

**SPECIAL CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, JULY 21, 2015**

Council President Patten called the meeting to order 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, Finance Director Cingle, Building Commissioner Hurst, Administrative Assistant to the Building Commissioner Anderson, Human Resources Commissioner Sinatra, Law Director Jamison.

Mr. Patten stated there are six items on this agenda and two were discussed previously at the Special Caucus and Council meetings held last night. The other four items are bargaining contracts and when Council gets to those probably the next thing to do is place them on the next regularly Council meeting of August 18th.

DISCUSSION:

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 Council Members D'Amico, Higgins, Salvatore, Mencini, Burgio and Council President Patten

Mr. Patten gave the floor to Mr. Jamison who made the following amendments to the legislation title.

Mr. Jamison stated an amendment needs to be made in the legislation title fourth line after the date January 1, 2016 insert the words 'to be limited to five (5) consecutive years'.

Motion by Mr. Higgins, supported by Mr. D'Amico, to amend the legislation title as recommended by the law director

Mr. Troyer stated I still have a concern about the posting of this Ordinance and whether or not Council is following proper procedure. The question is was the Ordinance in its current version with the amendments made last night ever posted as required with the 24-hour notice.

Mr. Patten clarified with the amendments on it?

Mr. Troyer concurred.

DISCUSSION: CONT.

Mr. Patten continued well, it couldn't have been posted with the amendments if they were made last night.

Mr. Troyer interjected exactly Council are required to post within 24 hours.

Mr. Patten interjected they were posted prior to so they were properly posted; so next question.

Mr. Jamison responded the President of Council is correct.

Mr. Troyer proposed a few amendments and I am here to represent all the residents' of Ward One and have walked the ward for many years and spoke with hundreds of hundreds of residents'; many of those residents' have not recovered from the recession. These residents' have also lost their trust in city government and this is me talking with them at the door and because of that I want to make two amendments.

Motion by Mr. Troyer, supported by Mrs. Powers, to reduce the tax rate from two and one-half (2.5%) to two and one-quarter (2.25 %)

Mr. Troyer stated the reason for this amendment is I think there are residents' who just can't afford it and this would be less damage to residents' finances and would help rebuild the trust with the residents' and I think it's the right thing to do. I think two and one-half percent (2.5%) is going to be hard for some people to handle and I think that two and one-quarter (2.25%) is best.

ROLL CALL: AYES: Troyer, Powers, Mencini

NAYS: Burgio, D'Amico, Higgins, Salvatore The amendment failed with a vote of 3-4. **Failed**

Mr. Salvatore stated I really believe before Council starts messing around with the amounts that are going to be put before the voters Council should also know what the cost involved is going to be. Because if we are going to do a project that is going to be underfunded then we may no do anything at all. I would like to know the numbers where we're at to do a comprehensive road program and what is the minimum that can be done to get program off dead center and move forward. Mr. Troyer what numbers are you looking at that you feel one-quarter percent (.25%) would do this.

Mr. Troyer stated I asked for a program last night and I was told we have something or he has \$10 million dollars that this would cover, that's all we've seen.

Mr. Patten interjected what Councilman Salvatore is asking you is did you run the numbers before you came up with the motion to change what the finances are.

DISCUSSION: CONT.

Mr. Troyer stated it's going to bring in \$13 million dollars and the Mayor has given us a street list of \$10 million dollars and we have nothing besides as far as sewers go except for the sanitary sewers; not storm on Smith and that's funded mostly by Public Works.

Mayor Coyne stated it's going to take in \$13 million dollars in one year?

Mr. Troyer responded no, over five years.

Mayor Coyne continued what I gave you was a springtime assessment of less than 12 roads in the city that showed to be \$10 million dollars; that's what I gave you in streets alone.

Mr. Troyer – Point of Order we had a...

Mr. Patten stated let the Mayor finish and then Council will talk, this is called spirited debate, Tom, through something that is important.

Mayor Coyne continued you made a statement and I was trying to figure out what you're trying to say. What I gave you was an estimate by the city engineer of, early in spring, of about 12 streets that totaled almost \$10 million dollars, Councilman do you remember that?

Mr. Troyer responded I'm waiting for the vote, I remember you doing that I just mentioned that you did that but that's not the only money we have.

Mayor Coyne continued again and I asked you last night to produce for me where you have the revenues to meet just the \$10 million dollars immediately because I'll update the figures for you. The fact of the matter is that no one is looking and I think the Councilman raised a good issue what is this going to generate and what the city needs are. The fact of the matter all the proposals you're talking about limiting the time won't allow you to borrow any money and allow Council and future Mayors to take advantage of that if they have to aggregate those things that hasn't been talked about. So when you spew out these numbers that you think are going to take care of something they're just not and they're not real. I asked you last night go over the pavement rating system and look at what we have to do to catch up and you'll be shocked at what that amount is if you had the money.

Motion by Mr. Troyer, to insert a revised 1721.01 to the existing ordinance before Council

Mr. Troyer distributed informational sheets that explains the second amendment.

Mr. Patten stated the motion dies for lack of a second.

Mr. Troyer stated I was waiting for the papers to be passed out.

Mrs. Powers stated I was going to second it but was waiting for the papers to be passed out.

Mr. Patten stated the motion died for a lack of a second, any other amendments?

DISCUSSION: CONT.

Mr. Troyer responded no that's it.

Mr. Patten asked any other Member of Council have anything further on this legislation, if not a motion is needed.

Roll call was taken on motion to amend the title of the legislation per the law director's amendment.

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

NAYS: Powers, Troyer The amendment carried with a vote of 5-3.

Motion by Mr. D'Amico, supported by Mr. Mencini, that item number one was discussed. Members of Council voted AYE. The motion carried.

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, 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 D'Amico, Higgins, Salvatore, Mencini, Burgio and Council President Patten

Mr. Jamison stated in the title sixth line after the date January 1, 2016 insert the words 'to be limited to five consecutive years'.

Motion by Mr. D'Amico, supported by Mr. Burgio, to amend the title of the legislation per the law director's recommendation Members of Council voted AYE. The motion carried.

Motion by Mr. Troyer, supported by Mrs. Powers, to insert 1721.01 to the existing resolution

Note: Informational sheet handed out by Councilman Troyer is attached to these minutes.

After some confusion as to where Mr. Troyer is speaking about Mr. Higgins asked Mr. Troyer where are you at on the legislation that you're trying to amend.

Mr. Troyer responded this would add this to the top part of the ordinance where it says amending Section 1705,01, 1705.02 1713.02(a) it would add 1721.01 to the Ordinance and amend it.

DISCUSSION: CONT.

Mayor Coyne commented in my years of experience here I've never known that you can have more than one subject to an ordinance. This is the tax ordinance of the City of Brook Park and if what you have proposed would be successful the only way that this split could be changed would be by a vote of the people. Would you understand that in the event that your fire operations or whatever if this passed this Council would have no ability to amend this and change it in time of need. For most of my time here as Mayor the split was 60%-40% and 70%-30%. There were times that Council in order to operate had a change it...

Mr. Troyer interjected this doesn't do that.

Mayor Coyne – it sure does do you want me to read it to you.

Mr. Troyer – No, this is only concerning the half-percent.

Mayor Coyne – No it isn't, no it isn't. The fact of the matter even so you are not, if it is, you are not this is a whole separate section that is in the ordinance; totally different from what you're looking at right now.

Mr. Jamison stated this is the same discussion we had last night that Mr. Troyer and Mr. Astorino later raised and let me just reiterate where this is at so hopefully it will end some concern by Mr. Troyer and others. First of all under the city's Charter in Article VII Council has the power to levy taxes as authorized by the Ohio Revised Code so that's where the power that this body gets in order to impose an income tax. You then go to the Ohio Revised Code section 718.01 that basically sets forth that if any municipal corporation wants to impose an income tax in excess of one percent (1%) then you have to go to the voters and receive an affirmative majority in favor of said proposed tax. That code section spells out that in the event of an affirmative vote and it also spells out what the ballot language should look like and also spells out that in the ballot language it must state what the purpose of the proposed levy is. In the past our levies basically where they afloat into basically the general coffers of the city and then this is where this section that Mr. Troyer is referring to then spells out how it gets divided by Council. The Mayor is right it's changed over the course of time but there's another section of the code that says in the event of an affirmative vote the proceeds of the levy may be used only for the specified purpose. As I said last night in the ordinance and resolution that's before this body it spells out the specified purpose and its' in the ballot language where it says where it says 'it's to be used only for road construction, road repair, sewer construction and sewer repair'. So as I said last night we're in compliance with all the pertinent laws and the Ohio Revised Code says that the proceeds can only be used as it is spelled out in the proposed ballot language; nobody can go back later and change that. So that essentially we are following the state law which is what we have to follow in this instance and so to try and introduce for the split between capital and the general fund doesn't need to be done because we are following state law where we're spelling out that this one-half percent (.50%) is being allocated for specific purposes; so that one-half percent (.50%) is going to flow into the city and go that route. The other two-percent (2%) will flow in and will follow that code section that Mr. Troyer alluding too. So I think it's unnecessary to do that and I think we've done it the right way and should go forward the way its' proposed.

DISCUSSION: CONT.

Mr. Salvatore stated for clarification I understand what the law director said and to reiterate, correct me if I'm wrong. Basically what Mr. Troyer is asking for is already in this legislation and protected based on the state law and laws required by us before putting this on the ballot. So irregardless of what this says Council is compelled to do that anyway.

Mr. Jamison responded yes, this resolution and ordinance spell out that it's for a specified purpose and is allocated for not even a general item it doesn't even say just capital; its' limited to four specific items and that is what this city would have to use that money for and can't be changed by anybody, so you're correct.

Mr. Salvatore requested that the memo received from the Finance Director be read into the minutes.

The clerk read the memo as requested (attached to these minutes).

Mayor Coyne stated further in perusing this amendment if you read it correctly and if we're trying to restore trust in government if this passed. Then only 20% of the money collected, if the tax passes by this, would be allocated to roads and sewers not 100%. Mayor Coyne read 20% of the funds collected after January 1, 2016 (0.55 of the 2.5%) shall be set aside and restricted to expenditures for road repairs, road construction, sewer repairs and sewer construction; it says 20% of the funds collected after that time.

Mr. Troyer commented and it says five-percent (.05%) of the 2.5%.

Mayor Coyne continued okay if you read this amendment correctly it says 20% of the funds collected, it doesn't say 100% of the five-percent (0.5%) of the 2.5% goes to roads and sewers it says 20%, that's your number not mine.

The clerk was directed to call the roll on the amendment made by Mr. Troyer.

ROLL CALL: AYES: Troyer

NAYS: Powers, D'Amico, Burgio, Mencini, Salvatore, Higgins. The amendment failed with a vote of 6-1. **Failed**

Motion by Mr. D'Amico, supported by Mr. Mencini, that item number two was discussed. Members of Council voted AYE. The motion carried.

3. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE EXISTING COLLECTIVE BARGAINING AGREEMENT WITH THE BROOK PARK FRATERNAL ORDER OF POLICE, LODGE 15, AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

DISCUSSION: CONT.

Mayor Coyne stated the Administration has resolved these issues, Safety Director Byrnes could not be here, but Council has been provided with a summary of the changes. At the appropriate time when appearing on a Council agenda Mr. Byrnes would like to be in attendance to discuss.

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

- 4. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BROOK PARK POLICE SERGEANTS AND LIEUTENANTS, OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

Motion by Mr. Salvatore, supported by Mr. Mencini, to place on the next regular Council agenda The motion carried.

- 5. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE EXISTING COLLECTIVE BARGAINING AGREEMENT WITH THE BROOK PARK FIREFIGHTERS ASSOCIATION LOCAL 1141, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS', AFL-CIO-CLC, AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

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

- 6. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH MUNICIPAL FOREMENS' AND LABORERS', UNION LOCAL 1099, AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

Motion by Mr. Salvatore, supported by Mr. Troyer, to place on the next regular 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 5:35 p.m.

RESPECTFULLY SUBMITTED Michelle Blazak
Michelle Blazak
Clerk of Council

APPROVED August 18, 2015

DISCUSSION: CONT.

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

