

**SPECIAL CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, AUGUST 2, 2016**

The meeting was called to order by Council President Astorino at 11:05 p.m. who read the meeting notice.

Assistant Law Director Sackett said before calling the roll he wanted to advise the Council President that the special Caucus meeting was not the next order of business. On July 27, 2016, there was notice of a special meeting of Council. That is the first order of business after the regular meeting, not a special Caucus meeting. He also noted that the agenda is exactly the same between discussion and introduction of legislation. The special meeting goes first. There should not be a vote to begin the cause meeting until after the special Council meeting begins, has taken place, and ends. That is the law department's ruling.

Mr. Astorino thanked Mr. Sackett for his comments that are noted for the record. He asked the clerk to call the roll.

Mr. Sackett said the clerk will not call the roll. For some reason the chair incorrectly believes he can dismiss the law department and make his own rules; the law department decides what goes forward.

Mr. Astorino said he is the presiding officer and has heard Mr. Sackett's advice, but Mr. Sackett does not run the meeting. He provided his advice and it is on the record. He asked the clerk to call the roll.

Mr. Mencini called for a point of order and wanted to know if the Clerk of Council would have issues and be in violation if she called the roll.

Mr. Astorino said he was trying to preserve the well-established procedures and protocols for processing legislation, which is the legislative body's authority, not the executive officer or the legal or judicial aspect of it. There are three branches of government. He said we run the legislative meetings he is the presiding officer. He noted the advisement of the law director and said the point of order is not relevant.

Mr. Astorino asked the clerk to call the roll.

Mayor Coyne asked for a point of order and questioned if Mr. Astorino has the authority to call a meeting that notification has not been properly and legally provided for. While Mr. Astorino has legislative authority in processing legislation of the Council, the Mayor, Council President, and three

members of Council have authority to call a meeting. That is without question. The Mayor said he properly called the meeting and has signed affidavits by the clerk for an agenda. He said Mr. Astorino did it a day afterwards. His notice clearly states immediately following the regular council meeting. Mr. Astorino's notice says immediately following the regular council meeting and preceding the special council meeting. How is that notice proper when a meeting was already called?

Mr. Astorino said the Mayor's notice is proper.

Mayor Coyne said, in whose opinion?

Mr. Astorino said you posted and requested a special meeting of Council to put three items on the agenda. These items came straight from the Mayor's desk. The procedure for legislation is that it has to be presented to Council. Therefore, those items were introduced at the regular Council meeting and were assigned to a committee. It was going to be on the special Caucus meeting so that Council could take action on the meeting. The only way legislation proceeds to a Council meeting after it is introduced is by Council taking a vote because Council may decide they do not want to deal with any legislation and have it go forward. The problem with the Mayor's process is that he did not provide for the ability of Council to put it on a Council agenda and assign it a number, that is the process and Council members do that.

Mayor Coyne said Mr. Astorino was absolutely wrong. The Charter provides....

Mr. Astorino said the Mayor was out of order to which the Mayor said that Mr. Astorino was incompetent.

Mayor Coyne said the Charter is clear that the Mayor has the right to introduce legislation and call a meeting. After it is introduced and the meeting is called, Council can dispose of legislation any way they wish. There is a balance of power in the city and that is why it is provided for in the Charter. He said Mr. Astorino is wrong and is trying to put his procedures in place, which he consistently tries to do.

Note: A lot of talking over each other (Mayor and Council President, very hard to make out what is being said.)

Ms. McCormick called for a Point of Order.

Mr. Astorino did not recognize the Point of Order and said the Mayor thinks he can participate, but does not think he is required to follow the rules of order.

Mayor Coyne said he does and he follows the law; the Charter takes precedence over Council Rules.

Mr. Astorino said the law department previously allowed people to call meetings that accelerate the schedule. Research of the minutes shows that if there is a special Council meeting where nothing has ever been presented to Council, the protocol and procedure is to call a special Caucus meeting prior to that for Council to be able to review the legislation and make a determination, if it is to go forward. If they make the determination to go forward, it then gives the Council President the ability to assign a number to it and make it go forward. The special Council notice the Mayor sent has no ordinance number assigned to it so when we get to a Council meeting we do not assign it; it is assigned at a Caucus meeting.

Mayor Coyne said that is not the law and you assigned it at a Council meeting and stated Mr. Astorino was wrong.

Mr. Astorino said this is the way it is going to go because he is the presiding officer in control of the meeting.

Mayor Coyne said he was controlling an illegal meeting.

Mr. Astorino said he heard the advisement of the law director and the objections and they are on the record.

Mr. Astorino asked the clerk to call the roll.

Mr. Mencini wanted to comment but was not recognized.

Mayor Coyne said he could not participate in an illegal Council meeting and left the meeting.

The clerk called the roll and the following Members of Council answered:

TROYER, POWERS, McCORMICK

Mr. Astorino read Council Rule No. 6, "A majority of all the voting members elected to Council (4) shall be a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent

members in the manner and under such penalties as shall be prescribed by ordinance.”

Mr. Astorino said he would allow the three members present to make a motion to adjourn in order to compel the attendance of the absent members to the special Caucus meeting.

Mr. Salvatore wanted to comment but recognized by Mr. Astorino as not being present.

Motion by McCormick to adjourn, supported by Ms. Powers, in order to compel the attendance of the absent members to the special Caucus meeting.

Ms. McCormick said they are present but refuse to participate.

ROLL CALL: AYES: McCormick, Powers, Troyer.
NAYS: None.

Mr. Astorino said Rule 6, allows the lesser number to adjourn from time to time so we have adjourned the special Caucus meeting to compel the attendance of the absent members. We will refer to the Ohio Revised Code. The meeting stands adjourned until we do that research and compel the attendance of the absent members.

There being no further business to come before this meeting Council president Astorino declared this meeting adjourned at 11:25 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *February 21, 2017*

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