

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JANUARY 19, 2016**

The meeting was called to order by Council President Astorino at 7:01 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, Finance Director Cingle, Law Director Horvath, Building Commissioner Hurst, Engineer Piatak.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Organizational Meeting held on January 4, 2016.

Mr. Astorino stated there was a last minute change to these minutes so these minutes will be removed from this evening's agenda and placed on the next Caucus meeting.

Motion by Mr. Salvatore, supported by Mr. Mencini, to move from the agenda and place on the January 26th Caucus agenda. Members of Council voted AYE. The motion carried.

2. Regular Council meeting held on January 5, 2016.

Motion by Mr. Mencini, supported by Mr. Burgio, to approve as printed.

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

NAYS: None. The motion carried.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairwoman, Powers

Mrs. Powers stated no report this evening.

Finance Committee – Chairwoman, McCormick

Mrs. McCormick reported the Finance Committee met on January 12th to discuss legislation placed in the Finance Committee with no action being taken. The Board of Control met earlier this evening and approved 36 items totaling a little over \$500,000.

Legislative Committee – Chairman, Troyer

Mr. Troyer stated Legislative Committee has nothing on tonight's agenda.

Parks & Recreation Committee – Chairman, Mencini

Mr. Mencini reported the Brook Park Mentoring Youth program IMPACT (Inspiring Many People Across the Community Together) had a great event

Reports from Standing Committees: cont.**Parks & Recreation Committee – Chairman, Mencini: cont.**

on January 18th called 'Minute to Win It' and secondly, baseball and softball registrations start February 1, 2016. The center is experiencing issues with the heat at the center but it is not deterring anybody from participating in the center's activities.

Planning Committee – Chairman, Troyer

Mr. Troyer stated the first meeting of the Planning Committee will be held on Wednesday, January 20th at 7:15 p.m.

Safety Committee – Chairman, Salvatore

Mr. Salvatore reported the Safety Committee has one piece of legislation on this evening's agenda relating to a Quiet Zone Project.

Service Committee – Chairman, Burgio

Mr. Burgio reported the Service Committee has two pieces of legislation on tonight's agenda relating to the purchase of a dump truck.

Board of Zoning Appeals – Chairman, Scott

Mr. Scott stated the Board of Zoning has no items on tonight's agenda.

REPORTS OF SPECIAL COMMITTEES:**Southwest General Health Center – Trustee, Salvatore**

Mr. Salvatore stated the first board meeting will be held in the first week of March.

Berea Board of Education Committee – Burgio and McCormick

Mr. Burgio reported the Organizational meeting was held on January 11th with the regular business meeting following. The principal at Big Creek Elementary, John Brzozowski, will be retiring effective May 31st. The school's new payroll coordinator was approved by the board as well as eight new appointments including Intervention Associate, Custodial and Transportation dispatcher. There was a signage agreement approved between Southwest General Health Center giving the Berea Board of Education \$50,000 donation to place a sign at Roehm field for use at its discretion for a five-year period.

Mr. Mencini stated the Recreation Center teams are having a problem getting into Ford Middle School for practices; there are about 40 teams and 25 practices. When Ford Middle School has concerts the recreation center experiences problems getting into the facility with late notification; the schools do a great job but there is a lack of communication and puts the recreation center in a bad spot. Possibly, there could be a meeting with the superintendent and city personnel to try and resolve these matters.

Mr. Burgio responded that he will have a meeting set up with the superintendent and interested parties to discuss the lack of communication matter.

REPORTS FROM BOARDS AND COMMISSIONS:
-----**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**
-----**REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Coyne reported the Safety Director has been excused from this evening's meeting as well as the Recreation Director who is currently administering programs at the center. The Recreation Director's reports will be given by Council Representative, Mr. Mencini, and will continue in that fashion unless there is legislation on the agenda; due to the staffing it is more important that the Recreation Director be at the Recreation Center unless there is legislation involving recreation on the agenda. Mayor Coyne commented on the recent decision, or lack thereof, relative to the Initiative petition by the citizens group in the city. The law director and I had a preliminary meeting earlier today to discuss that matter and what the city's options are and hopefully by next week will have some recommendation, hopefully, a joint one to the City Council. This evening I want to make a correction, there was an article on cleveland.com today that quoted me as saying 'There is another way to skin a cat' and I can assure you I never made that comment. I have had problems over the last couple of years and think that Members of Council have as well. With Plain Dealer and/or New Sun Reporter, Grant Segal's quoting people for things that were not said. I also did not say that you can't have voters run the day to day operations of the city. What I did say is that you can't govern a city on a day to day basis by initiative petition; I did say that but did not say the other things. I did say that we're looking at options and remedies because it has profound effect on the operating costs of the city. So rather than to get to all of my feelings about it this evening I'd rather wait until the law director and I can prepare a response to Council about this; I just wanted to make those two corrections and I have called the reporter and let them know exactly what my feelings are. Whether they will be corrected or not that's fine and before everybody jumps on that I've never run from what I say whether somebody likes or not but if you're going to quote me, at least, quote what I say I'd be appreciative of that.

Mr. Mencini commented to Mayor Coyne I, wholeheartedly, agree with the Recreation Director being at the center. Will that seat be filled with perhaps the Economic Development Commissioner or Building Commissioner?

Mayor Coyne responded no, there will be specific people here if there's an issue before the Council on the Building Department, the building commissioner will be in attendance. Unless there is legislation on an agenda

Reports and Communications from the Mayor: cont.

for recreation the recreation director will be in attendance; other than that the Council Representative, Mr. Mencini, can give the Recreation report; the city is better served with the Recreation Director being at the Recreation Center running the programs.

Mr. Troyer stated to Mayor Coyne is in favor of not having the Recreation Director in attendance all the time unless needed and concur with Councilman Mencini that there are times or maybe every other meeting. Council may want the Building Commissioner and/or Economic Development Commissioner in attendance, for instance, on this evening's agenda there may be a question to the city's Economic Development Commissioner regarding legislation for the Cuyahoga County Business Retention and Attraction Protocol; so I would like to see him regularly at meetings.

Mayor Coyne responded, as you know, I am the head of every department and you can ask me the questions. Mr. Dolan was here at the last meeting so if Council has specific questions I can answer them. Always when there is legislation, for the most part, the division or department dealing with that are the ones at the microphone answering questions; that won't be changed. I wasn't aware of any questions with the legislation that was talked about at length through several Caucuses.

Mr. Troyer stated I asked for the Brook Park Enforcement Evaluator Report from the Safety Director last meeting and only received one sheet that says after every location 'see attached report for in-depth analyses. Mr. Troyer requested the in-depth analysis.

Mayor Coyne responded you will have it.

**REPORTS AND COMMUNICATIONS FROM OTHER DEPARTMENTS,
COMMISSIONS, PUBLIC OFFICIALS:****Engineer Piatak**

Mr. Piatak stated there should be ODOT (Ohio Department of Transportation) legislation coming forward to Council regarding the Snow Road Resurfacing Project.

Mr. Troyer stated to Mr. Piatak on the Sheldon Road Quiet Zone is there any kind of idea what the cost is going to be for the legislation and what the whole project will cost roughly?

Mr. Piatak clarified you are asking how much the legislation is going to cost as well as the overall project is going to cost.

Reports and Communications from other departments, commissions, public officials: cont.

Mr. Troyer concurred.

Mr. Piatak stated in the past couple of projects the city allocated \$15,000 for some of the preliminary engineering work to be done and would follow suit on this legislation as well. I don't know what Norfolk-Southern is going to come up with once the city engages them to give a detailed plan as far as what the city wants to do and what the railroad is going to require. As far as the construction and the implementation of the Quiet Zone is going to cost I don't know but can tell you the Holland Road crossing started late last year cost upwards of \$450,000 for a different type of project. PUCO (Public Utilities Commission of Ohio) and ORDC (Ohio Rail Development Commission) threw in \$300,000 for the entrance gates and the city had to pick up the tab for the exit gates as well as some loop detectors and other miscellaneous items. Each project

Engineer Piatak: cont.

is different and the initial phase of the Quiet Zone project in 2009 was considerably more expensive, however, there were three crossings that were included in that zone as well as pavement work that was done in conjunction with that project; so the price tag of the initial phase was high. With the Sheldon Road Quiet Zone proposed project is a Norfolk-Southern triple track that has about 60 trains a day at that crossing. The circuitry is an old DC circuitry track that will have to be upgraded by the railroad to a constant warning time so there is a lot of moving parts in trying to determine a price tag on what that zone is going to cost, at this point. The legislation on tonight's agenda will allow the city to move forward in getting some of the studies done and what the city wants to do at that location.

Mrs. Powers stated to Engineer Piatak in the legislation there is a breakdown of the city's cost but can you provide a more definite cost on what this project will be.

Mr. Piatak responded no, not at this time, I have no idea how Norfolk-Southern is going to react to our application, some of the preliminary notices have been done, that already were mailed to the railroads and other agencies. The city has received none or very little response back from anyone on it; so at this point I don't have any kind of indication of the cost.

Mr. Astorino stated to Mr. Piatak this project is supposed to be coordinated with the City of Berea? Have you had any communications with the City of Berea on this or is the preliminary stage going to be you working on that for Brook Park and then get back to Berea.

Reports and Communications from other departments, commissions, public officials: cont.

Engineer Piatak: cont.

Mr. Piatak responded it would be my intent that the city would engage with the City of Berea to discuss what their intentions are and what they would like to see as far as safety measures at that location. Seeing as how they would be a partner and hope that they are going to be a 50/50 partner; seeing that half the crossing is in that community and would intend on engaging with the City of Berea early on.

Mr. Salvatore stated to Engineer Piatak a cost-analysis has been provided on an hourly basis by labor category is there a project manager already picked out; or will that be a joint venture between the two cities?

Mr. Piatak responded it is my understanding with the City of Berea that the City of Brook Park is the lead agency and I would run with the project; unless the City of Berea wanted to do their own. The City of Brook Park has been down this road with a few other projects and has experience in getting these types of projects done; so I think it's the City of Berea's intent to let the City of Brook Park lead the project and follow along.

Mr. Salvatore asked Mr. Piatak to keep him informed if something should change in what city is running this program.

Service Director Cayet

Mr. Cayet stated with the last few storms the city is still good with salt, close to 1,800 ton in the storage unit and went through 700 ton this year to date. There have been calls received from residents that the plows don't have to plow the streets when there is hardly any snow. The reason the streets are getting plowed is due to if the snow isn't taken off the streets and salted it will turn to ice; that is the purpose the salt trucks are out there. Also, with the heat problem at the Recreation Center that Councilman Mencini mentioned earlier. I had someone over there today and two of the four units are working. City personnel will be meeting with Brewer-Garrett later this week to get an idea as to what needs to be done with the HVAC (Heating, Ventilation and Air Conditioning) and lighting systems at the Recreation Center. The two units operating at the Recreation Center can keep the gym at 60 degrees or more so it will be cold during this winter snap; the same with the Mayor, Law Director and Building Commissioner offices at City Hall this morning they were in the 40's; a valve was broke and crews were able to get the valve open to get heat to those offices.

Mr. Burgio thanked Mr. Cayet for responding on the complaint from the resident on Kathleen Drive with the recyclables not being picked up. Also thank you for the tour recently taken of the service garage it was impressive

Reports and Communications from other departments, commissions, public officials: cont.

how city crews keep the garage running as far as the trucks, equipment and so forth.

Mr. Scott commented that he received a call from too much plowing on Michael Drive and explained to the resident that if the ice isn't scraped off there could be trouble. Mr. Scott asked Mr. Cayet for an explanation of what the process is when a plow truck damages the tree lawn.

Mr. Cayet responded all the residents have to do is call the service department to be put on the list for the tree lawns that have to be repaired in the spring. The crews will come out at that time to make the repairs; repairs can't be made in this weather because the seed will not take. This is also the process for potholes on the streets.

Mr. Scott stated it is my understanding that rubbish crews keep a look out during pickups and keep a list, is that correct.

Mr. Cayet concurred.

Mr. Mencini thanked Mr. Cayet for the trash can outside of the recreation center and congratulated the crews on doing a good job.

Law Director Horvath

Mrs. Horvath stated as the Mayor noted the city did receive a decision in the case of the City of Brook Park vs. Community to Secure Our Safety and we are in the process of analyzing the decision and determining what the city's options are.

Mr. Scott stated as a new Council member I need clarification on some items. On the Special Finance meeting held on January 12th; the Finance Committee is considered a Standing Committee, correct?

Mrs. Horvath responded I believe under the Council Rules it is listed as a Standing Committee.

Mr. Scott asked for clarification on what the meaning of the Council of the whole is; I studied and looked it up but would like clarification of what the Council of the Whole is.

Mrs. Horvath responded the term is sort of archaic; in fact, I have something here that is sort of a definition. It is sort of a way of having everyone on the Council participate in the committee and not having all of the formal rules in

Reports and Communications from other departments, commissions, public officials: cont.

Law Director Horvath: cont.

place. It is often used in legislature and the definition I have is the Committee of the Whole is alternate forms of procedural devices that allow the full assembly to consider a matter much the same as a committee would; that's the best definition I would have to explain it. It is somewhat awkward and a lot of different legislative bodies that have tried to move away from it to a more informal format but that is still in the Council rules.

Mr. Scott continued if the Finance Committee is a Standing Committee as per the Charter and Council Rules why wasn't the special meeting on Tuesday, January 12th comprised of Council as a Whole.

Mrs. Horvath responded that is something I am presently looking into I would hesitate right now to give an opinion. I first became aware of some of these questions this past Friday and am looking into it. Obviously, there are other cities that do have committee meetings involving committees that aren't a part of the committee of the whole; so right now I am looking into that situation and hope to be better able to answer your questions shortly.

Mr. Scott stated I have a few more questions; if this was a public meeting why was the audience participation not allowed as stated in the Charter and Council Rules.

Mrs. Horvath responded again, that is something I am looking into and believe the committee wanted to meet for fact finding and, therefore, for two people to get together would have to be public, obviously, because there are three people on the committee who did come together and have a meeting. This is something I am checking into but I think it was more of like a work session and think the audience participation certainly is part of the agenda as Council. I am unaware of any rules within the Council rules that would determine whether there would be audience participation with regards to standing committees; so I guess that would just take it back to Roberts' Rules of Order. In looking at, I believe, Section 49 of the 9th edition, which is the edition followed, I didn't see anything that suggested or mandated audience participation but will check into that provision and get you a copy of it.

Mr. Scott continued it is stated in there that at special meeting audience participation is allowed. Line 74 of the Rules of Council state all special council meeting shall provide for audience participation to allow for the public to voice their concerns and/or opinions on only the subjects before Council prior to Councils' consideration. So I don't understand why audience

Reports and Communications from other departments, commissions, public officials: cont.

Law Director Horvath: cont.

participation was not allowed in that special meeting. One more question if this was a public meeting why didn't Council Clerk by order of the Council President disallow live streaming to the public as stated in the Charter and Council Rules. Why was there not live streaming since this was a public meeting?

Mrs. Horvath responded I'm not aware whether live streaming was allowed or disallowed, I thought it took place but I have no knowledge of that.

Mr. Astorino asked for clarification did you say live streaming is by Charter and Council Rules.

Mr. Scott responded I didn't say by Charter it is a live public meeting and public meetings and people are allowed to speak.

Mr. Astorino continued I understand the public meeting but I thought I heard you, and that is why I'm asking clarification. Did you say that we have to live stream meetings because of the Charter and because of our rules that Council we are required to...

Mr. Scott interjected I was choosing live streaming as an example of...

Mr. Astorino thanked Mr. Scott for the clarification.

Mrs. Horvath stated to Mr. Scott I don't know whether live streaming took place or not. My understanding that was something the Council is doing for some meetings and don't know if it is mandated for each and every meeting but will check into that for a point of clarification.

Mr. Astorino stated to Law Director Horvath the meeting of January 12th was not live streamed.

Mrs. McCormick stated under the Council Rules, I believe, it gives the President of Council the right to appoint a select committee; wouldn't the committee of three of the Finance Committee be considered the select committee; not the committee of the whole.

Mrs. Horvath stated that is one of the things that I'm checking into and I would like to provide everybody a clarification for that. As I indicated I became aware of this matter last Friday and there were a couple of things that happened such as the decision in the one case mentioned and so forth.

Reports and Communications from other departments, commissions, public officials: cont.

Law Director Horvath: cont.

It is intention to write an opinion and obviously share with the Mayor and all of Council and clarify the entire situation.

Mr. Astorino stated as a point of information I will let all of the Council members and audience know that since this issue has been raised and the law director is looking into it. I will not calling for or allowing any of other meetings to go on until the decision is made; we will wait to see what is happening and no one will force any issues. The question has been raised and until we have it answered we'll be holding everything in advance.

Mr. Troyer stated to Law Director Horvath as to the question of whether to allow the public speaking; as a standing committee of the whole that isn't allowed anyways at a Caucus meeting. So that is a no-brainer to me that would be allowed it is stated Council meetings not Caucus meetings; would that be correct and make sense?

Mrs. Horvath concurred.

Mayor Coyne stated Council received a three-page memorandum as well as the Law Director from me and requested at the appropriate time to have that memorandum read into the record and will be waiting the law director's conclusion. To give a history serving on Council in the 1970's everything is a committee of the whole in this city and that's not up to question. I've outlined in this memorandum about six or seven different reasons why this was an illegal meeting (January 12th). The most important thing is who participated and, at the end of the day, the committee of the whole was precisely the reason that all Members of Council would participate in fact-gathering or whatever else you would like to call it. The fact of the matter is the notice was improper and everything about that meeting was improper. So I would like it read or submitted for the record for this meeting so the public has it, I think that's important. If any Member of Council did not get this I will make sure you get this and I would like the law director if she's going to make a ruling to make a point by point of the issues raised in this memorandum.

Mr. Astorino asked the clerk read the memorandum into the record and is attached to these minutes.

Mrs. McCormick wanted to comment and Mr. Astorino stated the matter has been discussed and moved the agenda.

Reports and Communications from other departments, commissions, public officials: cont.

Finance Director Cingle

Mr. Cingle stated December monthly reports were issued and any questions please contact the department. We are continuing to work on the 2016 Budget and will have a final copy to Council in the near future. The auditors were in the office beginning the 2015 audit and as that progresses I will keep the Council apprised of their findings.

Mr. Troyer questioned Mr. Cingle about the January 5th Board of Control items approved. There is an item for TCC Technology Solutions in the amount of \$67,000 per Ordinance No. 9991-2015 recently passed on December 21, 2015. The question is the city paying for that ahead of time before services are rendered?

Mr. Cingle responded it is not paid ahead of time, the company bills the city monthly and the city pays on a monthly basis; the amount on the Board of Control is for calendar year 2016.

Mr. Troyer continued maybe I need a better understanding of the Board of Control. I thought when it went to the Board of Control the payment is approved and the city pays that \$67,000.

Mr. Cingle responded the Board of Control authorizes payment of \$67,000 but not at one time. The company bills the city monthly for the work performed and the department pays accordingly. So it is not paid in advance it's paid when the services are completed and the amount cannot exceed \$67,000 per the legislation.

Mr. Troyer clarified this will be paid throughout 2016.

Mr. Cingle concurred.

Mr. Salvatore asked Mr. Cingle for a more defined date for the budget to be presented.

Mr. Cingle responded the Mayor and I are working on the budget everyday and hope within the next couple of weeks to have something to Council for review; no later than the first Caucus meeting in February.

Mr. Burgio questioned the January 5th Board of Control with item number eight the lease of rubbish trucks and cans in the amount of \$230,548.00 What is the time left on this lease?

**Reports and Communications from other departments, commissions
public officials: cont.**

Finance Director Cingle: cont.

Mr. Cingle responded I believe this is the fifth year and don't want to guess so I will look and give you and all of Council an accurate answer tomorrow.

Mr. Burgio clarified this is the annual cost of the lease including the cans?

Mr. Cingle concurred.

Mr. Astorino asked Mr. Cingle how long the lease was for.

Mr. Cingle responded the lease was seven years.

Mayor Coyne stated there are two more years on the lease.

**OTHER COMMUNICATIONS, PETITIONS, AND VERBAL APPROVAL:
(INTRODUCTION OF NEW LEGISLATION):**

New Legislation:

1. An Ordinance authorizing the Mayor to enter into an agreement with the Ohio Department of Transportation for Repair and Resurface of Snow Road (PID 100238) and declaring an emergency. Introduced by Mayor Coyne

Placed in Service Committee

MISCELLANEOUS BUSINESS (APPOINTMENTS, CONFIRMATIONS):

**REMARKS FROM THE AUDIENCE ON THE ORDINANCES AND/OR
RESOLUTIONS THAT PERTAIN TO ITEMS ON THE AGENDA:**

Mr. Astorino stated this is the first time Council is doing this with the audience participation being split into two separate areas. This section allows for the audience to speak on legislation that is on the agenda; such as under First Reading the item that deals with the Quiet Zone on Sheldon Road. There is no legislation under Second Reading and on Third Reading there legislation authorizing the Mayor to enter into a Business Retention and Attraction Protocol; also the purchase of a service truck and necessary parts needed. If anyone in the audience would like to speak on those four items now is the time.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (FIRST READING):

1. ORDINANCE NO. 9996-2016, AUTHORIZING THE CONSULTING ENGINEER TO CONDUCT PRELIMINARY ENGINEERING, PREPARE PRELIMINARY PLANS AND COMPLETE NECESSARY DOCUMENTS/CORRESPONDENCE FOR NORFOLK SOUTHERN SHELDON ROAD GRADE CROSSING NO. 523-940J AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne and Council Members Troyer, Mencini, Powers, Scott, Burgio, McCormick, Salvatore and Council President Astorino.

Motion by Mr. Troyer, supported by Mr. Mencini, to suspend.

Mrs. Powers stated the city is being asked to vote on this legislation but haven't been given an hourly rate for...

Mr. Salvatore – Mr. Chairman, point of order.

Mr. Astorino – What is the...

Mr. Salvatore – is this under suspension? If Mrs. Powers wants to discuss this it should be under adoption rather than under suspension.

Mr. Astorino accepted the Point of Order and stated to Mrs. Powers the discussion is on suspension only.

ROLL CALL: AYES: Troyer, Mencini, McCormick, Powers, Salvatore, Burgio, Scott
NAYS: None. The motion carried.

Motion by Mr. Salvatore, supported by Mr. Burgio to adopt.

Mrs. Powers stated the quiet zone is needed because residents need relief from train noise but take issue with being asked to vote on an open ordinance that has no cost projections. This Council has been provided an hourly rate for each job position on the project but has not been provided with an estimated number of hours for each position. Mrs. Powers asked for a more detailed documentation that projects out the numbers of hours per position and the total cost estimate. Mrs. Powers continued to Engineer Piatak it is my understanding that you're familiar with Quiet Zone areas and should be able to give the information requested.

Mr. Piatak stated each project is different we could go down and meet with Norfolk-Southern to get this straightened out in a matter of ten hours; is that likely to happen the answer is no. I have no objection to putting an upside maximum of what this ordinance will allow and think that is what has been done in the past. If the city were to exceed that then we would have to come back to Council for

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

additional funds to cover those costs and hours and could provide a breakdown of the hours on the previous projects but I'm not sure how those, just because they were so different, how those would relate to this project here moving forward.

Mr. Astorino stated during your report when the preliminary plans that you're preparing I thought there was a cost estimate of \$15,000 that would be for this ordinance, is that correct.

Mr. Piatak responded in the past that is what has been budgeted for this part of the work.

Mr. Astorino continued possibly that is what the Councilwoman is uncomfortable with is there is no amount at all and if its known to be around \$15,000. Council realizes its hard because this is a moving target but if you could tell Council from your experience that it is around \$15,000 I think Council would be comfortable with that.

The clerk called the roll on the motion by Mr. Salvatore, supported by Mr. Burgio, to adopt.

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

NAYS: None. Ordinance No. 9996-2016, has passed under Suspension of the Rules. Adopted.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (SECOND READING):**THIRD READING OF RESOLUTIONS AND ORDINANCES:**

1. ORDINANCE NO. 9992-2015, AUTHORIZING THE MAYOR TO ENTER INTO THE CUYAHOGA COUNTY BUSINESS RETENTION AND ATTRACTION PROTOCOL AND DECLARING AN EMERGENCY Introduced by Mayor Coyne

Motion by Mr. Salvatore, supported by Mr. Troyer, to adopt.

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

NAYS: None. The motion carried. Adopted.

2. ORDINANCE NO. 9994-2015, AUTHORIZING THE CITY OF BROOK PARK'S PARTICIPATION IN THE ODOT COOPERATIVE PURCHASING PROGRAM FOR THE PURCHASE OF ONE WESTERN STAR 4700SB CAB AND CHASSIS TRUCK AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Motion by Mr. Burgio, supported by Mr. Mencini, to adopt.

Third Reading of Resolutions and Ordinances: cont.

ROLL CALL: AYES: Burgio, Mencini, McCormick, Powers, Troyer, Salvatore, Scott
NAYS: None. The motion carried. Adopted.

3. ORDINANCE NO. 9995-2015, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HENDERSON PRODUCTS, FOR THE PURCHASE OF ONE DUMP BODY AND PLOW PACKAGE FOR WESTERN STAR CAB AND CHASSIS AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Motion by Mr. Troyer, supported by Mr. Burgio, to adopt.

ROLL CALL: AYES: Troyer, Burgio, Scott, Salvatore, Powers, McCormick, Mencini.
NAYS: None. The motion carried. Adopted.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Susan Barbour

5819 Robert Drive

Mrs. Barbour stated I heard that Council is attempting to make some salary cuts and am offering some ideas to those cuts. One idea is giving back to the city and know for quite a while the sidewalks haven't been cleared by city personnel with the sidewalk plow; that would be kind of nice to give back to the city for walkers. I heard that Council is going to cut Recreation Director Fields salary and think that, not sure if this is possible, and still new with the going on of Council who are here to serve the community. Instead of putting the salary cut of the Recreation Director back to the city why not give those monies to the Recreation Director for more projects. Another idea I have is to establish a permanent home for Audrey's Food Pantry who are currently located at the church and have very limited storage area. I noticed at Brookgate and other areas throughout the city there are buildings to lease and it would be nice if salaries could be given along with more involvement of Council and residents' to give Audrey's a permanent home. A few weeks ago I spoke at a meeting about the reusable program which is people who can't afford to buy from Goodwill items such as lawn equipment and so forth could be passed on. The city recently lost a few businesses such as Dick's Dog Wash at West 130th and Snow Road and the owner told me the rents are too high; also the former S&R Produce food market is now closed. What I don't understand is why the owners of these buildings charging outrageous leases which deters businesses from coming into the city. Mrs. Barbour provided pictures of various properties that are run done throughout the city and stated could the city possibly stiffen up on some of the laws of the city such front porch rails and make the residents comply to the code and/or law and if not fine them; to bring monies into the city. The city inspector could go around and inspect areas such as driveways that are crumbling and if cement isn't doable can tar or asphalt be put down to fix up the driveways. Also, there are some residents who have landscaping bricks and drywall on the side of their home which looks tacky, why not store it somewhere else where it can't be seen. Mrs. Barbour stated to Mr. Cayet to have the residents at the corner of Bowfin and Delores Blvds. have the Bagster trash bag picked up that has

Remarks from the audience on any subject matter: cont.

been on the tree lawn for the last month. The neighbor who abuts me had a shed removed and when it rains I get the water and in the summer will have the mosquitoes; both my neighbors and I have called the city. There is a pole that has is laying on the tree lawn at Crickett Lane and Fry Road can the proper utility come out and remove the pole. So if Brook Park wants to shine let's get these areas addressed and make our city proud.

Jeff Duke

15914 Remora Blvd.

Mr. Duke stated a few observations' with the new Council a few things noticed is there are four freshmen elected officers, three sophomores elected officers. So on a relative perspective this is still a relatively new Council and there have been a lot of rule changes enacted by the 2016-2017 Council that might have led to some of the violations of the recent public meetings or special meetings. A few points that I've heard Council people bring up over the last couple of months; in particular, the public special meeting that was called of the Finance Committee to discuss some of the legislation brought forward, four Ordinances related to salary cuts. The two terms that were brought forward a lot by some of the Council Members were due diligence and wanted to say this is my understanding of due diligence and not sure what Council's understanding of due diligence is. Mr. Duke read a definition of due diligence from Webster's Dictionary 'Due diligence is a research and analysis of a company or organization has done in preparation for a business transaction'. I've heard a lot that Council wants to do their due diligence on acting on city business, on spending taxpayers monies, on whatever Ordinance or laws that Council enacts. My perspective which was also brought up and sometimes perspective becomes reality or perception becomes reality but my perspective, perception, my opinion is due diligence was not done recently by Council in terms of research and analysis and preparing the four ordinances that were brought forward. I don't think analysis was done, I don't think they were comprehensive and I don't think enough care or time was taken in terms of preparing this analysis. Four freshman elected officials, three sophomores elected officials here and these four ordinances were brought forth on day five. January 5th they were placed in the Finance Committee and I'm not sure if due diligence was done and the care that is needed in doing the proper research analysis for the City of Brook Park. So I would encourage all the Council representatives, elected officials and Administration to do due diligence when representing me, my family, people in the audience and people watching at home, ratepayers, stakeholders and taxpayers; please do your due diligence in terms of doing proper research and analysis before preparing to do these key business transactions such as impacting someone's salary.

Remarks from the audience on any subject matter: cont.

Ralph Lohn
15960 Meigs

Mr. Lohn welcomed the new Council and presented a trophy to Mayor Coyne and stated if Council is going to cut wages go across the board. Mr. Lohn expressed concerns with the gate at I-71 and Sylvia being open with no lock. Mr. Lohn commented that the city should have a grant-writer to get free monies for different projects.

Julie McCormick
6375 Schaaf Drive

Ms. McCormick approached the podium and stated since I was denied the opportunity to ask a final question to the law director regarding the finance committee meeting that was held on January 12th, I would like to take that opportunity now to speak about this. On January 14th Mayor Coyne sent out a memo to all Council Members declaring that meeting illegal; shouldn't that have been a memo sent out by the city's law director and wouldn't that be considered practicing law without a license. I, personally, with never knowingly call or participate in an illegal meeting and I, in fact, inquired with the Council Clerk prior to the meeting about how to call the meeting and other procedural questions. The clerk also inquired with other cities on how they call and attend smaller committee meetings and the meeting was called only to discuss the legislation and no action was taken at the meeting and held to be completely transparent and to further look into the legislation that was brought before Council. Research into that legislation is ongoing and I had no intention of rushing through the legislation but wanted the opportunity to talk more. I hope that the law director makes a determination that will allow for us to have these smaller committee meetings in the future and know that this is new but think it will help Council to work more efficiently and more opportunity to discuss and fine-tune legislation before bringing to the committee of the whole; if it's determined that the legislation should be polled by the committee for consideration.

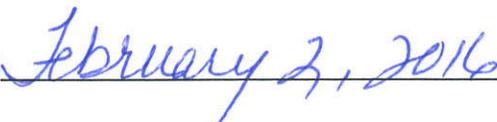
There being no further business to come before this meeting Council President Astorino declared the meeting adjourned at 8:18 p.m.

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.



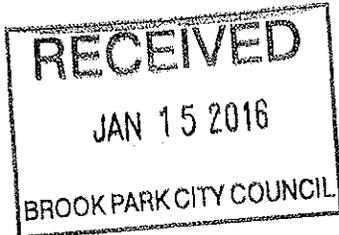
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Thomas J. Coyne Mayor

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Good into Record 1/15/16 Council

memo



To: Council President James Astorino
From: Mayor Thomas J. Coyne *T. Coyne*
CC: All members of Council, Law Director
Date: January 15, 2016
Re: Illegal Meeting of January 12, 2016

Ladies and Gentlemen of City Council,

The transparency and credibility of any public body such as City Council requires the body to operate within the law. As elected officials, you should be aware that Brook Park is a chartered municipality. Our charter and the codified ordinances enacted under its authority, are the prevailing, governing and controlling rules of law to which Council must strictly adhere. Any public meeting held in violation of the charter, codified ordinances and adopted rules of conduct are not transparent, credible or lawful.

Council's January 12, 2016 special committee meeting was unlawful as it violated the City Charter, the Codified Ordinances and Council's own 2016-17 rules (adopted on January 4, 2016). I believe the January 12, 2016 "special meeting" violated the Charter, Codified Ordinances and Council Rules as follows:

1. Council failed to follow the notice procedures set forth in the Charter Sections 4.05(b) and 4.08 as well as Chapter 123 of the Codified Ordinances of the City. The Charter must be followed unless amended by a vote of the residents. Additionally, duly enacted codified Ordinances are laws which must be followed without exception unless repealed by the council. Section 4.5(a) of the Charter requires Chapter 123 notice provisions to be followed.
2. While Charter Section 4.05(b) expressly provides for 24 hour notice for special meetings of the council that do not discuss or consider legislation. Charter Section 4.08 requires two business days or a minimum of 48 hours notice for any meeting of the council to discuss legislation. The January 12 special meeting of Council was called expressly to discuss Ordinances amending Chapter 131.01 and 137.01 and the Administrative Code of the Brook Park Codified Ordinances. Accordingly, Council violated Charter Section 4.08 by failing to provide 48 hour or two business days notice to each member of the body.
3. Council also violated its own Rule 12 at its January 12 meeting. Rule 12 expressly requires copies of all Ordinances and Resolutions to be considered at any Council meeting "shall

be in the hands of, or delivered to, the regular place of delivery (mailbox) for each Member of Council, seventy-two (72) hours prior to the time the meeting commences.” This rule as well as the posting requirements set forth in C.O. Chapter 123 were violated. The Ordinances referenced in the notice of special meeting were not provided to council members in a timely manner. Nor were they properly posted for the public. In fact, it appears that the Ordinances were introduced by the Council President in violation of the Charter , Ordinances and Rules requiring delivery of the legislation of council members 72 hours in advance of introduction. Likewise, notice of the meeting should have issued no less than 48 hours or two business days in advance of the meeting.

4. Council failed to provide notice of the meeting to all members of the Finance Committee. Per Council Rule 5, the Finance Committee is a standing committee of the council and comprised of the 3 ward and 4 at large council persons. The Finance Committee by definition is a Committee of the Whole. Copies of the legislation should have been delivered to these elected officials 72 hours in advance of the meeting and notice of the meeting should have issued no less than 48 hours before the meeting.

5. Charter Section 4.08 and Council Rule 12 were also violated when the legislation identified in the special meeting notice was not provided to all members of council 72 hours in advance of introduction.

6. Email notice is insufficient in all circumstances. Pursuant to the Charter each member of council was required to receive personal notice of the January 12 meeting. The January 12, meeting violated Council’s newly adopted rules as the Council of the Whole was not properly notified and the meeting was conducted without a quorum of the Committee of the Whole present.

Proper notice requires personal service on each ward and at large councilperson, by a member of the police department, not by email. If police personnel are unsuccessful after two attempts, mailbox notice of the meeting can be left at each members residence. Personal service was not attempted, mailbox service was not attempted and no certification of the attempts at service was made prior to conducting the meeting. Conducting the meeting without attempting service was a knowing violation of Council’s own rules in addition to public notice provisions contained in the Charter and Codified Ord. Chapter 123.

7. Council violated the Charter and Council Rules by not calling the roll to determine if a quorum of the committee of the whole was present.

8. Council Rule 4 regarding Special Meetings was willfully violated as audience participation was intentionally excluded.

Council has a duty to read and understand the Charter, Codified Ordinances and the Rules by which it has chosen to operate. Ignorance of the Laws and Rules is unacceptable. Council transparently conducted an illegal and improper meeting on January 12. As elected officials, you have sworn an oath to uphold and enforce the City Charter and the Ordinances and Rules

duly enacted through it. Obedience to the Charter, Ordinances, Rules and Regulations will ensure the proper functioning of City Government and our liberties.