

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, MAY 5, 2015**

The meeting was called to order by Council President Patten at 7:30 p.m., the clerk called the roll and the following Members of Council answered:

**D'AMICO, TROYER, SALVATORE, MENCINI, BURGIO, POWERS,
HIGGINS**

Also in attendance were Service Director Cayet, Safety Director Byrnes, Mayor Coyne, Finance Director Cingle, Recreation Director Fields, Engineer Piatak, Building Commissioner Hurst, Law Director Jamison.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Caucus meeting held on April 7, 2015.
Motion by Mr. D'Amico, supported by Mr. Mencini, to approve as printed. Members of Council voted AYE. The motion carried.
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DISCUSSION:

FINANCE COMMITTEE – CHAIRMAN, D'AMICO:

Mr. D'Amico stated under Finance there are four items to be discussed; the first three items entail Councils' salary in some part or another. At this point in time I just want to interject to Council and let them know that there is a piece of legislation that will be introduced at tonight's Council meeting addressing some of Councils' composition and amounts of monies for Council. I'd like to ask Council if they would take into consideration tonight, with the piece being brought forward and the three following pieces that are all moving parts of the same subject. If Council would place the four items on the next Caucus meeting for discussion of all avenues and types of situations that might be brought up, just a suggestion.

1. AN ORDINANCE AMENDING SECTION 121.01 (b) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'COUNCIL SALARY' AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer. **P/C 10/21/14; Caucus 5/5/15**

Mr. Troyer stated this was placed in committee in October, 2014 and wanted to pull it out even though it's last minute because this needs to taken down

Finance Committee – Chairman, D'Amico: cont.

to the Cuyahoga Board of Elections prior to May 10th in order for it to take effect; so if we wait until the next regular scheduled Caucus meeting this will not take effect until the next term; Mr. Troyer continued that he would like to make some amendments so the legislation includes the Council President. What I did here was basically lower the salary for Council and would like to add Council President to the previous amount of \$14,446.00 which was in place in 2009, when it was amended to add an increase for the years 2012 and 2013.

Mr. Salvatore – Mr. Chairman.

Mr. D'Amico – Yes.

Mr. Salvatore – If I may before...

Mr. Troyer – Point of Order.

Mr. D'Amico – Mr. Troyer has the floor at this point, Mr. Salvatore.

Mr. Salvatore – I just have a question prior to the motion.

Mr. Troyer – Okay, go ahead.

Mr. Salvatore – This piece of legislation is similar to the third piece on tonight's agenda, correct?

Mr. D'Amico – Correct.

Mr. Salvatore – The third piece has a considerable larger amount of cuts than this one entails and I do know that you have something coming forward that is going to accomplish the same thing, I hope.

Mr. D'Amico – Right.

Mr. Salvatore – I had some numbers in mind with Councilman Burgio when we came up with the third piece of legislation on tonight's agenda. As long as it comes close or maybe even if it surpasses what Councilman Burgio and I originally discussed I would really like to hear what that is before put this out there...

Mr. Troyer – Again, Point of Order. I had the floor here and he's asked quite a few questions and he's making statements now I think I had the floor.

Finance Committee – Chairman, D'Amico: cont.

Mr. Salvatore – You haven't made a motion and it hasn't been supported yet.

Mr. Troyer – Well, I was about to do that I had the floor.

Mr. Salvatore – Well, you didn't make the motion and we're under discussion.

Mr. D'Amico – Well, Rick, at this point where do you want to go with that; just let me ask you that before we go to Mr. Troyer.

Mr. Salvatore – Well, I want to get clarification on a couple of things, I mean you said, this has to be down by the 10th that's the 10th of June, not May; is that correct?

Mr. D'Amico – I want to ask the law director at this point Neal do you know? I do know to put something on the ballot this November or this September 5th as far as...

Mr. Troyer – 30 days before the filing deadline.

Mr. D'Amico – Hold on Mr. Troyer, I'm asking the law director at this point. Do you know that, Neal, or not, is the date June 10th or is it September 5th?

Mr. Jamison – To be honest it's always been my understanding that to make any change to anyone's compensation level, elected official, that it has to be done prior to the filing deadline.

Mr. D'Amico – Okay, which would be before June 10th, then?

Mr. Jamison – Right, that's my understanding.

Mr. D'Amico – At this point, Mr. Salvatore, I'm going to yield the floor to Councilman Troyer to make his amendments, he had the floor and it's open to him.

Mr. Salvatore – I yield the floor I had my questions answered.

Motion by Mr. Troyer, supported by Mrs. Powers, in the title to insert 121.01 (a) to read a and b.

Finance Committee – Chairman, D'Amico: cont.

Mr. Higgins – In regards to the motion I will be voting no based on the Finance Chair's recommendation that the next three pieces are all going to go hand-in-hand with the one that is being introduced this evening. So I will be voting no all three of these anything to do with other than putting them on the next Caucus agenda for discussion along with the piece that will be introduced this evening.

Mr. Mencini- I feel the same way but I definitely want to hear what is on that third piece; so if we could let Mr. Troyer go ahead and continue.

Mr. D'Amico – Sure, Mr. Salvatore.

Mr. Salvatore – Based on your motion all you want to do is add the President's name to this piece of legislation?

Mr. Troyer – I have multiple amendments this is the start because the Council President usually likes to do one amendment at a time.

Mr. D'Amico – Okay, so we have the amendment for Mr. Troyer properly seconded, any questions on the motion?

Members of Council voted AYE with the exception of Mr. Higgins who voted NAY.

Mr. D'Amico asked the clerk to call the roll.

ROLL CALL: AYES: Troyer, Powers, Burgio, Mencini, Salvatore
NAYS: D'Amico, Higgins. The motion carried with a vote of 5-2.

Motion by Mr. Troyer, supported by Mrs. Powers, to insert under Council Salary to read 121.01 (a) the salary of the President of Council for one year commencing January 1, 2010 until duly changed is hereby fixed at \$15,735.00 per annum payable in monthly installments. The salary of the President of Council for one year commencing January 1, 2011 until duly changed is hereby fixed at \$15,735.00 per annum payable in monthly installments. The salary of the President of Council for one year commencing January 1, 2012 until duly changed is fixed at \$16,207.00 per annum payable in monthly installments. The salary for the President of Council for one year commencing January 1, 2013 until duly changed is hereby fixed at \$16,693.00 per annum payable in monthly installments.

Mr. D'Amico asked the clerk to call the roll.

Finance Committee – Chairman, D'Amico: cont.**ROLL CALL: AYES:** Troyer, Powers, Burgio, Mencini**NAYS:** Salvatore, D'Amico, Higgins. The motion carried with a vote of 4-1.

Motion by Mr. Troyer, supported by Mrs. Powers, to insert the words 'is hereby amended to read: 121.01 a the Salary of the President of Council commencing January 1, 2016 until duly changed is hereby fixed at \$15,735.00 per annum payable in monthly installments.

Mr. D'Amico asked the clerk to call the roll.

ROLL CALL: AYES: Troyer, Powers, Burgio, Mencini, Salvatore**NAYS:** Higgins, D'Amico. The motion carried with a vote of 5-2.

Motion by Mr. Troyer, supported by Mrs. Powers, to insert hereby amended to read: 121.01 (b) The Salary of the Members of Council for one year commencing January 1, 2016 until duly changed, is hereby fixed at \$14,446.00 per annum, payable in monthly installments.

Members of Council voted AYE with the exception of Mr. Higgins who voted NAY. The motion carried with a vote of 6-1.

Motion by Mr. Troyer, supported by Mrs. Powers, to amend Section 2 by inserting 121.01 a to read a and b. Members of Council voted AYE with the exception of Mr. Higgins who voted NAY. The motion carried with a vote of 6-1.

Motion by Mr. Troyer, supported by Mrs. Powers, in Section 4 to insert the letter a to read a and b. Members of Council voted AYE with the exception of Mr. Higgins, who voted NAY. The motion carried with a vote of 6-1.

Mr. Troyer – what these amendments will do is taking the salary of Council and President of Council back to the 2009 level.

Mr. Salvatore – through the chair to the law director, Neal, were all of these amendments discussed with you? Are they in proper form isn't it the law director's job to certify all legislation prior to passage, did you have a chance to do that.

Mr. Jamison – No, this is the first I've heard of the amendments; so I would have to go back and check to make sure it conforms. It appears to be but I have not had a chance, this is the first I'm hearing of it.

Finance Committee – Chairman, D'Amico: cont.

Mr. Salvatore – I would feel more comfortable if, Neal, would have the opportunity to look at this before being pursued any further because we certainly don't want to make a mistake on something as important as this.

Mr. Troyer – I'd like to point out that this is the same wording only the amounts are slightly different as the ordinance number three that Councilmen Salvatore and Burgio submitted and approved by the law department. Those are the exact same words the only thing changed were the amounts. So if the law director would peruse that real quick he will see that what I changed is exactly the same and actually can use that to compare; it's the exact same wording only the amounts changed.

Motion by Mr. Higgins, supported by Mr. Salvatore, to place on the next Caucus agenda under discussion.

Mr. Troyer – I still believe this is time-limited and this should be in by May 30th so I think Council should vote no on this motion and put in on tonight's Council agenda.

Mrs. Powers – to the law director if this is supposed to be in 30 days before the filing deadline. The filing deadline is June 10th and 30 days prior then that means May 10th.

Members of Council voted AYE with the exception of Mr. Troyer who voted NAY. The motion carried with a vote of 6-1.

2. AN ORDINANCE AMENDING SECTION 133.01 (d) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SALARY'. Introduced by Councilman Troyer & Councilwoman Powers. **P/C 10/21/14; Caucus 5/5/15**

Mr. Troyer stated this would move the salary of the law director back to the 2009 level. I actually had this at 5% so it's a little different but there is one amendment.

Motion by Mr. Troyer, supported by Mrs. Powers to amend Section 133.01 (d) after the words is hereby amended to read: 133.01 (d) second line delete the date of 2018 and insert 2016.

Members of Council voted AYE. The motion carried with the exception of Mr. Higgins who voted NAY. The motion carried with a vote of 6-1.

Finance Committee – Chairman, D'Amico: cont.

Mr. Jamison stated I would like to point out that Mr. Troyer said that this was moving it to the 2009 level; this was last amended in 2003. So that's salary has been the same since 2003 and if you're going to go to the 2009 level it's what it is today; there has not been an increase in this salary for about 12 years.

Mr. Troyer stated it was actually 5% and I was lowering Councils' that ended bringing it back to the 2009 level ended up being a 5.7 decrease and I had this at 5%. So I apologize for saying 2009 but what it is a 5% shared sacrifice and less than percentage wise. I'm asking Council President to take a pay cut so it is less.

Mr. Jamison commented I just wanted to point that out.

Mrs. Powers stated the ordinance that amended this ordinance states 133.01 (d) Salary says 'The salary of the Director of Law for one year commencing January 1, 2007, until duly changed,' so this was amended in 2007 not 2003 and we're asking that it go back.

Mr. Higgins stated I'm glad Mr. Troyer brought up the sacrifice I think maybe you need to go back a little bit further, Mr. Troyer, and take a look at the history of the elected officials' raises versus the city employee raises. What you're going to find out, Mr. Troyer, is there is a decade or longer that the elected officials around here didn't receive raises. This Council didn't receive 20-some percent raises over a period of time when all the other city employees received the, we sat idly by. Partially before I was on this Council but for a decade that I sat on this Council we didn't receive raises like everybody else when they received them. So the shared sacrifice by this Council, whatever Members sat on this body, happened for a long period of time along with that law director position, as you just said. I don't know why you think the law director; whoever the law director may be because we're talking about not an individual all the time. We're talking about positions because these are our positions or whoever deems to run for them to be fully employed in these positions. So if you think that whoever is in the law director's position shouldn't get a raise in that position since 2003 I wholeheartedly disagree with you.

Mr. Troyer stated this is no way in any way, shape or form to be punitive towards anybody. The point is rather than ascertain cuts in their services, we've cut employees, employees had to pay more towards their hospitalization which is like a cut, so the idea is to be a shared sacrifice. I don't believe that it was necessarily wrong what Council did in 2009 because

Finance Committee – Chairman, D'Amico: cont.

I was out here and believe you looked at it as we're going to be through this bad period and that's why there were no raises in 2010 and 2011. So Council said we'll be okay in 2012 and 2013 and then it will be time to get a raise. I'm not saying it shouldn't have happened because you guys were well-meaning when you did it. I'm just saying looking back and having a number and when I looked at the number of 5% it was real close and the thought was to move it back to that amount.

Mr. Higgins stated I've lived here since I was two-years old and the last thing I'm going to listen to is maybe a history lesson from you so maybe you weren't paying close attention. Prior to the last raises that Council received there was a decade that we didn't take 20-some percent, not me but whoever was sitting in these seats, 20-some percent raises. Mr. Higgins stated to Finance Director Cingle is that a pretty accurate statement?

Mr. Cingle responded yes.

Mrs. Powers stated there are two things different, we are supposed to be public servants, we work for the people out here. As a public servant we need to make some sacrifices salary wise and the other thing is we're not unionized. The unions got the city workers they're raises so whether it's fair or not I think it's perfectly alright.

Mr. Higgins stated to Mrs. Powers a little history lesson, usually whenever the city unions negotiate for their wages and benefits over the years over here that we might refer to appointees or schedule A employees usually follow suit.

Motion by Mr. Higgins, supported by Mr. Salvatore, that item number two was discussed. Note: A vote was not taken.

3. AN ORDINANCE AMENDING SECTION 121.01 (a) AND (b) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'COUNCIL SALARY' AND DECLARING AN EMERGENCY. Introduced by Councilmen Salvatore & Burgio. **P/C 10/21/14; Caucus 5/5/15**

Motion by Mr. Salvatore, supported by Mr. Higgins to place on the next Caucus agenda along with the legislation that will be introduced.

Mr. Higgins stated that would be in consideration to the Finance Chairman originally requested when he opened up his committee.

Finance Committee – Chairman, D'Amico: cont.

Members of Council voted AYE with the exception of Mr. Troyer who voted NAY. The motion carried with a vote of 6-1.

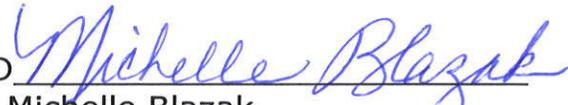
4. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GREATER CLEVELAND AUTO AUCTION, PUBLIC AUCTIONEERS, FOR THE PURPOSE OF DISPOSING OF OBSOLETE CITY VEHICLES AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mr. Jamison stated this is something that the city does over various periods of time. These are vehicles that have been deemed by various departments as not being used for any further municipal purpose. Anytime that the city is dealing with any public property Council has to approve, in this case, having these vehicles go to the Greater Cleveland Auction for potential sales. These vehicles from various departments that have been recommended by those department heads that are no longer in service or don't serve any city purpose.

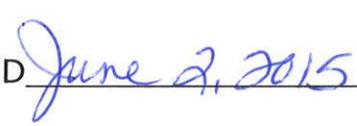
Motion by Mr. Higgins, supported by Mr. Burgio, to place on the next Council agenda. Members of Council voted AYE. The motion carried.

There being no further business to come before this meeting Council President Patten declared this meeting adjourned at 7:54 p.m.

RESPECTFULLY SUBMITTED


Michelle Blazak
Clerk of Council

APPROVED



THESE MEETING MINUTES APPROVED BY BROOK PARK CITY COUNCIL ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.