

**SPECIAL CAUCUS MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
HELD ON TUESDAY, JULY 19, 2016**

The meeting was called to order by Council President Astorino at 6:08 p.m., who read the meeting notice. 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, Law Director Horvath, Finance Director Cingle, Safety Director Byrnes, Service Director Cayet, Engineer Piatak, Building Commissioner Hurst (6:30 p.m.)

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**SUBJECT(s):**

**DISCUSSION:**

1. 2016 BUDGET - PER COUNCIL PRESIDENT ASTORINO

Mr. Astorino said we are in receipt of the June appropriations and revenue reports. The finance director was requested to provide updates. We can review a six-month progress report, get information from the finance director, and see what will happen with the second half of the year. Council Members and the Mayor received a document regarding the final 2016 capital budget proposal, which Mr. Cingle was asked to review and explain purchases that have already been made.

Mr. Cingle explained the document and gave an update of the capital improvement funds. Police department items purchased or encumbered to date are bulletproof vests – original amount on March 18, 2016 document, \$8,000, actual cost \$8,240.64. Record Room Equipment \$10,000 with \$3,500 encumbered so there is a commitment to purchase \$3,500 of the allotted \$10,000. Fire Department Miscellaneous Gear - \$53,000 allocated for miscellaneous fire equipment. Of that amount, \$20,676 was disbursed with \$4,829 encumbered. Some EMS supplies were purchased for \$4,000 and furniture was purchased for \$2,819. Some building improvements of \$2,000 are encumbered. Within the department, \$12,000 was allocated for tablets for the squads and are encumbered so there is an accumulative purchase of tablets at \$11,999.36. Building Department there is no activity with respect to the work sheet, none of those items have been purchased or encumbered. Service Department Equipment items purchase or encumbered are the leaf machine or leaf collector, encumbered as approved by Council, encumbered amount is \$50,769.50. The salt spreader inserts, encumbered as approved by Council, \$49,106.25. Recreation Department fitness equipment, encumbered, as approved by Council, is \$130,197. Parks & Playgrounds infrastructure improvements, fencing around ballfields - \$35,000 was either spent or encumbered.

**Discussion: cont.**

There is an encumbrance of \$33,000 for windows and roof repairs or roof improvements at the Forbes Concession Stand. For Kennedy Park Pavilion a roof improvement is encumbered at \$30,000, that is part of the amount in the fencing. There was \$50,000 allocated for fencing and the Kennedy Park Concession/Pavilion Improvement. Kennedy football field lighting has not been started. Sewers and Drains - \$50,000 was allocated. There have been pump station improvements - \$22,878 has been disbursed and \$13,000 has been encumbered for future improvements. The total amount is roughly \$35,878 of the \$50,000 allocated. Nothing has been done with Snow Road Island Improvements or any other items with respect to capital. Work will begin on requests, regarding capital, in the third quarter of the year. One is the lease for the new police vehicles and the other is for lease of the plow truck. He and the Mayor normally review capital requests and they try to spread them out through the year so as not buy or commit to buying capital items early in the year. Income tax collections can be reviewed to determine if they are coming in on, above or below budget before making commitments. We look for 25% spend for the first quarter, no more than 50% spend for the second quarter, 75% for the third quarter and 100% for the fourth quarter. When looking at leases we attempt to combine them and shop at financial institutions for the best possible rate; combining them provides power in numbers and combining purchases may save a few basis points on lease rates. We will combine police vehicle, rescue squad and plow truck leases and that is it for capital. Mr. Cingle continued that he provided a document listing retirements, new hires and rehires to Mr. Astorino to share with Council. Information was also provided regarding a detailed listing of payments by vendor for 2016 for the Miscellaneous Executive Account in the General Fund 874 and Fund 243 Economic Development. Regarding 2015 encumbrances that rolled into 2016 for Capital Improvements, roughly \$300,382 was carried forward to 2016. To date, \$239,794 was spent with \$50,637 still encumbered. That encumbrance strictly relates to information technology upgrades approved by Council and that is the money remaining to be spent with respect to 2015 encumbrances. The 2015 Comprehensive Annual Financial Report (CAFR) has gone to the printer and will be presented to Council for review as soon as it is available, it is online as well. The audit was clean with no finds and the city will receive an audit award of distinction. Tax collections are in place for this year and were reviewed today and we appear to be on budget. An appropriation change ordinance will be presented to Council in September to move monies around as is done each year, and those changes can be discussed at that time. Once that ordinance passes, there should be at least one more before the end of the year, to move monies around by taking from areas with excess funding and applying those to areas that ran a little over the original budget.

Mr. Troyer said grouping leases together sounds good, but automated rubbish truck was not mentioned in the group, is that being left out?

Mayor Coyne said there will be a request to advertise for bids for rubbish disposal to pick up our own rubbish garbage or outsource our rubbish and the purchase of our vehicles

**Discussion: cont.**

so we can do a comparison of costs. When we do that, we will look at leasing arrangements in that grouping. Ideally, in the third quarter of the year all lease obligations will require financing and we bundle those to get the best rate.

Mr. Troyer asked about getting smaller rubbish cans for seniors earlier in the 25% to which Mayor Coyne said ordinarily they are in the package with the truck because of the expense. That is how it was done last time and if we continue picking up our own rubbish, we can get them independently.

Mayor Coyne said due to the way business was conducted, with money originally appropriated, some road issues can be corrected before winter. Once it is determined where available funding is, there will probably be a transfer of funds from some equipment accounts into the road account in order to make the repairs. Council will be requested to pass emergency legislation so these things can be corrected.

Mr. Troyer asked if we had to re-appropriate for something like the Mayor just talked about, that is, taking money from an account that we appropriated for it and putting it into another. We do that before we spend the money or pass legislation.

Mr. Cingle said the request would be an appropriation change ordinance, unless it is an emergency needing to be done immediately. Mayor Coyne and Mr. Cingle review all potential funding options in order to know how to proceed and bring it to Council. In the case of a non-emergency, monies would be moved around before encumbering the amounts.

Mr. Troyer said he received questions regarding the potential hire in the recreation department. Is it in the budget or do we need to adjust the budget to accommodate that and re-appropriate more money for the recreation department?

Mr. Cingle said his understanding was that the part-time salary figure is going to be reduced to accommodate the hiring to which Mr. Troyer spoke of, therefore, we will not have to adjust appropriations for the recreation center.

Mr. Cingle said that was his understanding of how it was explained to him.

Mr. Mencini asked for the encumbered numbers again for the recreation department.

Mr. Cingle said the total is \$130,197 and he would provide the breakdown of the purchases; G&G Fitness is \$92,228, approved by Council Ordinance 10029-2016.

Mayor Coyne said the other was \$37,900 so the appropriation for the three was one hundred and thirty-some thousand and change.

**Discussion:**

Mr. Cingle said there were only two, both to G&G Fitness; one was approved under Ordinance 10028-2016 and the other was Ordinance 10029-2016 (\$37,969 and \$92,228 for a total of \$130,197).

Mr. Mencini asked if the monies for crack filling at \$100,000 and the Snow Road Improvement Island at \$90,000 would be spent on those projects this year.

Mayor Coyne responded yes, they would and no changes are being proposed. When making guestimates in the beginning we try to get as close as possible. We thought it would cost \$78,000 to make the Kennedy Park Concession Pavilion improvements and it is only going to be \$63,000, we adjust it. The Sylvia/Holland Road intersection had a section pop and three other sections at that intersection are collapsing; it makes sense to fix the entire intersection rather than one section. The engineer has a proposal to bring to Council for an appropriation change to pay for that improvement. There are other issues similar to that and that is what we will do if we have this money. We try to spend less than we appropriate because every year something unforeseen comes up.

Mr. Astorino said regarding recreation monies being taken from part time salaries to pay for the new hire, is that normally done after the fact or....

Mayor Coyne said there is an appropriation to operate the recreation department and it is in our purview to spend within the budget to hire full or part-time people. There is a provision in the contract that monies are to be appropriated to furnish positions. They are better served with a full-time position and that is how we determined to spend the money; it is in the general appropriation of the operations of the department. In the fire department, in order to lessen over time, if he wanted to hire more full-time people, it is in his purview to do so as long as it is within the budget appropriations.

Mr. Astorino said he would have copies made after the meeting of the list of all the changes Mr. Cingle provided this evening.

Ms. McCormick asked the Mayor to expand on the recreation department question and if it was ever posted anywhere. Was there a competitive application process because she did not see an ad anywhere.

Mayor Coyne responded no, there was not.

Ms. McCormick asked if that is how hiring is normally done?

Mayor Coyne responded yes, it is. Mayor Coyne said thank you for congratulating him on the position by the way, we appreciate it.

**Discussion: cont.**

Mr. Astorino asked if that was sarcasm?

Mayor Coyne said it is a matter of fact that she congratulated the man before he was appointed to the position and he is just saying thank you very much; he is sure we will all be satisfied with the job he does.

Mr. Troyer said he would be happy to transfer, change that appropriation, for the median on Snow Road by I-71, as it was supposed to be done for the RNC (Republican National Convention) that is what we were told and that is why we appropriated it. It could be used on the emergency projects rather than this since the RNC is in progress and it is not going to be done.

Mayor Coyne said that is not necessarily correct, we wanted it done for the RNC, but Snow Road is not done. He still wants to make an improvement there and, hopefully, it will be less costly than that. Within the savings we have there is money to take care of that intersection and wished he would be allowed to. Mr. can co-sponsor with him and pass it as an emergency; he did not want to move the money. The service director is looking to see if a solar operation can be done there with the lights, which will save money. The pavement is considerably thicker than we thought, thicker than what it was on Snow Road, therefore, we are looking at a different way to maintain the pavement there and make it decorative. He would appreciate it if Council would take the recommendations on moving the money, as this has already been thought through. We should have beautification whether it is the RNC, our residents or anybody else. You can see the service department's independent efforts to clean up Snow Road in the area around Five Points there is a marked difference that he hoped could be maintained continuously. Let us make our recommendations, support those, and we will get the job done.

**Motion** by Mr. Mencini that item number one under discussion was discussed, supported by Ms. McCormick.

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

**NAYS:** None. The motion carried.

Mr. Astorino said item number one under discussion has been discussed.

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**LEGISLATIVE COMMITTEE - CHAIRMAN, TROYER:**

Mr. Troyer said the committee has two items on tonight's agenda.

1. ORDINANCE NO. 10003-2016, EMERGENCY ORDINANCE AMENDING SECTION 143.026 OF THE CODIFIED ORDINANCES OF THE CITY OF BROOK PARK REGARDING THE STAFFING OF FIRE SAFETY PERSONEL WITHIN THE CITY AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne. **1st R 3/1/16; 2nd R 3/15/16, 3rd R 4/5/16 - removed; Placed in Committee 4/5/16.**

**Motion** by Ms. McCormick, supported by Mrs. Powers, to amend Page 2, under Codified 143.026 Minimum Members on Duty, by removing the words "full and part-time".

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Ms. McCormick said the reason she wanted the words removed is because she feels this is a contract issue. The contracts have been negotiated and in the future, if part-time firefighters are needed or there needs to be an adjustment, that is something that would be covered during contract negotiations. It is not something that needs to be put into an ordinance.

Mayor Coyne disagreed and said management rights of the city would be subject to contract negotiations. That is not to say that they could not be part of contract negotiations. Number, use, things like that, but to make a blanket statement that an ordinance should not be changed, subject only to negotiations, is an incorrect statement.

Ms. McCormick said the only reason to leave that in would be for you to have an argument in the future during contract negotiations to argue for it saying that Council already supports this. It does not need to be in an ordinance to happen.

Mayor Coyne asked Ms. McCormick if she has ever conducted contract negotiations on behalf of any government agency to which Ms. McCormick said she has been involved in contract negotiations with unions on the union side.

Mayor Coyne said not on the management side to which Ms. McCormick said it does not make a difference, as she knows how it works.

Mayor Coyne said do you? Ok, that is interesting.

Mr. Astorino said in the past several months he recused himself from participation when these types of subjects were discussed due to a potential conflict of interest. That is no longer necessary as he retired from his union position this past May.

Mayor Coyne said the administration welcomes the Council President as part of that discussion as he is part of the history.

**LEGISLATIVE COMMITTEE - CHAIRMAN, TROYER: CONTINUED:**

**ROLL CALL AYES:** McCormick, Powers, Troyer, Mencini.

**NAYS:** Scott, Burgio, Salvatore. Motion carried 4-3.

**Motion** by Ms. McCormick, supported by Mrs. Powers, to place this on the next regular council agenda under third reading.

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

**NAYS:** None. The motion carried.

- 2. A RESOLUTION EXPRESSING OPPOSITION TO THE APPEAL OF CASE NO. CA-16-104103 AND TO WITHDRAW ANY AND ALL NECESSARY ACTION FOR THE APPEAL OF THIS CASE AND DECLARING AN EMERGENCY. Introduced by Council Members Troyer, Mencini, Powers and McCormick. **Placed in Committee 3/1/16; Sp. Caucus 3/15/16; Back to Committee Sp. Caucus 3/15/15**

**Motion** by Ms. McCormick, supported by Mrs. Powers, that item number 2 was read in committee.

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

**NAYS:** None. The motion carried.

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**SERVICE COMMITTEE - CHAIRMAN, BURGIO:**

Mr. Burgio said the committee has one item on tonight's agenda.

- 1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A STORMWATER MANAGEMENT PROGRAM SERVICE AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR IMPLEMENTATION OF ITS REGIONAL STORMWATER MANAGEMENT PROGRAM AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne **Placed in Committee 5/3/16**

Mayor Coyne said the sewer district put an assessment on sewer bills to provide for regional storm water management, which the court ruled they had the authority to do. Part of storm water management provides credit to local communities for buying equipment or for taking care of small issues in their community and gives them the ability to participate in a project. They would determine warranted some remedial funding and the city could qualify for an 80/20, 90/10, or 100 percent grant to provide funding the city to have that we do not have now. It is our understanding we have approximately \$161,000 in our community fund and it increases yearly. The service director can speak to some of the equipment needs relative to sewer maintenance that this money could be applied to that would relieve our capital budget of some money. Starting this month, this assessment will be coming back on. There will be public information about how they will bill customers, etc. There will be a storm water

**Service Committee - Chairman, Burgio: cont.**

workshop August 20th in Parma, information was submitted to the clerk for copies to Council. Bills will be a little higher, but addressing storm water issues across the whole area in the long term is worthwhile. Many sewer problems have been addressed because they were emergencies affecting our property values and the sanity of people in their homes. There are inner community problems and this would provide an access of funds. There is the ability to get capital dollars back to aid us in some of the issues we may have in the future.

Mr. Burgio understood there would be an account of \$160,000 to use for sewer related items, i.e., catch basins, possible truck and things pertaining to sewers.

Mayor Coyne said for example if the service director determined we had one hundred catch basins to repair, we could let out a contract.

Mr. Cayet said this money can be allocated for sewer line maintenance, repairs and equipment. The sewer system's life expectancy is about seventy years and it is approaching sixty years. Replacements and repairs have been made over the years. The Smith Road project has been going on over the last number of years. A preconstruction meeting was held on Phase IV, which will go from Holland to Michael Dr., to put in a larger relief sewer to help those in that corner of town for their neighborhood to drain better. Council people are aware of the calcium problem in the city. Equipment can be purchased to hook up to the machine we have to grind out calcium and make those sewers last longer and give people relief so they are not slowly plugged up. The money could also be used for hiring part-time or full-time people to put a large project together. It is like grant money; which other cities have used. In Lorain, fire fighters were hired on grant money but once it dries up there is no money to pay them. We would not utilize that money for that, but use it for anything involved with cleaning out of the sewers or cleaning the street off from anything that would get into the sewers, such as, street sweepers.

Mr. Troyer said this is storm sewers, correct? The sewer going into Smith is a sanitary sewer.

Mr. Cayet said this is for both sanitary and storm sewers.

Mayor Coyne said a lot of the problem is storm sewers leaking into the sanitary or across connections. If the appropriation comes up with money could we use it for cross connections, probably. Therefore, it is for mains, cleaning, storm water and storm sewers, creeks, etc.

Mr. Troyer said we should look into whether we could apply for money to fix cross connections instead of bringing a program on; look into getting cross connections funded and fixed under this program.



**SERVICE COMMITTEE CONTINUED:**

Mayor Coyne said in many instances issues on the peoples' property can be addressed, but even though we provide some funding, we find some reluctance on their part to participate in what we have now. There are pictures on the calcium that will continue. It is one argument we can make about outsourcing rubbish so we get those people back on a true sewer maintenance program again. The calcium deposits have the potential to hurt us. We look at catch basins and the storm sewers themselves that really need maintenance and new equipment to handle some of the problems.

Mr. Troyer said, not necessarily employees, just good equipment to get it done a little faster.

Mayor Coyne did not anticipate hiring anyone as current employees can be deployed better by using a combination of outsourcing and the people on staff who are experienced with our local sewers.

Mr. Troyer said the Mayor mentioned something about getting 80% back, which he did not see in the ordinance, to which the Mayor said this deals with maintenance. He gave an example of how the percentages work for projects based on how much money cities have.

Mr. Troyer said this agreement tells him they will take 25% of all the money the residents pay into this and put it in a kitty that any city can apply for to which the Mayor said, no, we get 25% of the fees we pay annually.

Mr. Troyer said so that 25% that we are putting in is kept separate to which the Mayor said, yes.

Mr. Troyer said we have to apply for that to which the Mayor said, no, you get it annually once the agreement is signed.

Engineer Piatak said his understanding is 25% goes into an account for Brook Park; it builds up for five years and can be drawn on for five years. Our annual estimated revenue is about \$320,000 so for the first year we get \$300,000 in that account and then another \$300,000 so that money accumulates. Therefore, 25% goes into our account and 75% goes into the regional account. If we do not sign this agreement, the sewer district will not come in and do projects that are going to use that 75% money that is collected; the 25% is ours. We have to apply and it is a reimbursement. They are going to be very liberal on what projects and what type of expenses are going to qualify for reimbursement. So, that 25% is coming back to us, having to submit for reimbursement is just a formality.

Mayor Coyne said we can apply for a larger project that they can do and there will probably be a split.

**SERVICE COMMITTEE CONTINUED:**

Mr. Burgio said if this passes by five Members of Council can we immediately tap into those funds if something arises two or three days from now to which Mr. Piatak said that was his understanding.

Mr. Salvatore said so it is a five-year plan to which Mr. Piatak said the money accumulates. You have until the end of your five years to spent the money that was collected in year one.

Mr. Troyer referred to page one of the Northeast Ohio Regional Sewer Community Cost Share Program Policy, Exhibit E, and said in every one of these policies and exhibits, they can change. They are not guaranteed to be this way and the committee can change them. If we sign this and agree, it is not written in stone. The first page, section 2.0 Project Eligibility says if a member community does not apply to use year one's community cost share funds by July 1<sup>st</sup> of year five the funds will revert back to the district storm water account.

Mr. Mencini asked how many sewers are original to which Mr. Piatak said the storm sewer the region will take over is based on an upstream drainage area of 300 acres or more. He guessed a lot of conduits and pipes may not qualify under the program. A lot of ditches, open ditches, Kolleda Ditch, Abrams Creek those areas would definitely qualify under the regional program. The ditch behind Brookgate, Countryman's Creek, would qualify. The small 12" sewers in the streets, 15", 18" sewers, would not qualify under the regional program as a district sewer.

Mr. Mencini said many of our sewers would, right, residential, to which Mr. Piatak said some would but he did not have an exact number. Larger conduits, culverts running behind Gallatin, through Middlebrook, along the railroad track, larger culvert areas, and larger pipe sizes would qualify.

Mr. Mencini asked Mr. Piatak, in his expert opinion, if within a five-year range we would use the funds at any given time to which Mr. Piatak said he did not think there would be any problem expending those funds.

Mr. Mencini asked Mr. Cayet how many sewers have the calcium build up and how bad is it to which Mr. Cayet said there are several areas. The older sewer lines off Michael Drive where the Gallatin's and Pickway are located. Those streets are probably one of the older sections, built in the 1950's, besides Muskingum and those streets in that area. A lot has to do with the makeup of the ground. Calcium leaches into pipes through joints and builds up like cholesterol in arteries of the body. The older ones and the makeup of ground minerals has a lot to do with it.

Mr. Mencini said we could get equipment with that money to clear out the calcium to which Mr. Cayet stated that was correct. He said he demonstrated a machine that clears

**SERVICE COMMITTEE CONTINUED:**

out calcium on Brookpark Road by BOSS Pro-Karting. It was about 80% plugged and took two days to go about 140', the equipment cleaned the pipe as slick as a whistle.

Mr. Astorino asked if this is time sensitive and what is the deadline as the next regular meeting is August 2, to which Mayor Coyne said, yes, and the law department was notified.

Mayor Coyne said July 21 the Board of trustees will consider...

Mr. Troyer asked if the Mayor was reading something Council did not have to which the Mayor stated he just received it.

Mr. Astorino called for a point of order, and said this exchange is not productive and asked that the questions be dealt with.

Mayor Coyne said the legislation was provided months ago and is productive.

Mr. Burgio said July 21 is the date.

Mr. Astorino said if it is not passed in July, could it be passed August 2 to which the Mayor said, yes, of course.

Mr. Astorino said he did not have Exhibits F and G. Ms. Horvath provided copies.

Mayor Coyne said this discussion is between Regional Sewer and the law department. We asked Council to move it forward, not necessarily that we had to meet tonight, but we have to get this in the process.

Mr. Troyer said this went to committee May 3 and it has been 75 days. Why was it left in committee and being brought out now and rushed?

Mr. Burgio said there was no date in the agreement regarding a time allotment and a letter was sent to the law department. That is how we knew we had to act on it a little more quickly.

Mr. Troyer said you can apply every thirty days so he did not see a big rush.

Ms. Horvath said the agreements were sent to Law Director Jamison January 11; however, he did not have a city email. The Sewer District contacted her in April stating they did not realize Mr. Jamison was no longer with the city; therefore, the agreements would be forwarded to her. The law department then prepared the legislation. Most communities have already passed the legislation. It fell through the cracks due to the above-mentioned circumstances, which is probably one reason for the sense of urgency.

**SERVICE COMMITTEE CONTINUED:**

The benefits have been discussed and the sooner it passes the better. If done August 2 it should be okay, which concurs with the Mayor's feelings.

Mayor Coyne said he was in West Virginia when he received a call from the law department saying Region Sewer notified us that Brook Park had not acted and the application may be affected. He asked them to get it into the process; it usually takes three readings. Timeliness and how it moves is up to Council. Caucus meetings are for the purpose of discussion and where information comes out. The speed at which legislation moves is up to the legislative body. The administration presents what needs to be moved in a timely fashion and is subject to Council actions. As long as the process moves forward it is fine. Regarding getting salt from the State, they want action Monday and they sent the information Thursday. Sometimes that is the way it happens, typically, on State projects. It is not the plan to frustrate Council about passing anything. It is Council's determination, however, we do not want to be in the position of not trying to act timely and there are emergency provisions in the legislation. For the last three years, everything has had three or even five readings. The only urgency is moving it through the process as timely as possible.

**Motion** by Mr. Salvatore to place this item on tonight's special council meeting, supported by Mr. Mencini.

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Mr. Astorino supported some of the Mayor's comments regarding the processing of legislation. However, he is concerned about calling special meetings during recess for apparent urgent items and stretching the definition of urgent. This calling of special meetings is almost being implemented in a manner that allows the minority, three members of Council, to control legislation in the legislative process. He said he discussed this with the law director and others. We, not necessarily everyone, are drifting away from the way legislation should be handled by worrying about passing things soon. We were not aware of a deadline so it is important to know if it does not pass tonight, or in July, if we are excluded? It could take two or three readings as the contract has fourteen pages to read and then we need to get clarity and it was received today. It was posted and we did not have two Exhibits. It came to us for examination and when in a hurry to rush things, things are missed. To have it on first reading and not have all the exhibits brings in the question was it in first reading or not. It is legislation for the community so it is stuff we should be doing, but he did not agree with the way it is being handled by rushing a special council meeting when he was asked to place it on a special caucus meeting, and did that beyond the deadline of when the request was supposed to be in. He afforded that luxury, as he should, and then it was turned around and all of a sudden that luxury then got, in his perception, abused by them saying, well now it is on caucus let's call a special council meeting and speed this up. It is not necessarily a manipulation of the system, but it is on the boarder. This is money we are spending and trying to get for the community. We conduct meetings for the people and they have the right to see things in a transparent manner. Sometimes,

**SERVICE COMMITTEE CONTINUED:**

with these special meetings and rushing items, it is not as transparent as it should be. We are looking to put this on tonight's special council agenda under first reading when it is an incomplete piece of legislation because two exhibits are missing that need to be reviewed. Let us act more cautiously and not rush to judgment. Hast makes waste. We did that with the water agreement because all of a sudden it was rushed. It passed July 9. We received some information back from the water department July 11 that could have been relevant to decisions that were being made, and we never received any other additional information that had been requested. Therefore, it passed prior to receiving all the information needed to make a decision. The residents would like us to review everything, not just pass it to get it working.

Mr. Burgio said we did not have a date and the law director was contacted by the Sewer District and she said it should be addressed as soon as possible. That is probably why Council can move forward to at least get it on a Council agenda. It does not mean it has to be passed on that agenda.

Ms. McCormick was not comfortable placing this item on any Council agenda without having read the full document. It is irresponsible to do so whether it is passed or not passed. That is not the way it should work. This was placed in committee May 3 and it is suddenly an emergency. Why was it sitting in committee for so long?

Mr. Burgio said we just received the information from the law director, as she pointed out recently, and she explained that it fell through the cracks.

Ms. McCormick said the law director was contacted in April and we received it in May, it is now July.

Mr. Troyer said the motion to place this on tonight's special council meeting is improper. For that reason, and for those he will mention, it is improper and he will vote accordingly. It was in committee 75 days and suddenly it is urgent. We receive last minute information and the Mayor is reading something we do not have, he was cut off under discussion on the caucus meeting that, as the Mayor stated, is for discussion, not necessarily for readings. Caucus meetings are for discussion and to possibly move legislation forward. Legislation has to move forward to a council meeting from a caucus as is being done, but the proper motion, as done in the past, is to suspend the rules and move to put it on tonight's council meeting. The council meeting was called improperly. Not called improperly to have the meetings, but having this on the agenda for a special council meeting tonight without Council voting to put it there ahead of time is improper. Not having all the information, not having all the questions answered, not having time to look into the answers he received and will possibly come up with more questions, there is no way this should be moved forward and he will vote accordingly.

Mr. Burgio asked Mr. Troyer when he was cut off and not allowed to speak.

**SERVICE COMMITTEE CONTINUED:**

Mr. Troyer said when he had more questions to which Mr. Burgio said others did too, and he wanted them to have a chance to speak, but he is welcome to speak.

Mr. Troyer said it is too late. We are under a different motion now.

Mr. Salvatore said this is only going to get first reading. It will be around for at least another month so you can ask all the questions you want. No one will pass this or vote to suspend this evening. We need to get this into the process to start moving legislation forward. Talking about calling a meeting that is senseless, how about putting a piece of legislation on the agenda just to kill it at a caucus meeting during recess?

Mr. Troyer asked if he was talking about the motion to which Mr. Salvatore said he is talking about answering questions that people are talking about that they should not be talking about. We should be calling the roll. We should get copies of F and G, have first reading and move forward. There is an entire month to take care of this problem. Stop making a mountain out of a molehill. There is no problem. Are you saying there is something hidden in here that should not be done? Are you saying you need more than an entire month to review this?

Ms. Horvath said regarding the issue of whether or not the special meeting was improperly called, she was aware of the issue last night, did some research, talked with the Council President and talked with two other attorneys. This legislation was placed on a special caucus agenda. A special council meeting was called and this piece of legislation was placed on the special council meeting. She sees nothing improper from taking this particular piece of legislation, which is on the agenda, and at this caucus meeting moving it to the special meeting. She does not see anything improper in the special meeting being called.

Mr. Burgio said that is the law director's opinion and it is why we are going forward.

Mayor Coyne said hypocrisy knows no bounds. The issue has been raised about improperly calling meetings. Three members of Council have the right to call a meeting any time they want and that is so the minority voice is not overpowered, as the Mayor does or the Council President does. There is nothing improper about members of Council doing this. When pointing to things being in committee, the fire station legislation amended this evening, has been sitting there for several months with all the information noted. All we want from this administration is a tiny moving of legislation and we can read you really well. So take your three readings and process it and we will deal accordingly. However, to sit here and try to admonish colleagues, and this should not be my argument, it should be Council's, is just ludicrous and wrong. The legislative process is controlled by the Rules and Charter of Council. Members have a right to exercise their rights under the legislative authority. It is being challenged here for

**SERVICE COMMITTEE CONTINUED:**

people to control agendas and stall legislation and that is what has been going on from the first of the year. Any pace that Council takes that moves legislation forward...

Mr. Burgio said that is the end of discussion and the clerk will call the roll.

Mayor Coyne said he had a 7:35 appointment and had to leave.

Mr. Astorino excused the Mayor to which the Mayor said that was not necessary.

**ROLL CALL: AYES:** Salvatore, Mencini, Burgio, Scott.

**NAYS:** McCormick, Powers.

**ABSTAIN:** Troyer. The motion carried 4-2 with 1 abstention.

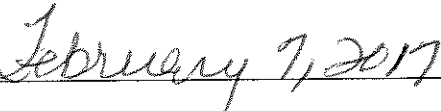
Mr. Astorino said the motion passed to move it to the special council meeting tonight.

The clerk said it would be Ordinance No. 10032-2016.

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There being no further business to come before this meeting, Council President Astorino declared the meeting adjourned at 7:30 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.

6,559 words before final edit