

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

Council President Patten called the meeting to order at 5:16 p.m., who read the 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, Finance Director Cingle.

REMARKS FROM THE AUDIENCE ON SUBJECT MATTER ON THIS AGENDA ONLY:

Jeff Duke

15914 Remora Blvd.

Mr. Duke stated not what I expected when coming to tonight's Council meeting; I knew the special meeting was called for the proposal of the tax increase but what I wasn't prepared for and I think a lot of people were not prepared for was a five-year limit amendment on the legislation. While I can see the perspective of that five-year limit I must say that I'm for a tax increase for infrastructure sewers, road and one thing I would also include would be water lines; if city-owned infrastructure of water lines seems to be replaced as well. The five-year limit I think is very limiting and will be a band-aid where a tourniquet is needed to be applied. Also, I think the original approach of the five-percent (.5%) would be that tourniquet that is needed. As a planning engineer for the Regional Sewer District for ten years and while we have five-year capital plans we also look in terms of 20, 25 and 30 year horizons and I think as the Mayor has outlined several times in the past what this city has to fix here is not a five-year window. If the city schedules a five-percent (.5%) tax increase for five years the city has five years of money. Then what is going to happen is the wars of Council and everybody else are going to fight over those five years to see whose project gets done first. There will be people that are on the sixth, seventh or eighth year priority and it won't get done, it is what is going to happen. If the city wants to go out for long-term bonds the city will have five years of (.5%) increase to help pay for that debt service. Then what is going to happen after five years residents' aren't going to renew a tax increase potentially. Then the debt service payment is going to come out of the city's operating budget further hampering the impact or the intent of the program. So I think Council has time to maybe reconsider the amendment of the five-year window over the next couple of Council meetings and would encourage Council to do so.

Jim Astorino

6258 Engle Road

Mr. Astorino stated I come asking just a few questions and I know that the law director made the comment about the commitment earmarking the money. The half-percent income tax increase, being earmarked specifically for that without actually being written into the ordinance; simply for one because it's in the title and also I think in Section 5. In his

Remarks from the audience on subject matter on this agenda only: cont.

comments he also made a remark, I believe, that somebody should ask the finance director if he felt that was sufficient. My questions are actually both for the law director and the finance director. The fact that half-percent increase is mentioned as being restricted to sewers and roads in the title and also in that section 5 but not actually in chapter 1705 of the thing. Without that being specified in there is it legally binding and will the finance director comment that the money cannot be spent for anything else other than that. The other question or concern I had is about the timing of this because from what I saw in the Charter, I was looking at while you guys were talking about this; there is a 24-hour notice for special meetings. The fact that you call a Caucus meeting and you have a pre-arranged Council meeting to follow it on something that's being under discussion, listed only as being under discussion. I don't know how you make that legal to actually get to your special council meeting without actually giving 24-hours notice. The concern I have is if you don't follow this to the 'T' and do it a little bit loose or too loose does it open it to a challenge later on from someone saying that the proper format was not followed and are you rushing through it. I understand and appreciate the argument of past practice and I made that argument many times but if your Charter is specific about certain things past practice cannot override a specific thing. You can't use the argument well we've always done it that way because maybe the comeback from the other side could be well maybe you've always done that wrong before. So it's just a question of maybe you're rushing into this, it does get into the fact that we waited until the last regularly scheduled Council meeting for it to be even introduced; that all of a sudden put a burden on Council. I have the questions and I would appreciate at least and I know that you're not required to but if you can't address them to me tonight if you could at least give me a response somehow. On whether or not the law director feels that the fact that it's in the title and it's in that section 5 but it won't actually be in the 1700 section because there's no specific language. I understood his explanation that's how we collect money and why but is there maybe another section that should be in so that it directs it; because 1701 certainly doesn't restrict that half-percent to roads and sewers.

Jack Thomas
15913 Remora Blvd.

Mr. Thomas stated my comment is on what Council discussed tonight and also isn't. I would like Council to keep in mind that your goal at one point is to have these meetings televised and I would certainly hope, from what I've seen here tonight. That who is ever running the meeting when the tax gets personal then that person be declared out of order; there is no need for it and we can do business without it.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES (FIRST READING):

1. ORDINANCE NO. 9967-2015, 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 Council Members Higgins, Salvatore, Mencini, Burgio, D'Amico and Council President Patten.

Introduction of Resolutions and Ordinances: (First Reading): cont.

Council President Patten stated that Ordinance No. 9967-2015 has had its First Reading as amended.

- 2. RESOLUTION NO. 17-2015, SHALL THE ORDINANCE (ORDINANCE _____) PROVIDING FOR A TWO AND ONE-HALF PERCENT (2 ½%) LEVY ON INCOME, WHICH CONSTITUTES AN INCREASE OF ONE-HALF (1/2%) IN THE EXISTING INCOME TAX, FROM AND AFTER JANUARY 1, 2015, THE FUNDS COLLECTED FROM SAID ONE-HALF PERCENT (.5%) INCREASE SHALL BE SOLELY ALLOCATED FOR ROAD REPAIRS, ROAD CONSTRUCTION, SEWER REPAIRS AND 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 BE PASSED. Introduced by Council Members Higgins, Salvatore, Mencini, Burgio, D’Amico and Council President Patten.

Mr. Patten stated that Resolution No. 17-2015 has had its First Reading.

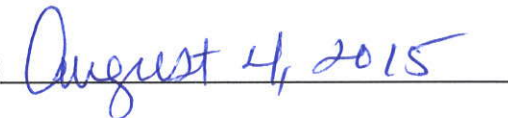
There being no further business to come before this meeting Council President Patten declared this meeting adjourned at 5:55 p.m.

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.