

**SPECIAL CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON MONDAY, JULY 20, 2015**

The meeting was called to order by Council President Patten at 5:00 p.m., who read the meeting notice. The clerk called the roll and the following Members of Council answered:

HIGGINS, TROYER, SALVATORE, MENCINI, BURGIO, POWERS, D'AMICO
Also in attendance were Mayor Coyne, Law Director Jamison and Finance Director Cingle.

SUBJECT(S): DISCUSSION:

Mr. Patten turned the meeting over to Finance Committee Chairman D'Amico.

Mr. D'Amico asked Law Director Jamison for an explanation for the two pieces in front of Council and the relationship to one another.

Mr. Jamison stated the Mayor has introduced two different pieces of legislation to basically increase the income tax by half-percent. In each one he's allocating that the half-percent increase be allocated specifically for road repairs, road construction and sewer repairs and construction. In order to get this on the ballot the ordinance has to be done first and essentially that amends the various sections to increase the income tax rate and if that Ordinance passes. Council then has to in order to get it on the ballot has to pass a Resolution setting the ballot language and everything else to go down to the Board of Elections. Essentially after both pieces are passed they both get sent down to the Board of Elections to get it on the ballot for this coming November.

Mr. D'Amico stated is there any Councilman have any questions just on that particular explanation to the law director. Mr. D'Amico proceeded with reading the title of the legislation:

1. AN ORDINANCE AMENDING SECTIONS 1705.01, 1705.02 AND 1712.02(a) OF THE BROOK PARK CODIFIED ORDINANCES PROVIDING FOR AN INCREASE IN THE ANNUAL INCOME TAX RATE FROM TWO PERCENT (2%) TO TWO AND ONE-HALF PERCENT (2 ½%); SAID ONE-HALF PERCENT (.5%) INCREASE SHALL BE LEVIED BEGINNING JANUARY 1, 2016 AND ALL TAXES COLLECTED FOR SAID INCREASE SHALL BE RESTRICTED TO EXPENDITURES FOR ROAD REPAIRS, ROAD CONSTRUCTION, SEWER REPAIRS AND SEWER CONSTRUCTION AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mr. D'Amico stated as Finance Chair I think that all of us understand the need for street and sewer repairs, at this time, in our city. We as elected officials need to

DISCUSSION: cont.

continue to be the leaders that we've been elected to be. As I walk the streets I hear the theme that's constant; accountability and checks and balances and I agree. At this point there seems to be a general consensus of the proposed tax that's present tonight in front of Council to be placed on the said ballot of November 3rd and that consensus out there they don't like to have it for infinity and for placing it on the ballot, from this Councilman's perspective, I will never take the right of anyone's vote away. So I would like to see right now as the Finance Chair I would like to go ahead and make a motion, myself, and I'd like to make a motion as a five-year cap on this. Have a five-year going out from 2016 forward and at that point in time it will come back in five years for renewal. It will be a renewal of non-increase no different than hospitals do and the increase would be like they do as far as just a renewal. Mr. D'Amico stated to Law Director Jamison at this point can you show us exactly where that possible motion would go?

Mr. Jamison responded both the Ordinance and Resolution would have to be changed. With the Ordinance the first change would be in the third Whereas, second line, after the words shall be; insert the words 'shall commence January 1, 2016 and be limited to five consecutive years' and proceed with the included verbiage.

Mr. Salvatore asked Mr. Jamison how would the renewal be added to this language or would that have to be a vote of the people to have a renewal?

Mr. Jamison responded Council can do that one of two ways; you can just do it where it has a finite period; you can say that it runs for five years. Then if Council five years down the road deems to put it back on you could structure the language to basically have it come up for automatic...actually there is no such thing as an automatic renewal. Even the hospital levy has to have legislation come forward when the levy expires every five years.

Mr. Salvatore interjected I'm just looking at the contracts that have automatic renewals if you do nothing. I was just wondering how this works as a release to legislation.

Mr. Jamison continued I think for taxes it's different; they are very specific and direct on that. So just from hearing this right now and as an example the hospital levy does not automatically renew; legislation has to be passed to put that on and that's a little bit different because that's a property tax but I would say that if we're going to do it for a finite period, in this case five years. Then if the desire to extend it Council at that time, five years down the road, would have to pass similar type legislation to put something back on the ballot for the voters to look at.

DISCUSSION: cont.

Mr. Salvatore stated that would have to be done in that fifth year prior to the expiration of this legislation.

Mr. Jamison concurred.

Mayor Coyne stated that's interesting I've never heard in all the years, campaigning in this town for anything, that voters wanted a sun-sent provision in their income tax. I'm walking out there and am hearing that as long as the people are assured the monies is going to be used for sewers and roads they're fine with that. The only one who can change that is the voters; not the Council and not the Mayor. While I appreciate what you're trying to accomplish the fact of the matter is we have long-term problems and five years is a short-term solution to the problems. I gave Council the roads that need to be fixed this year and they are not even going according to the city's pavement rating system; and that was almost \$10 million dollars. Under this provision the Council would be stuck and future Mayors would be stuck with the inability to make long-term plans to address city problems. The city needs to get back on the schedule of that paving rating system and, I believe, to do that over the next five years will exceed \$5 million dollars. The people always have the right to change something if it's not right and as you spoke of leadership; the leadership calls now for everyone out there running for public office to let people know how they feel about this. If you can't support the tax increase or you feel there should be a change to it let the voters know that. What I'm saying to you is for this measure to go on the ballot is probably the most important measure to the city. Because the criticism of the last ones, I heard, they weren't sure if it was being used for a police station, fire station, the Recreation Center or whatever it was going to be they weren't sure. The fact of the matter is this is certain for them and any Council in the future that feels there is more money than needed; that they don't have a need for sewer or road repairs in this city they can adjust it. I proposed it this way so that Council can make ten year plans if need be to get the city moving forward; again, if you looked Mr. Chairman, even at borrowing the money. A scenario was looked at under which the city would borrow money that would literally all the Capital Improvement Fund the city would have to borrow the necessary money just to get to some of the roads the city has right now. Not get us back on the schedule of using the city's pavement rating system and making decisions. So I ask you to take that consideration because the power to raise and abolish tax always sits with the people; the legislative branch just merely puts it on the ballot. We have in the past where the city had funds or benefits to the city be it electrical assistance or a tax reduction because of agreements and court settlements that the city made. The Council and the Mayor have always provided relief to the people in form of reduced taxes or benefits; so I just like you to keep that in mind.

DISCUSSION: cont.

Mr. Mencini stated to Mayor Coyne, I'm glad to hear that you're out walking because I am too and you're absolutely right if people know that this is going towards their streets and sewers; I absolutely think it will be a good vote for us here. What I would like to say on this is I think long-term because it doesn't affect all I think maybe in five years we might have some dynamics change; such as Ford Motor leaving, a lot of things could happen. I would think that maybe even some language maybe in five years might get changed on this. Maybe in time we may want to move monies if it gets renewed to maybe something else. I think we keep our options open and think that five years is sufficient and gives the city time to do a good share of things, you're right not all of them but it gives us a chance to do some things and see how people feel again in five years. I do know now that if we get out and work on this I do think, regardless of what others might think, and I'm at the door and think it has a very good chance of passing.

Mr. Burgio stated I believe amending this legislation limiting this proposed tax increase of an additional one-half percent (1/2%) for the five years instead of indefinitely keeps the power in the hands of the electorate. That way the voters can assess at the end of that period if the increase is necessary, if this even passes in November. I like giving the voters the ultimate decision to make that choice and think it has merit.

Mr. Salvatore stated I understand everybody's concern but as one Councilman I really do believe that we need to get this in front of the voters. I think it's time to have a very comprehensive roads program in place and I think if it has to be taken ten years and beyond; a funding mechanism is needed to do that. We all know that these roads are in terrible shape and we're looking at probably, I know the engineer is throwing numbers around but just for my own experience and feeling I know this city is way beyond \$20 million dollars in road repairs. That is necessary to get this city back to where this city should be. I think it's a step in the right direction and is going to create desirability back into Brook Park when people drive down the streets that are fixed. It will invite people to want to move back into Brook Park and will increase property values immediately; these are things that are very essential to the vital success of our town. Whatever takes to get this in front of the voters...we're in this together. It's not just seven voting Members of Council, the President or the Mayor. It's the whole town it's 19,380 people or whatever the population is today. We have to get together with everybody and go to the door and tell everybody what's really happening. To explain everybody's feelings we do this together and we do it right and do it one time. Whatever it takes to do that I'm all in providing that we can accomplish some of the things that I just mentioned.

Mr. Troyer stated I like the fact that we're talking about options on this but I could tell you one thing. There is no way I am going to go to a resident and I've

DISCUSSION: cont.

been out there a lot running for re-election, and telling them don't worry Council will put something on the ballot to cut the taxes at a later date if its not needed, there's no way I'm doing that. So I think this helps in getting this issue passed not that I agree with it yet but I think this is a step. Mr. Troyer stated to Law Director Jamison on page three Section 1705.01 – Rate and Income Taxable that reads; Subject to the provisions of Section 1727.01 an annual tax for the purposes specified in Section 1701.01 shall be imposed on and after January 1, 2016, at the rate of two and one-half percent (2 ½%) per annum upon the following and then continues on with what is taxable. Mr. Troyer continued when reading Section 1701.01 – Purpose of Levy of Income Tax it says to provide funds for the purposes of general municipal authorizations, maintenance, new equipment, extensions and enlargement of municipal services and facilities and Capital Improvements to the City of Brook Park. There so be and is hereby levied a tax on salaries, wages, commissions and other compensations and on net profits as here and after provided. My question is it appears that in the body of this it never really says that this is 'earmarked' for roads and sewers. Shouldn't there be language in the first paragraph that basically would say something like said one-half percent (.5%) increased shall be levied beginning January 1, 2016 and all one-half percent (.5%) taxes collected for said increase shall be restricted to road repairs, road construction, sewers repairs and sewer construction. It doesn't seem to be anywhere in the body that the one-half percent (.5%) of this legislation is restricted to roads and sewers; it's just in the sections but that's not the ordinance.

Mr. Jamison responded first of all two responses to that: Number one remember the Ordinance here is changing the existing sections of the tax code that basically set what the income tax rate is going to be; that's what we're doing in this Ordinance. If you go to Section 5 of the Ordinance that is where it talks about being solely allocated for the purpose of the one-half percent (.5%). What are being amended here are sections of the tax code that say effective particular dates and in this case January 1, 2016 of an increase from two percent (2%) to two and one-half percent (2 1/2%). Those different sections spell out what gets taxed or what doesn't get taxed. These sections of the tax code don't talk about how the monies are spent or what funds it goes into. That is why in preparing the legislation that the Board of Elections reviewed that's why it was placed in Section 5 where it talks about it being specifically allocated for specific purposes. In the Resolution, companion piece, that spells out in very plain language that the money is going to be allocated an in the ballot language itself it states that it will be solely allocated for road repairs, road construction, sewer repairs and sewer construction. I had both pieces of legislation reviewed by the Board of Elections and they felt the language was proper and a template was used from the City of Avon did it this way and this is how they structured their legislation. So I would only say that I think we did it the right way and there's sufficient safeguards that is pretty clear of what the monies are being allocated for. That

DISCUSSION: cont.

may be a question to the Finance Director if there is any confusion about where the monies should go but I think this is specific enough because in Section 5 of the Ordinance directs where the monies go.

Mr. Troyer clarified that Mr. Jamison believes all the wording is substantial. Mr. Troyer continued even though it says roads, sewers, reconstruction we still have no plan for sewers that I've been shown where this money would go. It would be nice to actually have a plan and know what kind of sewer projects the city would be doing. I also have a question to the Mayor most likely; correct me if I'm wrong, if this levy passes obviously it is not going to happen until next year when the money starts to be taken in and will be a while before the city gets any kind of money. Were you planning on borrowing money to get these projects going will that be the plan or wait until the money comes in and then do something?

Mayor Coyne responded first of all your first statement that the city doesn't have any sewer project is wrong. There is the Smith Road Sewer that has to be connected and the city is paying the engineering firm out of this year's capital improvements monies to do those plans for next year. With the roads there is Snow Road and Council has the pavement rating system that you gave to the Hometown News and you ought to look at that to see how much has to be done. There are plans that need to be developed as they go along and Council would allocate that money and expend it accordingly how it would come in. Right now the city won't go out in January and spend all of the city's money it has to be done quarterly as the money comes in. So Council will have plans but there's no sense in drawing plans if there's no money.

Mr. Troyer stated to Mayor Coyne so what you're saying is the city won't borrow any monies for any of these projects.

Mayor Coyne responded let me tell you what my attitude is right now; the fact of the matter is I'm going to suggest to the Finance Chairman that my name be taken off of this legislation if it 's going to be amended in that way. Because it's inadequate and political the proposals are being met right now the city wouldn't be able, if we had the ability, with this monies to look at that pavement rating system and if it were to be the city's advantage with the interest rates right now I would suggest that we do but Council has to vote on that. Because you are so far behind in your Roads Program \$5 million dollars a year isn't going to chuck it for five years and you're not going to get caught up with \$5 million dollars. The Sylvia-Leslie Watermain Project is almost \$1 million dollars.

Mr. Troyer interjected that includes the waterline.

Mayor Coyne continued that's correct, and because this city didn't go with the City of Cleveland on the agreement every street that the city goes into now if

DISCUSSION: cont.

they deemed the waterlines have to be replaced add that onto that project. This is serious business and if you're serious about the future of this city. The fact of the matter is, if the voter knows what's going to happen and anybody who has been around knows that I've built more roads and sewers in this town as Mayor then anybody in their history. The only thing stopping me now is it isn't me saying no the city has not money. If you look at the capital which is split right now at 80%-20% and if this city keeps picking up rubbish this city will have to purchase at least two or three automated trucks next year, new police cars are going to have come forward; turnout gear, guns, you name it for capital side. You will have no money for roads again next year so there will be a program and Council will do it with me like they've always done in the past and I assume they did with Mayor Elliott.

Mr. Troyer stated I do believe the city does have some money but...

Mayor Coyne interjected why you don't show me where it's at.

Mr. Troyer stated well we have over \$1.5 million dollars in SCMR Fund which should be used probably for patching potholes. I would like to have a few streets in my ward probably some what's needed to grind the joints and patch; which would make the street last longer.

Mayor Coyne interjected when you finish I'll provide information for that.

Mr. Troyer stated I'm not an expert on that but I know what I've seen and I know what I know.

Mayor Coyne interjected you want me to comment on that?

Mr. D'Amico stated one at a time please, go ahead Mr. Troyer.

Mr. Troyer stated that's all you can go ahead.

Mayor Coyne stated are you saying that you believe this city possesses right now adequate funding to attack the road and sewer problems in this city. Are you telling me that for now and in the future?

Mr. Troyer stated depends on what level you're talking about?

Mayor Coyne continued what level of what you just said yes for road patch. The fact of the matter in some of these funds the city is restricted of only spending monies on state routes.

Mr. Troyer interjected there's very little for that.

DISCUSSION: cont.

Mayor Coyne continued that's right, okay, so I'll answer your question. The fact of the other is monies are kept in there in case of a road or sewer collapse in this town in some of those funds; that happens all the time and I used to be able to do out of the regular capital fund. You want to show sewers I'll have the service director show you the calcium deposits that exist in many sewers in this town that are going to have to be replaced. You don't have the money to do that so, the fact of the matter is, if you're walking out there and talking to people and they're looking in front of their houses they can see what the problem is. All they want to do is make sure if they decide for themselves that they want to pay a little bit more and most of them won't pay anything. They want to know where it's going to go and that's what this legislation does. So, therefore, if I had the money and had the proposal that I'm making I may very well go ahead and do that because we used to take, way back when for capital improvements. Would borrow money use a certain percentage for debt retirement service and pay cash for other projects depending on how big those projects are. Holland Road in front of the schools how much money do you take it would be to replace that road; do you have any idea?

Mr. Troyer responded I can look at the ra...

Mayor Coyne interjected good, look at it a lot more than the capital is ever going to be. The grinding that you want and the other things that you want this city probably has \$1 million dollars in catch-basin work that could be contracted out in this city alone. There's not a spending problem in this town there's a revenue problem in this town. All of the operating issues have been addressed but there is not money to fix these roads and sewers for the foreseeable future.

Mr. Troyer commented I disagree.

Mayor Coyne commented you show me, Councilman.

Mr. D'Amico asked Council Members if there are any other questions.

Mr. Jamison stated the other change would be in Section 5 of the Ordinance where it states 'all income received by the city from the one-half percent (.5%) insert the words commencing January 1, 2016 to be limited to five consecutive years' and continue with verbiage.

Mr. D'Amico asked Law Director for clarification on both proposed amendments.

Mr. Jamison responded in the third Whereas it will read 'The Mayor and City Council have further recommended that the additional one-half percent (.5%) increase shall commence January 1, 2016 and be limited to five consecutive

DISCUSSION: cont.

years and shall be specifically allocated to road repairs, road construction, sewer repairs and sewer construction.

Motion by Mr. D'Amico, supported by Mr. Burgio, to amend the Ordinance as the law director stated.

ROLL CALL: AYES: D'Amico, Burgio, Mencini, Salvatore, Higgins

NAYS: Powers, Troyer. The motion carried with a vote of 5-1.

Mr. Jamison clarified in Section 5 will now read 'All income received by the city from the one-half percent (.5%) increase commencing January 1, 2016 to be limited to five consecutive years shall be allocated for road repairs, road construction sewer repairs and sewer construction within the City of Brook Park, including the payment of debt service charges on any bonds and notes issued for such purpose.

Motion by Mr. D'Amico, supported by Mr. Higgins, to amend the Ordinance as the law director stated.

ROLL CALL: AYES: D'Amico, Higgins, Salvatore, Mencini, Burgio

NAYS: Troyer, Powers. The motion carried with a vote of 5-1.

Mayor Coyne stated to Mr. D'Amico I request that you get new sponsors of the legislation I want my name removed as sponsor, it's not my legislation.

Mr. D'Amico asked the clerk to remove the Mayor's name from the legislation.

Mr. D'Amico asked Council Members who would like to sponsor this legislation as amended? By a show of hands the following Members of Council; Higgins, Mencini, Burgio, D'Amico, Council President Patten.

Motion by Mr. Troyer, supported by Mrs. Powers, to place the legislation Back into Caucus; I'm happy that we're looking at this and I'd like to have more discussion and look at maybe some other changes.

Mr. D'Amico stated you do realize that there is an August 5th deadline and there will have to be more meetings on this.

Mr. Troyer responded sure, that's what we're here for.

Mr. D'Amico stated I'm just asking so everybody understands that before you make that motion complete.

Mr. Salvatore commented there are other meetings already called so if Mr. Troyer has some other amendments that he'd like to make you can bring them forward tonight or bring them forward tomorrow night.

DISCUSSION: cont.

Mr. Higgins stated Council is here discussing this legislation and I would like to hear Mr. Troyer's amendments or questions on this piece; Council is here this evening discussing this piece. To Mr. Troyer Council called extra meetings around the holidays because you wouldn't suspend on a piece and you went out of town and didn't attend one of them meetings and the rest of Council made themselves available for those meetings. So if you have some amendments you would like to make, sir, make them right now let's discuss them and let's do it.

Mr. Troyer responded first off I did make some of those meetings and family, especially around Christmas time, is pretty important to me and that's where I was visiting family.

Mr. Higgins interjected it is to me too, Mr. Councilman.

Mr. Troyer continued as far as making an amendments I have some ideas and would like to have time to work on them and talk to some of the members. I thought people who were for this were pretty solid on this. I did have some ideas that I talked to one of the Council Members a couple of months ago and it was along the lines of what is being done here. My problem has been is that I don't think we're using or we're not using the money we have to do what we could be doing; so that's why I need to look at this and make a change or maybe come up with some changes. Because I didn't think this Council was willing to vary from what the Mayor wanted.

Mr. Higgins stated since the Councilman has such a hard time working with the rest of us Council people. That's why I never heard from Mr. Troyer whatsoever about any of this stuff. If we need to take a five minute recess from Caucus so that maybe he can meet with Mr. Greenlee to discuss this and then re-engage; is that what you need to do here?

Mrs. Powers – Point of Order, Mr. Chairman.

Mr. D'Amico – Let's get back on track there is a motion on the floor properly seconded. Any questions on the motion.

ROLL CALL: AYES: Troyer, Powers,

NAYS: Burgio, Mencini, Salvatore, Higgins, D'Amico. The motion failed with a vote of 5-2. **Failed**

Mr. D'Amico mentioned that a motion is needed to place on tonight's Special Council agenda.

Mr. Troyer – Point of Order.

DISCUSSION: cont.

Mr. D'Amico – what is your point, Mr. Troyer.

Mr. Troyer stated the Ordinance number is already on the agenda for tonight's Council meeting. Generally the Ordinance numbers are not assigned to an Ordinance until after approved by Council. So I believe this is out of order or against what Council is allowed to do. Against the Charter section 4.05(b) it's a normal course of action and a normal course the Ordinance is supposed to take. So I believe it's improper to go right to a Council meeting tonight from this Caucus because the numbers were already given. So this just shows me that this was planned to go through and I think this is a serious matter as far as this. I also think Council should be following the proper procedure and actually it's improper to have a Council meeting on this issue.

Mr. D'Amico stated to Mr. Jamison, Neal, would you like to comment on that as the law director for the city.

Mr. Jamison stated my understanding from listening to Mr. Troyer is his objection based on the Charter because a number was previously assigned by the clerk, or someone in Council. Is that your objection or position?

Mr. Troyer responded yes, before Council took action, Council has not taken action on this how is a special meeting scheduled for an issue that hasn't even been brought forward to Council on a Caucus agenda. This is Council's Caucus meeting for these Ordinances and they are already brought forward on this Council agenda with numbers when Council hasn't even approved that yet; that seems very improper to me and I believe the Charter agrees.

Mr. Jamison stated I would disagree with your interpretation of the Charter but I would say to you if, in fact, Council decided not take it out of committee and put it on the agenda for the special meeting you're correct that there would be no purpose for the special meeting because there's nothing on the agenda. If Council determines to take it out of committee and put it on the agenda for the special meeting that's appropriate and has been done in the past. That's been a practice that's gone on for 28 to 30 years that I've been around and so nothing out of the ordinary is being done. So the only way your argument would hold any water would be if, in fact, if Council voted not to take it out of committee and if, in fact, they did that and there's nothing on the agenda for the special meeting; then there would be no purpose for the special meeting. I disagree with you on interpretation of the Charter, I did read that section you referred to, and all that section talks about is calling the meetings. It doesn't talk about procedure or anything in terms of what Council does once it starts meeting.

Mr. Salvatore stated can you describe the legality of your position on past practice.

DISCUSSION: cont.

Mr. Jamison clarified in terms of what, Mr. Salvatore.

Mr. Salvatore continued in terms of this, we've been doing this as far back as I can remember, the clerks have always with the anticipation of calling two meetings at the same time; a Caucus and a Council as preparing the legislation with the necessary numbers that had to be issued by the President of Council. That is the Council President's job, I was Council President for a couple of years and you prepare for the meeting that has been done as far back as I can remember. Now if the legislation doesn't pass or if it fails it doesn't matter and it could have been issued 20 numbers. According to past practice this is perfectly legal and has been going on for 30 years that I know of.

Mr. Jamison responded yes, I agree with that position that's they was it's been done and no one has ever raised this objection before and in looking at the Charter section Mr. Troyer referred to it doesn't say anything about that. Essentially, what you're doing is trying to get the legislation moved and that has been done on other occasions for other pieces of legislation on different subject matters; so I think Council is doing the appropriate thing.

Mr. Troyer stated I'm not sure what Mr. Salvatore was saying I get past practice but like I've stated before on this floor when I pointed things out that we were doing things differently than I see written or the rules say. If you speed down a street everyday and a police officer pulls you over you don't tell the officer I've been speeding everyday; why do I get a ticket today I can still speed because I've been doing it everyday. When you're called out on something you say okay it's been brought to my attention and I'm going to fix it and not speed anymore.

Mr. Salvatore stated to remedy the question raised by Councilman Troyer if the Chairman and/or President of Council officially cites the legislation number tonight at the Caucus meeting; enters it into a pre-typed legislation that the clerk anticipated that number because we go in numerical order. Mr. Chairman with all due respect if the President of Council would issue that number this evening I think that would satisfy everyone's problem.

Mr. Patten stated I will do that after the roll is called.

Mr. D'Amico stated to Law Director Jamison, as law director for the City of Brook Park this Council can continue.

Mr. Jamison stated yes.

Mr. Troyer stated I don't see this as a mistake by the clerk I think she did what she was told to do.

DISCUSSION: cont.

Mr. Salvatore stated I didn't say the clerk made a mistake it's been past practice; this is something that's been going on for 30 some years and maybe beyond. If you feel more comfortable having the number issued tonight I'm willing to let you have your way.

Mr. Higgins stated quite frankly I think I just heard the law director say nothing was done improper here either. I don't know why we're even doing this to satisfy a Councilman that wants to make a big deal out of nothing.

Mr. D'Amico stated we're going to move forward...

Mr. Troyer – Point of Order...

Mrs. Powers – Mr. Chairman...

Mr. D'Amico – we need a motion to put on tonight's Special Council agenda.

Mrs. Powers stated about two meetings ago a problem came up and the law director and Mr. Salvatore were both wrong and it caused this Council to miss the deadline for getting something on the ballot for pay structures. Both the law director and Mr. Salvatore read their little notes and agreed then and I'm just saying that I read this and it seems to me that nobody is infallible and maybe they made a mistake again tonight.

Mr. Jamison commented just to respond to that. First of all Mrs. Powers when that came up back in May the questions was asked to me by Mr. Salvatore and I stated to him that night I didn't know the answer. I researched it after the meeting and I gave all Members of Council a memo saying that it had to be done, I believe, within the timeframe it had to done; so don't misstate what I said at that meeting in May. The record is clear that at that meeting I said I didn't know and I'd look into it. I looked into it the next day and issued a memo the next day letting you know what the proper procedure was. So for the record here tonight just to correct your recent statement at that meeting I said I didn't know and I looked it up and let you know the next day.

Mr. Salvatore clarified that I did not make a mistake and didn't know asking a question would be a mistake. That was the reason why I asked the question to make sure was Council was asking in its professional position on all legislation; there was no mistake made by me period. Mr. Chairman call the roll please.

Mr. D'Amico commented that a motion is needed to place on the Council agenda.

Mr. Salvatore stated I thought we already had a motion.

DISCUSSION: cont.

Mr. D'Amico stated no, not yet.

Motion by Mr. Burgio, supported by Mr. Higgins, to place on the Special Council agenda immediately following.

ROLL CALL: AYES: Burgio, Higgins, Salvatore, Mencini, D'Amico

NAYS: Troyer, Powers. The motion carried with a vote of 5-2.

Mr. Patten stated that will appear as Ordinance No. 9967-2015.

2. A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTIONS OF APPROVING THE PASSAGE OF AN ORDINANCE AMENDING SECTIONS 1705.01, 1705.02 AND 1713.02(a) OF THE BROOK PARK CODIFIED ORDINANCES IN ORDER TO INCREASE THE TAX RATE FOR THE PERIOD BEGINNING JANUARY 1, 2016 FROM TWO PERCENT (2%) TO TWO AND ONE-HALF PERCENT (2 ½%); SAID ONE-HALF PERCENT (.5%) INCREASE SHALL BE LEVIED BEGINNING JANUARY 1, 2016 AND ALL TAXES COLLECTED FOR SAID INCREASE SHALL BE RESTRICTED TO EXPENDITURES FOR ROAD REPAIRS, ROAD CONSTRUCTION, SEWER REPAIRS AND SEWER CONSTRUCTION AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Mr. D'Amico asked Law Director Jamison for the appropriate amendments.

Mr. Jamison responded there are three of them; the third Whereas will now read: The Mayor and City Council have further recommended that the additional one-half percent (.5%) increase...insert the words 'commencing January 1, 2016 to be limited to five (5) years and'...shall be specifically allocated to road repairs, road construction, sewer repairs and sewer construction.

Motion by Mr. D'Amico, supported by Mr. Mencini, to amend the third Whereas as stated by the law director.

ROLL CALL: AYES: D'Amico, Mencini, Burgio, Higgins, Salvatore

NAYS: Powers, Troyer. The amendment carried with a vote of 5-2.

Mr. Jamison continued in Section 1 by reading the section accordingly: That this Council hereby authorizes and directs the submission to the electors of the City of Brook Park, Ohio at the General Election to be held at the usual places of voting in said city on Tuesday, November 3, 2015 between the hours of 6:30 a.m. and 7:30 p.m. of said day, of the questions of approving the passage of an Ordinance amending Sections 1705.01, 1705.02, 1713.02(a) of the Brook Park Codified Ordinances, as previously adopted in order to increase the rate of the municipal income tax rate for a period beginning January 1, 2016 from two percent (2%) to two and one-half percent (2 ½%) and insert...'shall be limited to five consecutive

DISCUSSION: cont.

years'...and all income received by the city from the one-half (.5%) increase shall be allocated solely for road repairs, road construction, street repairs, sewer construction within the City of Brook Park.

Motion by Mr. D'Amico, supported by Mr. Burgio, to amend Section 1 as stated by the law director.

ROLL CALL: AYES: D'Amico, Burgio, Mencini, Higgins, Salvatore

NAYS: Powers, Troyer. The amendment carried with a vote of 5-2.

Mr. Jamison stated in Section 2 and read the section accordingly: Shall the Ordinance (Ordinance _____) providing for a two and one half percent (2 ½%) levy on income, which constitutes an increase of one-half percent (.5%) in the existing income tax, from and after January 1, 2016...insert comma (,) said increase to be limited to a five year period,...the funds collected from said one-half percent (.5%) increase shall be solely allocated for road repairs, road construction, sewer repairs, sewer construction in this city, including the payment of debt service charges on any bonds and notes issued for such purposes of the City of Brook Park if passed.

Motion by Mr. D'Amico, supported by Mr. Mencini, to amend Section 2 as stated by the law director.

ROLL CALL: AYES: D'Amico, Mencini, Burgio, Higgins, Salvatore

NAYS: Powers, Troyer. The amendment carried with a vote of 5-2.

Motion by Mr. Burgio, supported by Mr. Higgins, to place on the Special Council agenda immediately following.

Mayor Coyne stated to Finance Chairman D'Amico again I ask that my name be removed as a sponsor and any place in the legislation where the title Mayor reads. I want to make it clear, so you can conduct the appropriate meetings, that rather than let it come law without my signature I am going to veto this legislation if it stands as it is; that will give you the appropriate time to call the meetings before the deadline, I just thought I would give you notice of that Mr. Chairman.

Mr. D'Amico stated very good thank you Mayor. Mr. D'Amico asked Members of Council wanting to support this legislation by a show of hands. Following Members of Council raised their hands; Higgins, Salvatore, Mencini, Burgio, D'Amico, Council President Patten.

ROLL CALL: AYES: Burgio, Higgins, Salvatore, Mencini, D'Amico

NAYS: Powers, Troyer. The motion carried to place on the Special Council agenda immediately following.

DISCUSSION: cont.

Mr. Patten stated that will be Resolution No. 17-2015 item number two under First Reading.

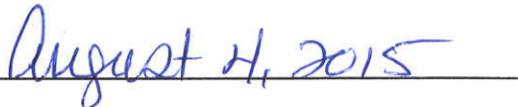
There being no further business to come before this meeting Council President Patten declared this meeting adjourned at 5:45 p.m.

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.