAYOR LICASTRO: Mr. Zalar? The dump body with the new configuration.

MR. ZALAR: New configuration truck we had delivered to the garage last week. Everything is ready to rock and roll. We're just

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waiting on the state to send us some plates and decals and we're ready to go.

MAYOR LICASTRO: Thank you, sir.

MS. MEADE: Then my last thing, I didn't know if Mr. Matty could describe with his second billing for the court system and the Mayor's court, I think, for the \$4,756, could he describe what his services entails for that type of monthly fee? What does his firm do for the Village?

MAYOR LICASTRO: They prosecute our cases in Cleveland Muni court. Anyone else?

MS. MEADE: Could I get more detail than that? Do we have to have our police officers there to be witnesses?

MAYOR LICASTRO: It matters. Sometimes there's trials, sometimes they testify, sometimes they don't, but the prosecution we need in Cleveland Muni court is being handled by Matty Greve.

MS. MEADE: So for that fee, can you tell me how many cases were handled within the past month?

MAYOR LICASTRO: I can't give that off the top of my head.

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MS. MEADE: Could I get that information?

MAYOR LICASTRO: I'm not certain that information is available, but we'll certainly look at it.

MS. MEADE: It might be a public record.

MAYOR LICASTRO: If it is, you can have it. If it's not, you can't.

MS. MEADE: Thank you.

MAYOR LICASTRO: Anyone else? Okay. Mr. Packard, before we move to Ordinance 4044, do you want to comment on this for us, please?

MR. PACKARD: Certainly. This is really just housekeeping. On July 1st of this year, the State of Ohio enacted 2019 Residential Code of Ohio. The Village's ordinances actually specifically adopted the old 2013 in its time, so this is housekeeping to enact the original -- or the new ordinance, or the new code for 2019, and any adoption as required by the state thereafter so we don't have to do this again.

MAYOR LICASTRO: Thank you.

MS. MURPHY: It's part of the international code?

MR. PACKARD: It is based on the

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international, but Ohio modifies all their codes to Ohio's statutes and so forth.

MS. MURPHY: Thank you.

MAYOR LICASTRO: Ms. Beckenbach, if you would, begin with Ordinance Number 4044.

MS. BECKENBACH: Introduce Ordinance Number 4044 for suspension, an ordinance amending Section 1301.01 of the building code to automatically adopt the Residential Code of Ohio as it is amended, modified or deleted and declaring an emergency.

MR. BENJAMIN: Second.

MAYOR LICASTRO: Roll call on suspension, please.

MS. BIRCH: Ms. Beckenbach?

MS. BECKENBACH: Aye.

MS. BIRCH: Mr. Benjamin?

MR. BENJAMIN: Aye.

MS. BIRCH: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

MS. BIRCH: Ms. Huffman?

MS. HUFFMAN: Aye.

MS. BIRCH: Ms. Murphy?

MS. MURPHY: Aye.

MS. BIRCH: Mr. Puffenberger?

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MR. PUFFENBERGER: Aye.

MS. BECKENBACH: I introduce Ordinance Number 4044 for passage.

MR. BENJAMIN: Second.

MAYOR LICASTRO: Any further discussion? Any questions for Mr. Packard? There being none, roll call on passage, please.

MS. BIRCH: Ms. Beckenbach?

MS. BECKENBACH: Aye.

MS. BIRCH: Mr. Benjamin?

MR. BENJAMIN: Aye.

MS. BIRCH: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

MS. BIRCH: Ms. Huffman?

MS. HUFFMAN: Aye.

MS. BIRCH: Ms. Murphy?

MS. MURPHY: Aye.

MS. BIRCH: Mr. Puffenberger?

MR. PUFFENBERGER: Aye.

MS. BIRCH: Thank you.

MAYOR LICASTRO: Mr. Benjamin, if you would, 4045.

MR. BENJAMIN: Ordinance 4045, that the following claims against the Village of Bratenahl are hereby directed from the funds and the fiscal

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officer is hereby authorized and directed to draw her warrants for payments to wit. I move suspension.

MS. BECKENBACH: Second.

MAYOR LICASTRO: Roll call on suspension, please.

MS. BIRCH: Ms. Beckenbach?

MS. BECKENBACH: Aye.

MS. BIRCH: Mr. Benjamin?

MR. BENJAMIN: Aye.

MS. BIRCH: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

MS. BIRCH: Ms. Huffman?

MS. HUFFMAN: Aye.

MS. BIRCH: Ms. Murphy?

MS. MURPHY: Aye.

MS. BIRCH: Mr. Puffenberger?

MR. PUFFENBERGER: Aye.

MR. BENJAMIN: This is the monthly pay claims ordinance and was reviewed and discussed and recommended for approval last week in the Finance Committee meeting. This month's total is \$193,345.07 and I move passage.

MS. BECKENBACH: Second.

MAYOR LICASTRO: Questions or
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discussion? It's been vetted by finance. There being none, roll call on passage, please.

MS. BIRCH: Ms. Beckenbach?

MS. BECKENBACH: Aye.

MS. BIRCH: Mr. Benjamin?

MR. BENJAMIN: Aye.

MS. BIRCH: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

MS. BIRCH: Ms. Huffman?

MS. HUFFMAN: Aye.

MS. BIRCH: Ms. Murphy?

MS. MURPHY: Aye.

MS. BIRCH: Mr. Puffenberger?

MR. PUFFENBERGER: Aye.

MS. BIRCH: Thank you.

MAYOR LICASTRO: Ms. Burke-Jones, if you would, Resolution 1157.

MS. BURKE-JONES: Yes, Resolution 1157 for suspension. A resolution accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the county fiscal officer and declaring an emergency.

MR. BENJAMIN: Second.

MAYOR LICASTRO: Roll call on
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suspension, please.

MS. BIRCH: Ms. Beckenbach?

MS. BECKENBACH: Aye.

MS. BIRCH: Mr. Benjamin?

MR. BENJAMIN: Aye.

MS. BIRCH: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

MS. BIRCH: Ms. Huffman?

MS. HUFFMAN: Aye.

MS. BIRCH: Ms. Murphy?

MS. MURPHY: Aye.

MS. BIRCH: Mr. Puffenberger?

MR. PUFFENBERGER: Aye.

MS. BURKE-JONES: Now Resolution Number 1157 for passage.

MR. PUFFENBERGER: Second.

MAYOR LICASTRO: Discussion? It's been vetted by finance. There being none, roll call on passage, please.

MS. BIRCH: Ms. Beckenbach?

MS. BECKENBACH: Aye.

MS. BIRCH: Mr. Benjamin?

MR. BENJAMIN: Aye.

MS. BIRCH: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

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MS. BIRCH: Ms. Huffman?

MS. HUFFMAN: Aye.

MS. BIRCH: Ms. Murphy?

MS. MURPHY: Aye.

MS. BIRCH: Mr. Puffenberger?

MR. PUFFENBERGER: Aye.

MS. BIRCH: Thank you.

MAYOR LICASTRO: So before we move to the last resolutions, they're all related to the Board of Zoning Appeals, which met last week. We have Ms. Hopkins here from CT Consultants. I'll give a brief recap of each as each is introduced. First of all, if you're wondering where 1158 went, we held it in abeyance for the rental of room here at the rec center. So if that moves forward, we'll bring that back next month.

Resolution 1159 is for a variance for a side yard air-conditioning unit, 140 Lake Harbor Court. Basically, the summary is given the existing conditions and approval by the HOA, it's the opinion of our planner that this is a reasonable variance, that it be granted as proposed, providing the air-conditioner unit is indeed quiet, high efficiency and screened from view from the street of 150 Lake Harbor Court.

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This was reviewed by BZA and the recommendation to this body is to approve this action.

So if you would, Ms. Huffman, please introduce 1159.

MS. HUFFMAN: Introducing Resolution Number 1159, a resolution confirming the action by the Board of Zoning Appeals, approving the variance request for the property located at 140 Lake Harbor Court to revise the required rear yard location of air-conditioning units and declaring an emergency.

MR. PUFFENBERGER: Second.

MAYOR LICASTRO: Roll call on suspension, please.

MS. BIRCH: Ms. Beckenbach?

MS. BECKENBACH: Aye.

MS. BIRCH: Mr. Benjamin?

MR. BENJAMIN: Aye.

MS. BIRCH: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

MS. BIRCH: Ms. Huffman?

MS. HUFFMAN: Aye.

MS. BIRCH: Ms. Murphy?

MS. MURPHY: I abstain.

MS. BIRCH: Mr. Puffenberger?

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MR. PUFFENBERGER: Aye.

MS. HUFFMAN: Introducing Resolution 1159 for passage.

MS. BECKENBACH: Second.

MAYOR LICASTRO: Keep in mind the Board of Zoning Appeals, like all boards and commissions, make recommendations and it is council that has final approval. Any discussion? Roll call on passage, please.

MS. BIRCH: Ms. Beckenbach?

MS. BECKENBACH: Aye.

MS. BIRCH: Mr. Benjamin?

MR. BENJAMIN: Aye.

MS. BIRCH: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

MS. BIRCH: Ms. Huffman?

MS. HUFFMAN: Aye.

MS. BIRCH: Ms. Murphy?

MS. MURPHY: Abstain.

MS. BIRCH: Mr. Puffenberger?

MR. PUFFENBERGER: Aye.

MAYOR LICASTRO: Resolution 1160 is for an air-conditioning unit at 10401. The owner Patty Guidice is present today. This also in summary was stated that given existing

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conditions, it's my opinion it's reasonable the variance be granted as proposed providing the air-conditioner unit is a quiet, high efficiency unit and screening has been maintained.

We received an additional document late today from Ms. Hopkins addressing concerns we heard at the BZA meeting from the neighbor Nick Wanchik, who is also here today.

Ms. Hopkins, will you summarize your report for us?

MS. HOPKINS: Sure. After last Wednesday's Board of Zoning Appeals, I did additional research and received the specifications on the model unit and the specific unit and reviewed that. I then had conversations with actually the contractor, not only did I receive the materials, but talked to him today as well. And then I also called an unbiased contractor who had nothing vested in this. Talked to him. And then a co-worker of mine is building inspector, so I also asked him as well about the noise, the impact of the noise on the unit.

In talking with Mike, who will do the installation from Bryan & Suns Heating and

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Air-Conditioning, the additional information that's not in the memo, his comment was the decision on the, quote, the best location for the air-conditioning unit was arrived at because there are three window units on the two houses, in that area between the two houses.

And regardless of when they're running or not running, when they're off or not, the fact that they are already there and when they are running they are creating some noise, that he was of the opinion that that's the best location. To put it closer to the street, to go around the chimney, not only would place it potentially in the front yard and would require additional screening, but it would also introduce additional fittings to go around the chimney, which could cause problems in the future in terms of maintenance with rusting of the fittings and things like that. He said it was his opinion this was, quote, the best location.

In terms of the noise level from this unit, at face value, 78 dBA sounds high, but in terms of the additional things that can be done to bring the noise down, there is a compressor sound cover that can be added on top of the

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compressor. And then he also -- Mike from the contractor's office did talk about a pad that could be used as well.

In terms of experience on the noise level and from the two contractors and my co-workers who is the building inspector, it was of their opinion, all three of them, that this is not a noisy unit, that it would not be a nuisance. So based on that, their opinions, that is where I came to the conclusion that this was a reasonable location for it.

MR. BENJAMIN: And that neighboring properties have air-conditioning compressors in the same general vicinity, correct?

MAYOR LICASTRO: Window.

MS. HOPKINS: Two window air-conditioning units, one on the first floor, one on the second. And then the property owner has an air-conditioning unit on the second floor.

MR. BENJAMIN: And those probably generate equal amount of --

MS. HOPKINS: Well, on average, window air-conditioning units are between 40 and 60. It's unclear what these -- what the noise level is of these. The older they get, the contractor

said they do become noisier. Also, I did want to point out the code does not regulate window air-conditioning units. And so anyone can install a window air-conditioning unit regardless of how close it is to the property line.

MAYOR LICASTRO: Ms. Guidice, any comments?

MS. GUIDICE: He found the best spot. It's the most energy efficient. It's not visible from the street. It will be easy for him to maintain. And it's not going to be on my fairly small patio, which would make it unsightly.

MAYOR LICASTRO: Thank you. Mr. Wanchik.

MR. WANCHIK: I believe it shouldn't be on her patio and that it should be along the side of the house. I recommended that it just be pushed forward of my house by six feet, which is not very visible from the sidewalk or driving down the street. This would entail what Ms. Hopkins was talking with additional fittings, it would go around the chimney. This would alleviate any possibility of echoing and noise transfer. My wife turns her air-conditioner off at eleven o'clock at night and sleeps with the

window open there. And we're concerned that we're going to hear this echoing between the two houses.

MAYOR LICASTRO: Ms. Guidice, it was recommended that if noise is an issue, a compressor sound cover can be purchased. Would you be willing to consider that?

MS. GUIDICE: Yes, but six feet closer to the street --

MAYOR LICASTRO: No, I'm talking about keeping it in the proposed location.

MS. GUIDICE: Yes.

MAYOR LICASTRO: So you would consider doing that --

MS. GUIDICE: I would consider that.

MAYOR LICASTRO: -- with the proposed cover?

MS. GUIDICE: But as far as moving it six feet closer to the street, I looked at it, it will be visible and it will look terrible. I don't want to see it. I don't think any of my neighbors will.

MAYOR LICASTRO: You'll be able to address this option as well?

MS. GUIDICE: Yes.

MAYOR LICASTRO: Comments from council members?

MR. PUFFENBERGER: Yes, when the BZA reviewed this, we did it in principle, I believe, it would be appropriate terminology approve this or recommend approval based on additional information and a secondary opinion from CT Consultants. The main issue was what's the noise level. And in my opinion, it's been resolved. It's a small unit. We had lots of pictures that we looked at. The location is not visible from the street. So I think that remedies any objections that there may be from that. And given the data that we received, the data sheets that we received subsequent to the BZA meeting, it seems as though the noise issue has been resolved as well.

MAYOR LICASTRO: Anymore comments?

MS. BURKE-JONES: There was a comment also on the pad as well as cover?

MS. HOPKINS: Yes. That I'm a bit unclear about, because in the specs it does include a certain type of pad. The contractor this afternoon said he could install a pad that would help reduce the noise. He didn't go into

any detail, so that is something that could be investigated to see if additional type of padding underneath.

MS. BURKE-JONES: I would like to recommend something like that, anything that can reduce the sound.

MAYOR LICASTRO: I think we're in a position to request like we did the cover. Ms. Guidice, if you can do whatever you can to mitigate the noise within reason.

MS. GUIDICE: I will. I don't want it loud, either. I wouldn't spend a ton of money on it to be cool and have this noise pollution. It's going to be on a pad. It's not just going to be sitting on the dirt. That will absorb the sound. If it's offensive, I'll put the cover on.

MR. PUFFENBERGER: Just to be clear, the pad we're discussing is in addition to the concrete pad?

MS. BURKE-JONES: Yes, that is correct, it's a sound-absorbing pad.

MR. PUFFENBERGER: It's a sound absorbing material.

MS. HOPKINS: And if you did get the 20-page spec sheet it's on, there is a diagram of
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it that shows what that pad looks like. So that's where I'm not quite sure if it was mentioning that it's something he could do or something he was already planning on doing.

MAYOR LICASTRO: Mr. Wanchik.

MR. WANCHIK: I've been concerned that all the information I've received during this whole group of submissions to me, that there's been two different locations, proposed locations for this unit. It started way in the rear of the property against the corner between our two houses and it's now moved itself up to the center to the optimally worst position it could possibly be for my wife.

All we've ever wanted to do was move this particular unit a little farther forward so that we would have the noise not echoing between the two properties. The houses are in misalignment by six feet there, that's the actual house portion. The porch extends another 15 or 20 feet out from there.

The view from the county shows very clearly that this is only common sense where to put it that would both satisfy Pat and myself. And we would -- everyone would end up being a

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winner. I agree 100 percent that it doesn't need to be on -- that she needs a waiver to get it off of her patio or out of the backyard.

MAYOR LICASTRO: Thank you. So the proposal is to locate it as offered with the caveat of a cover, if need be, to mitigate noise. That is what's in this ordinance 1159. So let's introduce it and we'll discuss it further, if you would, Ms. Huffman, 1159.

MS. HUFFMAN: I did 1159.

MAYOR LICASTRO: I'm sorry, 1160, sorry.

MS. MURPHY: That's all right.

MS. HUFFMAN: Introducing number 1160, Resolution Number 1160, a resolution confirming the action by the Board of Zoning Appeals approving the variance request for the property located at 10401 Brighton Road to revise the required rear yard location of air-conditioning units and declaring an emergency.

MS. BECKENBACH: Second.

MAYOR LICASTRO: Roll call on suspension, please.

MS. BIRCH: Ms. Beckenbach?

MS. BECKENBACH: Aye.

MS. BIRCH: Mr. Benjamin?

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MR. BENJAMIN: Aye.

MS. BIRCH: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

MS. BIRCH: Ms. Huffman?

MS. HUFFMAN: Aye.

MS. BIRCH: Ms. Murphy?

MS. MURPHY: I abstain.

MS. BIRCH: Mr. Puffenberger?

MR. PUFFENBERGER: Aye.

MS. HUFFMAN: Introducing Resolution Number 1160 for passage.

MS. BECKENBACH: Second.

MR. PUFFENBERGER: Second.

MAYOR LICASTRO: Any further discussion or consideration? Okay. There being none, roll call on passage, please.

MS. BIRCH: Ms. Beckenbach?

MS. BECKENBACH: Aye.

MS. BIRCH: Mr. Benjamin?

MR. BENJAMIN: Aye.

MS. BIRCH: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

MS. BIRCH: Ms. Huffman?

MS. HUFFMAN: Aye.

MS. BIRCH: Ms. Murphy?

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MS. MURPHY: Abstain.
MS. BIRCH: Mr. Puffenberger?
MR. PUFFENBERGER: Aye.
MS. BIRCH: Thank you.

MAYOR LICASTRO: Thank you. The last resolution pertains to a new garage at 10418 Brighton Road, lot of stuff happening on Brighton Road. There was a garage on this site years ago. There's been one proposed to be pretty much on the same site.

Ms. Hopkins, why don't you comment on your report, please.

MS. HOPKINS: So there are four variances required. The code, which really seems to address new construction, requires a two-car garage and that it be attached, that it be not in the required rear yard of the lot unless it's constructed of masonry, and that it not exceed -- the house and the garage together, not exceed 20 percent of the lot area.

So the opinion is that this stretch of Brighton Road on the south side of the street has, I believe, five lots in a row that are nonconforming both in the lot width and in lot area. There are already existing garages that
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sit within three or four feet of the rear yard, rear lot line. And because this location of the proposed garage is pretty much in exactly the same location and of a very similar size, it's my opinion that it's reasonable to grant these four variances.

MAYOR LICASTRO: So keep in mind this includes four variances, not just one like the prior two resolutions. This, of course, was reviewed by the Board of Zoning Appeals and recommended for approval. So I'm not sure whose turn it is, I lost track.

MS. BIRCH: Ms. Murphy.

MAYOR LICASTRO: Ms. Murphy, if you would, Resolution 1161.

MS. MURPHY: Sure. I'd like to introduce Resolution 1161, a resolution confirming the action by the Board of Zoning Appeals approving four variances for the property located at 10418 Brighton Road to allow building and detached one-car garage on a nonconforming lot in the 3R district in the general location of the previous one-car garage and declaring an emergency and that's for suspension.

MS. BECKENBACH: Second.

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MAYOR LICASTRO: Roll call on suspension, please.

MS. BIRCH: Ms. Beckenbach?

MS. BECKENBACH: Aye.

MS. BIRCH: Mr. Benjamin?

MR. BENJAMIN: Aye.

MS. BIRCH: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

MS. BIRCH: Ms. Huffman?

MS. HUFFMAN: Aye.

MS. BIRCH: Ms. Murphy?

MS. MURPHY: Aye.

MS. BIRCH: Mr. Puffenberger?

MR. PUFFENBERGER: Aye.

MS. MURPHY: And Resolution 1161 for passage.

MS. BECKENBACH: Second.

MAYOR LICASTRO: Discussion? Concerns?

MR. BENJAMIN: I just want to thank Kris Hopkins for her detailed memos on all of these issues. They're very helpful.

MS. MURPHY: Yes, thank you.

MAYOR LICASTRO: Kris has big shoes to fill. Dave Hartt was our planner for many years. She does an exception job. And she's probably a
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little more computer savvy than Mr. Hartt where we get all kind of aerial photos and drone photos and whatever they are. Thank you Ms. Hopkins. Thank you for that comment, Mr. Benjamin. Any further comments?

MR. PUFFENBERGER: I do want to ask how you get the aerial photos. Is that from a drone?

MS. HOPKINS: No. Actually if you go on Cuyahoga County My Space.

MR. BENJAMIN: My Place.

MS. HOPKINS: My Place, there's a pictometry feature, so that gives you the bird's eye view, which is, in my opinion, a better option than Google Earth, because you can also get the lot lines on the aerial photos.

MR. PUFFENBERGER: The drones would be a lot more fun though.

MR. BENJAMIN: I'm free to fly my drones. (Laughter.) The roof inspected, I'm always happy to get experience.

MR. PUFFENBERGER: They weren't for the prince of Saudi Arabia.

MAYOR LICASTRO: I think we're waiting for passage, please.

MS. BIRCH: Ms. Beckenbach?

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MS. BECKENBACH: Aye.
 MS. BIRCH: Mr. Benjamin?
 MR. BENJAMIN: Aye.
 MS. BIRCH: Ms. Burke-Jones?
 MS. BURKE-JONES: Aye.
 MS. BIRCH: Ms. Huffman?
 MS. HUFFMAN: Aye.
 MS. BIRCH: Ms. Murphy?
 MS. MURPHY: Aye.
 MS. BIRCH: Mr. Puffenberger?
 MR. PUFFENBERGER: Aye.
 MS. BIRCH: Thank you.

MAYOR LICASTRO: I didn't skip anything, did I? We did everything? Ms. Murphy.

MS. MURPHY: Can we look into please getting the Your 911 on the website?

MAYOR LICASTRO: The lieutenant and I met with that last week. We need to get update and current on that.

MS. BECKENBACH: It's on the website.

MAYOR LICASTRO: It's called Your 911. People have to opt into it. We need to get the information out there. We are working on it.

MS. MURPHY: Thank you.

MAYOR LICASTRO: Anyone else on council?

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safest place. We don't want the kids getting hurt.

MAYOR LICASTRO: We do review that on a regular basis. That's a good suggestion. And we certainly want to keep our officers safe. We try to find the safe spot. I was interviewed on Fox 8 News. I called the freeway a dance of death. I'm not sure there is a safe spot.

MS. GOYANES: He looked frightened. He had that door open. And I thought if I can't get over, I'm going to hit him.

And then I'd like to know what the status of the Supreme Court lawsuit is. Has an injunction been issued yet and how is it going to be paid?

MAYOR LICASTRO: This case is still pending. We're not going to comment further.

MS. GOYANES: And was there a police report filed on the 308 plants that were stolen from Eddy Road?

MAYOR LICASTRO: Not to my knowledge.

MS. GOYANES: Do you know what date that happened?

MAYOR LICASTRO: Not to my knowledge. Did you say 308 plants?

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Did you raise your hand, sir?

MR. PUFFENBERGER: No.

MAYOR LICASTRO: Anyone from the audience? Ms. Goyanes.

MS. GOYANES: What I'd like to know is will the insurance cover the cars, three cars hit.

MAYOR LICASTRO: The insurance company, the one that was damaged?

MS. GOYANES: Yes.

MAYOR LICASTRO: The insurance company, we believe, will settle for a reasonable amount on the damaged vehicle.

MS. GOYANES: I just --

MAYOR LICASTRO: This one can be repaired.

MS. GOYANES: Okay. I just wanted to tell you my experience. About three weeks ago I was getting on the freeway going west towards Cleveland. And as you're trying to merge, there was a truck who wasn't going to move. At the bottom of the exit or the entrance ramp was a policeman with a radar gun and his door open. All I ask is that these policemen park somewhere else. At the end of an entrance ramp is not the

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MS. GOYANES: No, that's what they said at Shade Tree.

Mayor LICASTRO: Wasn't it 42?

MS. MEADE: 380.

MR. PUFFENBERGER: They began with 400.

MAYOR LICASTRO: Joe will attest to this: Wherever we planted plants, they get stolen. We're looking for a different configuration. When I met with the county, they talked about how brine is now the preferred substance to melt salt. And brine is more intrusive to the landscape. That's probably what killed a lot of the plants. Of course, it doesn't make up for them being stolen. Continue, please.

MS. GOYANES: There was an incident at Lakehurst, two men climbing over the wall at the Lakehurst property. Were any arrests made on that?

MAYOR LICASTRO: I believe they were pursued. I'm not sure they were captured.

MS. GOYANES: Thank you.

MAYOR LICASTRO: Ms. Meade.

MS. MEADE: Was there anything to report from executive session?

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MAYOR LICASTRO: No.

MS. MEADE: As a point of clarity for Ms. Beckenbach regarding the Community Center, she had made a comment that the conclusion was to keep the building. And from my recollection, the one survey that was done for 127 people, the majority of them did want to keep the building. But we still have 1,000 people that have not been heard from, so I didn't want that to be a blanket comment. I think of that survey that was the accurate result.

And then now that I can speak to the branding update, because that wasn't an agenda item, as a suggestion, from what I recall on the RFP, there were supposed to be three public meetings. There was really only one that happened. Everything else happened by the steering committee and everything was done secretively in the steering committee, meaning there were no public meetings posted that the steering committee was meeting and anyone can have input.

So based on what you had just relayed that they want to continue in the process, I'm asking if you would make those open meetings for
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the public, because we have a lot of talent in the Village that have marketing background, branding background, and can provide more information and input and might be helpful and get better outcomes.

MR. BENJAMIN: Sure, we'll discuss that.

MAYOR LICASTRO: The next phase will involve council. It will be much more available.

MS. MEADE: Thank you.

MAYOR LICASTRO: Anyone else? Mr. Roediger.

MR. ROEDIGER: Thank you. Couple of questions. Am I correct in saying Bratenahl Village park is owned by the Village?

MAYOR LICASTRO: Yes, sir.

MR. ROEDIGER: Are there any real daytime restrictions to its use?

MAYOR LICASTRO: I don't think you can play golf.

MR. ROEDIGER: NO, I'm talking access, not playing. There's no real access restrictions. I can use it during the daylight hours. Foster Park, I would think is the same it's owned by the Village?

MAYOR LICASTRO: That's correct.

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MR. ROEDIGER: And you don't have to ask anyone's permission to go down to it. You know where I'm going, don't you? So why do I have to get in my car and drive to Village Hall and beg to get on the north side of Eddy Road to the lake?

MAYOR LICASTRO: We came up with a compromise with Bratenahl Place.

MR. ROEDIGER: Wait a minute, who owns the property?

MAYOR LICASTRO: We do.

MR. ROEDIGER: Then why is Village residents dependent upon a compromise with Bratenahl Place? If they have an issue, one minute is gone, they can put up a fence. And if the Village feels there is danger at the very end where the rocks are, we can put up a small fence to keep people from going down into the rocks and fishing or whatever they do on the rocks, looking for snakes.

So why, as a Villager, am I denied -- I'm not asking 2/47, because I'm afraid of the dark -- access to that property? I don't care about you made a compromise. It's owned by the Village of Bratenahl. So why? It's a reasonable

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question. Is it a legal question, Mr. Matty?

MR. MATTY: No. If it's owned by the Village, you have right to access it.

MR. ROEDIGER: Not 24/7, but without going and begging for a key to open it up.

MR. MATTY: Yeah, whenever it's open, regular hours.

MR. ROEDIGER: Okay.

MR. MATTY: Regular park hours I should say.

MR. ROEDIGER: Okay. So let's say it's dawn to dusk just to pick an hour thing. So that gate should be unlocked from dawn to dusk, because it's owned by the Village. I want to know why it is not opened up. Legal opinion says it should be opened up from dawn to dusk or some variation thereabout.

MAYOR LICASTRO: We came up with a plan going forward that seemed to resonate. We'll be glad to revisit it again.

MR. ROEDIGER: I mean, you made the deal. We are Villagers. How can you make a deal restricting the use of public property, Council? And can anyone answer that question? Once?

MS. HUFFMAN: I have a question. Are

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you asking that it be opened?

MR. ROEDIGER: I think it should be open from sunlight, yeah, daylight hours.

MALE VOICE: We want access to what we own.

MR. ROEDIGER: Yeah, that's all. I suppose we should do the same thing for Bratenahl Road, but there is a little bit farther drop danger issue there.

MAYOR LICASTRO: The fence of Bratenahl Road is there for safety, sir.

MR. ROEDIGER: I said that. I said very similar for hazard, but you have a legal opinion now that, hey, it should be open from dusk to dawn. When will that start?

MAYOR LICASTRO: We'll be glad to revisit that again. Thank you.

MR. ROEDIGER: Revisit a public property? How about a date? Thank you, sir.

MAYOR LICASTRO: I can't give it to you right now. We'll definitely look at it again. Anyone else? Mr. Bauman.

MR. BAUMAN: Yes, the lawsuit about our secret -- supposed secret ballot. Do we know how much that cost us in legal fees on our side

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roughly?

MAYOR LICASTRO: Do I share that?

MR. MATTY: It's up to you.

MAYOR LICASTRO: We estimate it cost the Village \$96,000.

MR. BAUMAN: 96,000.

MAYOR LICASTRO: 96,000.

MR. BAUMAN: I just saw a flier from the Meade Kesselem campaign for this fall saying that our legal fees are skyrocketing. Well, you know, I love that flier, but you can't cause the problem and then say that these -- she's the one who sued us and she's bringing it up saying that we're spending too much money on legal fees. I have seen her make more public records requests over the time that she has wasted more time and money of this Village than I have -- I could ever imagine any single citizen would do in their life. And now she's touting about our legal fees are too high and that's why you're unfit to serve. I disagree with that. I'm calm.

MAYOR LICASTRO: This is calm. Okay. Everyone has spoken once. We're done with this topic. This is not a debate.

MS. MEADE: This is not a debate.

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MAYOR LICASTRO: Mr. Kesselem.

MR. KESSELEM: I give Pat my proxy.

MAYOR LICASTRO: It doesn't work that way.

MS. MEADE: You've done it for other people in the past, sir. So I would like to respond.

MAYOR LICASTRO: This is not an election forum.

MS. MEADE: I understand, but I have the right to respond.

MR. BAUMAN: I still have a minute left. According to my watch, I got a minute yet.

MAYOR LICASTRO: Then use it.

MR. BAUMAN: I'm sitting there, you you're right, you're absolutely right, it isn't a debate or discussion. You asked several times if anybody else had a question. Well, I raised my hand, but you had been asking quite a while. Now all of a sudden Andy wants to give his three minutes to Pat and they want to try to debate me.

MS. MEADE: I'm not debating.

MR. KESSELEM: It's Roberts rules.

MS. MEADE: It is Roberts rules. You've done it in the past.

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MR. BAUMAN: What the hell does Robert have to do with it? (Laughter.)

MAYOR LICASTRO: Ms. Meade, briefly, if you would, please.

MS. MEADE: To address the concern, I did not break the law. I tried to resolve it internally and was -- there was an impasse. So the only way I knew to resolve it was to go to a court for objectivity. So to be clear, I did not break the law. So I was trying to be helpful in resolving it internally and it could not be done that way. So I was not the cause of the lawsuit.

When it comes to public records, public records are the people's records and by law we own them. And government are the stewards of our records. So when I ask questions and I do not get complete information or the questions are not answered directly and I know there's a public record that would have that information, then for me to be able to speak intelligently, accurately, I have the right to ask for that information.

If the Mayor, the public is told to address our questions to the Mayor. If he is unable or incomplete, doesn't have the information, doesn't come back to me, then I have

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the right to ask for public records like all of us do. So if you don't think that that's appropriate, that's your opinion. I respect your opinion, but I want you to understand why things are done the way they are.

MAYOR LICASTRO: Is there a motion to adjourn?

MS. BECKENBACH: So move.

MAYOR LICASTRO: Is there a second?

MS. MURPHY: I'll second.

MAYOR LICASTRO: Roll call on adjournment, please.

MS. BIRCH: Ms. Beckenbach?

MS. BECKENBACH: Aye.

MS. BIRCH: Mr. Benjamin?

MR. BENJAMIN: Aye.

MS. BIRCH: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

MS. BIRCH: Ms. Huffman?

MS. HUFFMAN: Aye.

MS. BIRCH: Ms. Murphy?

MS. MURPHY: Aye.

MS. BIRCH: Mr. Puffenberger?

MR. PUFFENBERGER: Aye.

MAYOR LICASTRO: Have a nice evening.

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CERTIFICATE

I, Nancy L. Molnar, do hereby certify that as such Reporter I took down in Stenotypy all of the proceedings had in the foregoing transcript; that I have transcribed my said Stenotype notes into typewritten form as appears in the foregoing transcript; that said transcript is the complete form of the proceedings had in said cause and constitutes a true and correct transcript therein.

Nancy L. Molnar, Notary Public
within and for the State of Ohio

My commission expires July 15, 2023.

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(Meeting adjourned at 6:53 p.m.)

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