

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JANUARY 12, 2016**

The meeting was called to order by Council President Astorino at 7:03 p.m., the clerk called the roll and the following Members of Council answered:

SCOTT, BURGIO, SALVATORE, TROYER, POWERS, McCORMICK, MENCINI

Also in attendance were Mayor Coyne, Service Director Cayet, Law Director Horvath, Finance Director Cingle, Engineer Piatak and Building Commissioner Hurst.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

DISCUSSION:

1. DISPOSAL OF LEGISLATION IN COMMITTEE FROM PREVIOUS YEARS

Mr. Astorino stated the purpose of this discussion is to get feedback from Council on how this should be handled. The clerk provided titles of legislation that is currently in committee in the Caucus packet that had been introduced in the years 2014-2015; much of that legislation was introduced by Council members that are no longer in office and there is legislation that goes further back sitting out there with no action taken.

Mr. Salvatore stated the three items in the Safety Committee as Chairman would like to keep them in committee and bring them out in the proper fashion according to the Council Rules.

Mr. Astorino stated there may be older legislation that was introduced years ago that was placed in committee that anyone might be aware of. This current two year Council term any legislation being introduced once an election is held and a new Council takes office, for example, by looking at the Finance Committee there is legislation in committee that dealt with the tax increase that was vetoed by the Mayor. That legislation is sitting in committee because it's never been properly disposed of. Some of the ordinances that were supposed to be submitted to the electorate for Charter changes three of the Council Members that introduced and co-sponsored that legislation are no longer in office. So my concern is there may be legislation that is out there and introduced by a Council person no longer sitting on Council with no way to find out what the sponsor of the legislation was intending. If there is active legislation in the committees that wouldn't be disposed but was looking to do some housecleaning.

Discussion: cont.

Mr. Salvatore stated the Safety Committee has one piece of legislation from 2014 and two pieces from 2015 and spoke with the sponsor of some of this legislation who would still like it to be considered.

Mayor Coyne stated the two items in Aviation & Environmental the Administration has no objections from removing them from committee because the matter is no longer being pursued.

Mr. Salvatore asked if the items in the Aviation & Environmental committee were issued a number.

Mr. Astorino responded the legislation was removed from a Special Caucus and the intention is for Council to maybe develop a policy and approach that will be taken as to how legislation that has been sitting in committee would be handled. There are several pieces of legislation that have been sitting in committees that will probably have no action taken on them.

Mr. Troyer suggested when Council term ends any legislation in committee over 120 or 180 days is automatically taken off.

Mr. Mencini stated some legislation in the Planning Committee have been scrapped by the Planning Commission, for example, the Houlika Shop on Smith Road but maybe a six month period for legislation in committee.

Mr. Salvatore stated rules are in place that provides for the two suggestions given any member of Council can pull legislation out of committee after 90 days for action to be taken. Any legislation that has been issued a number has to be dealt with at a Council meeting to be voted up or down; legislation that hasn't been issued a number can be Read in Committee at a Caucus meeting. Mr. Salvatore clarified with Mayor Coyne that the two pieces in the Aviation & Environmental committee are no longer being pursued.

Mayor Coyne concurred.

Mr. Salvatore continued asked who is the chairman for the Aviation & Environmental Committee so that allow that person to run her committee to deal with the two pieces in the committee that are no longer valid.

Mr. Astorino stated the intent this evening was to develop a policy or find out from Council on how legislation sitting in committee should be handled; the intent was not to go through the list of titles. The way the State of Ohio handles legislation in committee is at the end of that session the legislation doesn't go forward if it is good legislation it would have to be reintroduced; this is also the way other cities handle legislation in committee. The intent tonight was to get feedback from Council as to how to handle this

Discussion: cont.

matter and Council can go on and do status quo and run business the way it is because Mr. Salvatore is right. Asking the clerk to do research on this matter there are 18 items in the Finance Committee that don't seem to be going forward it makes no sense to leave those items out there.

Mr. Troyer suggested to continue the way Council has been but possibly the clerk could give Council a list of outstanding legislation in their committee; so that the committee chairperson knows what is in their committee.

Mrs. Powers stated to Mr. Salvatore that Council passed legislation in December, 2015 and even though some of those Council members are no longer in office the ordinances still take effect.

Mrs. McCormick suggested that legislation over a year be disposed of because it would no longer be relevant and that would allow for items to be brought back up that perhaps the previous Council did not want to deal with.

Mayor Coyne commented if the Chairman adheres to the rules this wouldn't be occurring of legislation sitting in committee this long; the chairman has the prerogative to pull legislation out. So if Council would follow their own rules and bring legislation out of committee for discussion can always be placed back in committee if no one is ready to take action but that's why all this legislation is sitting in committee because Council didn't follow their own rules.

Mr. Troyer stated I tend to disagree with that statement when legislation goes into committee that legislation can be kept in committee for 90 days and after the 90 days the Council President or any member of Council can ask that legislation in committee be brought to the floor for action. If the committee didn't bring it out in 90 days there's a reason for that and if the rest of Council didn't decide to bring legislation out, or the Council President, there was probably a reason for that; so it's not that someone didn't know the rules or do what was supposed to be done that was the decision made.

Mr. Astorino stated I appreciate the feedback received and agree with part of what the Mayor said that it is the beginning of January and this is a new Council and as a Council President I'm new to this as far as managing it; so my intention is to make sure that legislation is brought out of committee in a timely manner and acted on in a timely manner. In the past this didn't occur and I'm looking at ways to clean up some of the legislation that was acted on in a timely manner and am asking Council for a little direction and suggestion. I'm identifying what I think is a problem with legislation that sitting in committee and was asking Council for feedback and have asked the clerk to research with other cities how they handle legislation sitting in committee. Before I got the process to do this on my own I was asking for Council's feedback at a Caucus meeting to discuss how this matter so that all of us are involved in the process from the

Discussion: cont.

very beginning. From this day forward if legislation is placed in committee it will be monitored and Council will move on it so that this doesn't happen again.

Mr. Burgio commented that Council should be more mindful of what is in committee and if legislation has been in there for a long time should be brought out for discussion to see what Council wants to do with it; there might be a reason for legislation to be in committee, as Councilman Troyer stated, or it could be that the legislation was just forgotten.

Motion by Mr. Burgio, supported by Mr. Troyer, that item number one was discussed. Members of Council voted AYE. The motion carried.

2. IDENTIFICATION – NUMBERING OF LEGISLATION FOR ORDINANCE AND RESOLUTIONS (**Note: Getting close to the 10,000 mark**)

Mr. Astorino stated this is for discussion purposes only and the clerk has done extensive research on how legislation is numbered and has not been able to find any ordinance or direction on how this is done and it could be that there is nothing in writing. My recommendation or suggestion would be to change ordinances to indicate 2016-01 for first ordinance. The intent is to have Council's input on how to handle this matter as well as getting information from other cities as to how they number legislation.

Mr. Mencini concurred with the year first and start the numerical process again; with the year first that would clarify what year the legislation was adopted.

Mr. Troyer asked would the legislation read 2016-1 or 2016-001.

Mr. Astorino stated my suggestion would be to ask the law director whether a format has to be set up for this because what I don't want to see happen is Council changes the format and then later finds an ordinance or rule that is being broken. As far as how ordinances is numbered whether 0001 I don't know what the point would be because I don't think that Council is going to get to 100 or 200 ordinances in one year.

Mr. Troyer concurred with the 2016-01 format.

Mr. Burgio stated that might be a good compromise but I think more research should be done to see if there is something out there that might be better but will go along with the new proposed format.

Mr. Salvatore stated Resolutions are started over every year with the number, dash, and year to keep track how many resolutions are passed in that given year.

The clerk concurred.

Discussion: cont.

Mr. Salvatore continued there is no mad rush to get this done because there are enough numbers left to get us to 10,000 and probably won't run out of numbers until next year.

Mrs. Powers concurred with the Council President's suggestion because it simplifies the legislation by year and number for a better understanding.

Motion by Mr. Salvatore, supported by Mr. Burgio, that item number two was discussed. Members of Council voted AYE. The motion carried.

3. AUDIENCE PARTICIPATION AT COUNCIL MEETINGS

Mr. Astorino stated based on the last Council meeting there was some question as to how Council was going to proceed with the audience participation portion of the meeting. My intention is not to be an obstructionist or cause any confrontations amongst Council Members but would like to get feedback. Under the new order of business there are two sections for audience participation with the first time for legislation on the agenda only and the second time for remarks on any subject matter. My concern is that I don't want to get into the back and forth but if a resident gets up to ask a question Council can try and given an answer the best they can. If a resident gets up and states their opinion or makes a remark that is their right; but don't want to get into a back and forth and am looking input from Council members as to how they want me to chair the meeting.

Mr. Mencini stated that business should be done first and if the audience wants to speak they should be committed to stay for the Council meeting and may get their answer during that meeting. If someone comes to the microphone, for example, when Mr. Thomas spoke about the handicapped playground I worked very hard at Brook Park Memorial School (BPM) for a handicapped playground and have a great-niece with special needs who lives in Brook Park. The City of Middleburg Hts. has dialogue, not argumentative, but dialogue on the subject matter at hand.

Mr. Burgio stated my opinion is that the audience is wanting a reply from Council and if nothing is said they feel that their needs were not addressed; so I think there is a place for that as long as it is done in a proper and respectful manner.

Mr. Troyer stated there are two good points mentioned but where does it end? If the person is making an accusation or statement that may not be exactly true or doesn't understand something then Council replies. Then Council has to allow that person to come back up and reply so it's a slippery slope with the back and forth. If people are going to come up and complain about something I think in certain circumstances, for instance, when the resident came up at a previous meeting, talking about posting all the agenda material on the website; which is what Council is in the process of doing. With things like that the Council President could let the audience know that is being looked at. Council wants the facts to be out there but doesn't want the arguments going back and forth.

Discussion: cont.

Mr. Mencini stated the Council President runs the meeting and it would be up to him to put an end to the dialogue with points being made and this can be tough at times as to how long the conversation goes back and forth. There have been great things heard from people speaking at that microphone and there could be people still speaking if the matter was curtailed and it's up to the Council President to take the initiative to say point made.

Mr. Burgio stated the way this portion of the meeting has been running has worked out fairly well when a resident has a complaint or statement to make and a Council Member responds that is usually satisfactory to the resident; and have confidence with the President of Council to manage the meeting and its done properly and in good order. If somebody rambles on for a long time then it is the President of Council's discretion to handle that matter the way he sees fit.

Mr. Scott stated if someone comes up to the microphone and verbally attacks me I feel I have the right to respond to that attack and the Council President controls the meeting with any responses and/or rebuttals as well as the length of the conversation.

Mr. Salvatore stated the power comes from the chair as to how the meetings will be controlled and the kind of dialogue permitted at the Council meetings. If there are personal attacks and the Chairman follows the same guidelines of how a city business meeting should be conducted. We are all here to do business and move the city forward without any politics or name calling being allowed at the microphone. All of us up here were voted by the people to serve and treated with respect and think that word is lacking sometimes from that microphone. The Council President is the Chairman and sees to it that these meetings are a business meeting and conducted in a professional manner. Past Council Presidents have allowed the audience to speak and then directed the question to the appropriate personnel to get the answer. In past years audience participation was broken down into two sections and then consolidated into one agenda item the meetings ran smoother and residents didn't have to linger for sometimes over an hour to make their point; there were a lot of times residents would get frustrated with the waiting and leave without getting their point across. My suggestion would be to keep it as is currently but keep an open mind to possibly change the Council Rule to one time only for allowing the audience to speak on any topic.

Mrs. Powers stated with a new Council being up here this year maybe there should be new ways entertained for doing business. With this new way this allows for Council to do their business at hand and then allow the residents to voice their remarks.

Mrs. McCormick commented I like the idea of the two separate comment periods and believe that it is Council's responsibility to get city business done in a timely manner and saving the off-topic comments to the end.

Mr. Troyer stated Council can make the people wait to speak at the end for off-topic or make the people who want to see the actual work of the Council wait through that whole off-topic

Discussion: cont.

phase right in the middle of a Council meeting. I would rather let the people who come to see the work of Council and let them leave so they don't have to listen to off-topic subjects. The people who want to talk about off-topic matters can wait until the end of the meeting. Some members commented as to what this Council has been doing and in my first term, especially the year 2014, there was no reply. The person spoke and sat down and after everyone spoke at the microphone then there was a reply and there were a lot of times no one was able to speak because the Council President at that time moved the agenda. The few times that somebody was attacked the Council President didn't allow a reply but most of the time during that session people spoke, sat down and there was no reply. There were many times that I wanted to respond and wasn't allowed to the Council President moved the agenda.

Mayor Coyne stated written in the Council Rules that we couldn't respond to the resident, therefore, I would give my responses during my report if a resident comes to the microphone to raise an issue about the Administration I thought it was timely for me to respond and hope to continue to do that; so there was no dialogue back and forth. Mr. Troyer is correct most of the people who came to speak at the microphone had a problem with some nature of city services; if there is no objection relative to those things that is the protocol I'm going to follow.

Motion by Mr. Troyer, supported by Mr. Mencini, that item number three was discussed. Members of Council voted AYE. The motion carried.

4. CITY COUNCIL WEBSITE - EMAILS – TECHNOLOGY

Mr. Astorino stated the intent of this topic is the new Council Rule #28 where Council will have its own website and there were thoughts of possibly forming a subcommittee that would monitor the information being put on the website.

Mr. Salvatore clarified if an active committee would be formed i.e. Finance Committee.

Mr. Astorino responded there is a Council Rule allowing for subcommittees and since Council is going to have a website and emails.

Mr. Salvatore asked if there would be a vote of Council to approve anything going on the website.

Mr. Astorino responded that is what the committee would address those things and make the decision on whether Council needs to vote on how that works; this is new territory so the rules and guidelines should be set from the beginning so that everyone knows.

Mrs. McCormick suggested forming a generic Communications Committee and one of the things I'm hoping to do is a Council newsletter; maybe the committee monitoring information to the website would also have some input on the newsletter.

Discussion: cont.

Mr. Burgio stated I might be interested in being on that committee, is there a timeframe to let you know.

Mr. Astorino stated possibly by the end of the week.

Mr. Mencini stated the committee should be an odd number of three and Council as a Whole should have input before the newsletter goes out.

Mayor Coyne stated to Mr. Astorino whatever capital costs there is for this can you get it to me as soon as possible to be included in the budget.

Motion by Mr. Salvatore, supported by Mr. Burgio, that item number four was discussed. Members of Council voted AYE. The motion carried.

Motion by Mr. Salvatore, supported by Mr. Mencini, to go to the Addendum. Members of Council voted AYE. The motion carried.

SAFETY COMMITTEE – CHAIRMAN, SALVATORE:

1. AN ORDINANCE AUTHORIZING THE CONSULTING ENGINEER TO CONDUCT PRELIMINARY PLANS AND COMPLETE NECESSARY DOCUMENTS/CORRESPONDENCE FOR THE NORFOLK SOUTHERN SHELDON ROAD GRADE NO. 523-9405 AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne. Placed in Committee 12/15/15.

Mr. Burgio clarified that the City of Berea already passed legislation on their portion of this project.

Mr. Troyer stated I would like to get this adopted as soon as possible to help these residents get relief from the train horns and noises.

Mrs. Powers asked for clarification to the legislation that reads Sheldon Road. At Sheldon Road everything located in both the Cities of Brook Park and Berea is manufacturing. My thought on quiet zones is to make a more comfortable for residents so they don't have the noise. Wouldn't these monies be better spent that instead of going with the City of Berea on tracks that go through an industrialized neighborhood. There are tracks on Hummel Road and West 130th with houses practically on top of the tracks so the city needs a quiet zone there, more than it is needed in an industrial neighborhood. Those factories make their own noise and do these monies need to spent to make the factories more comfortable?

Mr. Piatak stated the Hummel Road crossing by West 130th Street would not conform to the federal rule on establishing a quiet zone; so one can't be created in that location it's too close to West 130th Street. The City of Brook Park has contacted the City of Parma who expressed no interest in participating in that quiet zone; so that's a no-go at that location. The Sheldon

Addendum: cont.**Safety Committee – Chairman, Salvatore: cont.**

Road crossing is through an industrialized area at that location but the train horn sound do travel.

Mayor Coyne commented to Mrs. Powers to speak with the people on Wedgewood who endure insurmountable noise from trains; so those tracks do affect neighborhoods.

Mr. Mencini stated I'm all for this and people can hear those train horns when the train is in Berea or Middleburg Hts.; they will be heard in the City of Brook Park. This is something this Council has to look into with train noise and concur with the Mayor the train horn sounds travel. This is a project that is long overdue over and the area over there is building up a little bit as well as there being homes not too far such as the west end.

Mr. Burgio stated a lot of phone calls have been received from residents on Wedgewood and Haviland and those train horns are very loud and at certain times of the day those trains travel for miles throughout the city. So this affects and impacts people in more than that general area and a lot of people will benefit from this; so I am in support of this too.

Mr. Troyer stated I have received complaints from Liberty Bell residents about the Sheldon Road crossing and also from the west end because these tracks go across Route 237; so this is a much needed project.

Mr. Piatak noted the crossing number is incorrect the correct crossing number is 523-940J.

Mr. Salvatore asked Mayor Coyne if he will accept co-sponsors.

Mayor Coyne concurred.

All Members of Council raised their hands to co-sponsor the legislation.

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

EXECUTIVE SESSION:

1. Personnel Matters
2. Attorney Conferences

Motion by Mr. Burgio, supported by Mr. Mencini, to go into Executive Session.

ROLL CALL: AYES: Burgio, Mencini, McCormick, Powers, Troyer, Salvatore, Scott

NAYS: None. The motion carried at 7:59 p.m.

Executive Session: cont.

Mr. Astorino stated to residents in the audience that Council will be coming back to the floor after the Executive Session to adjourn the meetings; there will be no further business to come before Council.

In attendance: Members of Council, Mayor Coyne and Law Director Horvath.

Motion by Mr. Mencini, supported by Mr. Troyer, to adjourn the Executive Session.

ROLL CALL: AYES: Mencini, Troyer, Powers, McCormick, Scott, Burgio, Salvatore

NAYS: None. The motion carried at 8:35 p.m.

Motion by Mr. Salvatore, supported by Mr. Troyer, to go back to Regular Order of Business.

ROLL CALL: AYES: Salvatore, Troyer, Powers, McCormick, Mencini, Scott, Burgio

NAYS: None. The motion carried.

There being no further business to come before this meeting Council President Astorino declared the Caucus meeting adjourned at 8:37 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.