

**SPECIAL COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON MONDAY, AUGUST 8, 2016**

The meeting was called to order by Council President Astorino at 7:00 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,

Motion by Mr. Mencini to go into executive session for attorney conferences at 7:05 p.m., supported by Mr. Scott.

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

NAYS: Troyer, Powers, McCormick. The motion carried.

Motion by Mr. Troyer to adjourn the executive session at 7:58 p.m., supported by Mr. Mencini.

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

NAYS: None. The motion carried.

Motion by Mr. Burgio to return to the regular order of business, supported by Mr. Mencini.

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

NAYS: None. The motion carried.

Mr. Astorino said since there is no business to conduct at this meeting, because there is nothing on the agenda, that the meeting be adjourned at 8:00 p.m.

Mr. Astorino said, for informational purposes, legislative business is conducted at Council meetings, and in order for it to be conducted, legislative action needs to be taken. Tonight, before this meeting, we had a meeting requested by the Mayor to address three pieces of legislation. The meeting was properly called by the Council Clerk to meet the Mayor's request. However, the legislative body took no action to place any items on the agenda for legislative action, as is a long-standing practice. Therefore, since no legislative action was taken on the three pieces of legislation that were introduced at the August 2, 2016, meeting there is no legislative business to be conducted at this meeting. A solution is available, which was recommended prior to this meeting, but no action was taken. The solution

to moving the proposed legislation forward, as stated last week to Council Members, is in control of the chair three pieces of legislation, sit in each of their committees, and as the chairmen of the committees, they were advised, that as a group, three of them could request a special caucus meeting that would have proceeded this meeting to place it on the agenda. Tonight, they could still request a special caucus meeting for tomorrow night. All that is needed is 24 hours' notice to have a special council meeting to place it on the agenda. When concerns were raised last week this was an item that was discussed with his parliamentarian at that time, which was the assistant law director who was in concurrence with this. Therefore, the long-standing practice is there needs to be a caucus meeting to take things out of committee to place on the Council agenda. So as stated already, this meeting was already adjourned at 8:00 p.m., this is for informational purposes so the general audience can understand why we are doing this. The meeting is over so you are not allowed to make any motions. You could provide information or provide notice of something. There is a solution and a proper way to proceed. The chairpersons of those committees were aware of that. They made the personal choice to not go forward with that. He recommended they rethink their method because as it stands right now, that legislation sitting in their committee, it is within their control to do what they want with it. They could come forward me and let me know that it is ready to come out of committee and he would be more than happy to schedule a special caucus meeting. They were told that, informed of that and chose not to do that.

Mr. Salvatore said the meeting is not adjourned, as there is legislation on the agenda.

Law Director Horvath understood, after speaking with Assistant Law Director Sackett, that he advised Mr. Astorino that the three pieces of legislation on tonight's agenda could not properly be introduced in the regular council meeting as it was, for a number of reasons. First, the Mayor has a right of introduction, he had already scheduled the meeting, and he is the one to introduce his own legislation, someone else cannot. Further, it was on an agenda already, a special council meeting agenda, and there is no method to move it from that agenda to the regular meeting for introduction. There is legislation properly before the Council right now. She reiterated what Mr. Sackett said at the April 2, 2016, meeting, that the legislation was improperly introduced. You cannot move it from a special council meeting agenda onto the regular Council meeting. It was not posted on the regular Council meeting and the Mayor has the right to introduce his own legislation. He

has the right to call a special meeting. He has done that properly and it is her opinion that there is legislation before this Council and we should proceed with the meeting with regard to that legislation.

Mr. Mencini asked the law director if the roll should be called to adjourn the meeting to which she said it has been done both ways. She concurred with him that it would be proper to take a roll call to adjourn the meeting, especially, since there is a dispute in this instance as to whether or not there is legislation before Council. She agreed with Mr. Mencini.

Mr. Mencini then asked her if this meeting was over, legally, to which she stated it should continue.

Mayor Coyne asked where in Rule No. 5 it states what Mr. Astorino just asserted and if he could not do his job, Council Pro Tem Mencini should do it.

Mr. Astorino said Pro Tem cannot call the meeting to which Mayor Coyne said he can.

Recording ended.

**THESE MEETING MINUTES WERE APPROVED BY CITY COUNCIL AT
THE REGULAR COUNCIL MEETING HELD ON FEBRUARY 21, 2017.**