

REVISED BY THE CLERK OF COUNCIL AS INSTRUCTED BY CITY COUNCIL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - - - -
SPECIAL MEETING OF THE
BROOK PARK CITY COUNCIL
- - - - -

Transcript of Special Meeting of the Brook
Park City Council, commencing at 7 p.m.,
Monday, August 15, 2016 in the City Council
Chambers at 6161 Engle Road, Brook Park, Ohio
44142.

1 TRANSCRIPT OF PROCEEDINGS

2 - - - - -

3 THE CLERK: Today is Monday,
4 August 15th, we have a meeting,
5 special council meeting at 7 p.m.

6 MR. ASTORINO: Council, please
7 take your seats.

8 Good evening, everyone,
9 welcome to the August 15th special
10 meeting of city council for the City
11 of Brook Park, Ohio. Notices were sent
12 to council members Troyer, Mencini,
13 Powers, Scott, Burgio, McCormick,
14 Salvatore, Mayor Coyne, Law Director
15 Horvath, Finance Director Cingle.
16 Such meeting will be held on Monday
17 the 15th of August 2016 at 7
18 o'clock p.m.

19 I will ask the clerk to
20 please call the roll.

21 THE CLERK: Scott?

22 MR. SCOTT: Here.

23 THE CLERK: Burgio?

24 MR. BURGIO: Here.

25 THE CLERK: Salvatore?

1 MR. SALVATORE: Here.
2 THE CLERK: Troyer?
3 MR. TROYER: Here.
4 THE CLERK: Powers?
5 MRS. POWERS: Here.
6 THE CLERK: McCormick?
7 MS. MCCORMICK: Here.
8 THE CLERK: Mencini?
9 MR. MENCINI: Here.
10 MR. ASTORINO: Everyone please
11 stand and join in the pledge of
12 allegiance.
13 (Pledge of allegiance.)
14 MR. ASTORINO: Okay, thank
15 you. We move then to Item L on the
16 agenda, which is remarks from the
17 audience on the ordinances and/or
18 resolutions that pertain to items on
19 the agenda. On tonight's meeting we
20 have 3 items that are on the agenda.
21 We have an ordinance authorizing a
22 change order for the contract between
23 Konstruction King, Inc. and the City
24 Of Brook Park and declaring an
25 emergency.

1 We also have a resolution
2 declaring O'Malley's Bar and the
3 Travellodge a nuisance and declaring
4 an emergency.

5 And then we have an ordinance
6 declaring Section 1121.15(c) of the
7 Brook Park codified ordinances
8 entitled "nonconforming uses".

9 So if anyone in the audience
10 wants to come to the podium to talk
11 about the legislation, now would be
12 the time to come forward, give your
13 name and address for the record.

14 MR. JEFFREY DUKE: My name is
15 Jeffrey Duke, 15914 Remora Boulevard,
16 Brook Park, Ohio 44142. I encourage
17 council to suspend rules and pass all
18 3 of these readings tonight, or all 3
19 of these resolutions in front of you
20 tonight. And let's move forward with
21 getting other things done in our
22 city.

23 Thank you.

24 MR. ASTORINO: Okay, seeing no
25 one else coming up to the podium,

1 coming back up to the dais, as we
2 finish with the audience remarks, we
3 will proceed to the next item on the
4 agenda.

5 I simply want to state for
6 the record, over the past week I
7 reviewed over 230 pieces of
8 legislation from 2001, 2014, 2015 and
9 2016 handled by 2 other council
10 presidents and myself. Those meetings
11 were held 2 different ways, one like
12 we hold meetings today with the
13 caucus and council meetings on
14 different days and the other way with
15 the caucus being held right before
16 the council meeting. In those more
17 than 230 pieces of legislation all
18 were placed on the agenda from a
19 caucus meeting. This is done for
20 transparency and public
21 participation. That was my objection
22 then and now.

23 Our City charter and council
24 rules are based on transparency and
25 encouragement of public review.

1 Because of the way things were
2 handled the past couple of weeks with
3 this legislation the community has
4 had 2 weeks to read it. I feel those
5 2 weeks gave residents the necessary
6 time to read this legislation. Even
7 though I still hold on to some
8 reservations, let's proceed with this
9 meeting. So we will move to item L
10 on the agenda, excuse me, Item M on
11 the agenda; Introduction of
12 ordinances and resolutions on first
13 reading.

14 MR. SALVATORE: Mr. Chairman.

15 MR. ASTORINO: Councilman
16 Salvatore.

17 MR. SALVATORE: There are on
18 this first item, there are some
19 changes necessary so I would like to
20 make about 3 or 4 amendments. Would
21 you like me to make them later or
22 before?

23 MR. ASTORINO: I would like to
24 first introduce them into the record,
25 then we will come to you for those,

1 okay?

2 THE CLERK: The reading?

3 MR. ASTORINO: Yes, please.

4 THE CLERK: Ordinance number
5 10033-2016 introduced by Mayor Coyne,
6 Council members Salvatore, Burgio,
7 Scott and Mencini authorizing a
8 change order for the contract between
9 Konstruction King, Inc. and the City
10 of Brook Park and declaring an
11 emergency.

12 MR. SALVATORE: Mr. Chairman.

13 MR. ASTORINO: Councilman
14 Salvatore.

15 MR. SALVATORE: I would like
16 to start off by changing the title
17 because there was some kind of a
18 glitch from the law department I
19 understand, this is not a change
20 order. The first amendment is going
21 to change the title, so we
22 won't be able to pass the changes
23 this evening. I would like to take
24 the title off, insert it with a new
25 title that says; 'AN ordinance

1 authorizing the Mayor to enter into a
2 contract with Konstruction King for
3 emergency pavement repairs at the
4 Holland/Syliva intersection and
5 declare an emergency. That was the
6 original version prior to this
7 version here.

8 MR. BURGIO : Support.

9 MR. ASTORINO: Okay, there has
10 been a motion to amend, properly
11 supported. Is there any
12 discussion? Seeing no discussion, we
13 will vote on the amendment.

14 THE CLERK: Salvatore?

15 MR. SALVATORE: Yes.

16 THE CLERK: Burgio?

17 MR. BURGIO: Yes.

18 THE CLERK: Scott?

19 MR. SCOTT: Yes.

20 THE CLERK: Troyer?

21 MR. TROYER: Abstain.

22 THE CLERK: Powers?

23 MRS. POWERS: Abstain.

24 THE CLERK: McCormick?

25 MS. MCCORMICK: Yes.

1 THE CLERK: Mencini?

2 MR. MENCINI: Yes.

3 THE CLERK: 5 WITH 2

4 abstentions.

5 MR. ASTORINO: Motion has been
6 passed, that amendment has passed.

7 Councilman, do you want to
8 continue?

9 MR. SALVATORE: Yes. In the
10 ordinance that is in front of us
11 today the first whereas, I would like
12 to replace it with the first whereas
13 from the original document and it
14 shall read; whereas, the Mayor and
15 COUNCIL deem it necessary for the
16 City to enter into a contract with
17 Konstruction King for the emergency
18 pavement repair that is needed at the
19 Holland/Sylvia intersection.

20 MR. MENCINI: Support.

21 MR. ASTORINO: There has been
22 a motion to amend, properly
23 supported. Any discussion? Seeing no
24 discussion, we will call the roll,
25 please.

1 THE CLERK: Salvatore?
2 MR. SALVATORE: Yes.
3 THE CLERK: Mencini?
4 MR. MENCINI: Yes.
5 THE CLERK: McCormick?
6 MRS. MCCORMICK: Yes.
7 THE CLERK: Powers?
8 MS. POWERS: Abstain.
9 THE CLERK: Troyer?
10 MR. TROYER: Abstain.
11 THE CLERK: Burgio?
12 MR. BURGIO: Yes.
13 THE CLERK: Scott?
14 MR. SCOTT: Yes.
15 MR. ASTORINO: The motion has
16 been approved so that amendment is
17 passed.
18 MR. SALVATORE: Thank you,
19 Mr. Chairman. May I continue?
20 MR. ASTORINO: Continue,
21 please.
22 MR. SALVATORE: I would like
23 to drop down into section one, the
24 original document, I would like to
25 change the first section, that shall

1 read; that The Mayor is hereby
2 authorized and directed to enter into
3 a contract with Konstruction King for
4 the emergency pavement repair at the
5 intersection of Holland and Sylvia
6 Drive.

7 MR. MENCINI: Support.

8 MR. ASTORINO: Okay, it's been
9 properly made and supported under the
10 rules of special council. Can you
11 just repeat that I didn't catch all
12 that.

13 MR. SALVATORE: The Mayor is
14 hereby authorized and directed to
15 enter into a contract with
16 Konstruction King for the emergency
17 pavement repairs at the intersection
18 of Holland Road and Sylvia Drive.
19 That would be the new section.

20 MR. ASTORINO: Okay, thank
21 you. That's been a motion to amend
22 section one, properly supported.
23 Under discussion. Seeing no
24 discussion, we will call the roll.

25 THE CLERK: Salvatore?

1 MR. SALVATORE: Yes,
2 THE CLERK: Mencini?
3 MR. MENCINI: Yes.
4 THE CLERK: McCormick?
5 MS. MCCORMICK: Yes.
6 THE CLERK: Powers?
7 MRS. POWERS: Abstain.
8 THE CLERK: Troyer?
9 MR. TROYER: Abstain.
10 THE CLERK: Burgio?
11 MR. BURGIO: Yes.
12 THE CLERK: Scott?
13 MR. SCOTT: Yes.
14 MR. ASTORINO: Okay, the
15 motion has passed, so that amendment
16 has passed.
17 Councilman?
18 MR. SALVATORE: I would also
19 like to make an amendment to section
20 2. That would read; the money needed
21 for the aforesaid transaction shall
22 not exceed 96 thousand 9 hundred 13
23 dollars and shall be paid from the
24 capital fund for roads 401 and 425.
25 MR. MENCINI Support.

1 MR. ASTORINO: Councilman,
2 that's how it reads now I think. The
3 legislation before us now reads; the
4 money needed for the aforesaid
5 transaction shall not exceed \$96,613.00
6 and
7 shall be paid from the capital fund
8 for roads 401 and 425.

9 MR. SALVATORE: The original
10 one had it at \$92,000. So to
11 make it clear, does everyone have
12 that right number? The right number
13 is in there. If I could,
14 Mr. Chairman, the second whereas,
15 could you read that back to me, I
16 think I might have --

17 MR. ASTORINO: The second
18 whereas you did not amend, that does
19 need to be amended. You amended the
20 first whereas, the second whereas on
21 the legislation before us says; the
22 contract provides for 2015 sidewalk
23 repair orders, contract 1502. I
24 think you want to amend and put in
25 the original.

1 MR. SALVATORE: Right. That's
2 correct, I wasn't sure if I did it or
3 not.

4 MR. ASTORINO: You did not do
5 that.

6 MR. SALVATORE: If I could
7 continue, Mr. Chairman?

8 MR. ASTORINO: Please.

9 MR. SALVATORE: The second
10 whereas shall read; whereas, the City
11 solicited proposals from 4
12 contractors in which 2 separate
13 proposals were received and attached
14 herein here to as Exhibit A.

15 MR. MENCINI Support.

16 MR. ASTORINO: Thank you. It
17 been properly made, supported. Any
18 discussion? Seeing no discussion, we
19 will call the roll on the amendment.

20 THE CLERK: Salvatore?

21 MR. SALVATORE: Yes.

22 THE CLERK: Mencini?

23 MR. MENCINI: Yes.

24 THE CLERK: McCormick?

25 MS. MCCORMICK: Yes.

1 THE CLERK: Powers?
2 MRS. POWERS: Abstain.
3 THE CLERK: Troyer?
4 MR. TROYER: Abstain.
5 THE CLERK: Burgio?
6 MR. BURGIO: Yes.
7 THE CLERK: Scott?
8 MR. SCOTT: Yes.
9 MR. ASTORINO: Okay, that
10 amendment has passed.
11 MR. SALVATORE: That's it.
12 MR. ASTORINO: No more
13 amendments?
14 Councilwoman McCormick
15 MS. MCCORMICK: I would like
16 to make a motion to suspend. Can you
17 suspend the rules?
18 MR. ASTORINO: The amendment
19 is passed, we can vote on the
20 suspension of the rules.
21 MS. MCCORMICK: Motion to
22 suspend.
23 MR. MENCINI Support.
24 MR. ASTORINO: There has been
25 a motion to suspend. My

1 understanding is if we pass the
2 suspension, since it is the first
3 reading and some changes we would
4 have to read the ordinance in its
5 entirety. If you don't think it
6 might be just a separate motion.

7 MR. SALVATORE: On the safe
8 side we have a meeting scheduled for
9 tomorrow, I recommend we table this
10 legislation until tomorrow, and there
11 will be questions asked as far as
12 protocol on amendments made, several
13 amendments.

14 MR. MENCINI I remove my
15 motion.

16 MR. ASTORINO: You withdraw
17 your support.

18 MR. MENCINI the motion to
19 suspend has been withdrawn.

20 MR. TROYER: Mr. Chairman.

21 MR. ASTORINO: Councilman
22 Troyer.

23 MR. TROYER: Thank you,
24 Mr. Chairman. At this time I do have

1 some questions, beside that
2 amendment, there has been no
3 discussion on this ordinance overall,
4 which a caucus would have provided. I
5 just have a few questions to the
6 engineer on this, and I also have a
7 question to the law director on this,
8 if I may.

9 MR. ASTORINO: Proceed,
10 councilman.

11 MR. TROYER: Through the chair
12 to the engineer, Mr. Piatak, I
13 appreciate getting this drawing, so
14 to speak, or picture of the
15 intersection. It helped a lot.
16 There is one big concern I have with
17 this project. I understand back when
18 this project was done about 24 years
19 ago, there was some new fill used
20 that was approved by the State of
21 Ohio, I think that was the last time
22 it was ever improved, and there were
23 some issues with this, that's why we
24 have been having so many problems
25 with this road moving side to side,

1 one side moving up and one side
2 moving down and the sidewalks are
3 pretty messed up over there. With
4 this project are we doing anything to
5 alleviate that backfill that is in
6 there that might not be performing
7 with this project?

8 MR. PIATAK: We will be
9 removing some of the subgrade
10 material that has been in question.
11 it would be similar to
12 what we did when we did the quiet
13 zone, that process we removed some of
14 the subgrade, that was in 2006, 2007
15 I believe and that area has
16 sustained, you know, the test of
17 time. So I feel pretty comfortable
18 with how we are going to proceed over
19 there will last for a period of, for
20 a good period of time.

21 MR. TROYER: Thank you and I
22 am glad to hear that.

23 One more question -- well,
24 just a statement, I guess. It looks

1 like there is one lane in ward 1 and the
2 other are in ward 2, correct, most
3 of the pavement replacement is in
4 ward 2, is that correct?

5 MR. PIATAK: Is that a
6 question to me?

7 MR. TROYER: Yes.

8 MR. PIATAK: I am not aware of
9 the ward lines. If you say so.

10 MR. TROYER: Through the chair
11 to the law director. Madame Law
12 Director, there were just some
13 amendments made, doesn't those
14 amendments change it back to the same
15 ordinance we had here last Tuesday,
16 thereby, I guess making the ordinance
17 numbers correct and wouldn't that
18 actually make it the third reading
19 for this ordinance?

20 MRS. HORVATH: I don't believe
21 this is the third reading. I believe
22 this is the first time this
23 particular ordinance was introduced.
24 There maybe a need to take a look at
25 the prior ordinance number, we may

1 have 2 ordinances with the same
2 number, but there were considerable
3 changes, as a change in amount and
4 also a change in title and some
5 language. It's also my understanding
6 that this particular ordinance, this
7 is the first look that it is
8 getting. I apologize for the
9 amendments, we have had some computer
10 problems and we are unable to
11 get into the track that has the first
12 ordinance saved. So, you know, it
13 was kind of redone and the wrong
14 template was pulled out, but I
15 believe this is the first time the
16 way this particular ordinance reads
17 that it would be the first reading.

18 I think there are also some
19 very good reasons having this be the
20 first reading rather than the third
21 reading.

22 MR. TROYER: Thank you. I
23 understand that. Some of the things
24 you mentioned, the dollar amount was
25 amended Tuesday to the \$96,000

26

1 and tonight the
2 heading was amended back to what it
3 was in Tuesday's meeting.

4 I guess that's it, that's the
5 end of my questions. Thank you.

6 MR. ASTORINO: Thank you,
7 councilman.

8 Councilman Mencini.

9 MR. MENCINI: Thank you,
10 Mr. Chairman. I go through the chair
11 to our engineer, Mr. Piatak.

12 I stand corrected, part of
13 that is in my ward. On the Holland
14 Road, if you know Holland Road, it's
15 a little like Rademaker by Snow, it
16 kind of peaks up to the center and
17 there is that little gap and I
18 believe both have been pretty much
19 corrected to a very good point. But
20 when we replace it or redo it, I know
21 most of the other road will still
22 have somewhat that peak going to the
23 center of this road, I kind of think
24 it's an unnatural peak. How are they
25 going to do that?

1 MR. PIATAK: Well, through
2 chair, we will end up pulling
3 out the area that's cross-hatched in
4 blue on your drawing and we will
5 match the 2 end points and do some
6 blending with some asphalt at the
7 end. You know, we will end up pulling
8 out the subgrade and redoing the
9 surface to match. So anything beyond
10 what you see hatched in blue there
11 will be outside of the project limits
12 and the intent wouldn't be to do any
13 work outside of those areas.

14 MR. MENCINI: All right, thank
15 you. I prefer moving the street over
16 there, but I will just save the
17 conversation for another day. Thank
18 you, Mr. Piatak. That's all I have,
19 Mr. Chairman.

20 MR. ASTORINO: Ms. McCormick.

21 MS. MCCORMICK: I have 2
22 things. I would like to request that
23 I be listed as a co-sponsor on this.

24 And, second, I just looked up
25 in our council rules, there is

1 nothing in there that would prohibit
2 us from suspending this after making
3 an amendment on the first reading,
4 rule number 12 section I covers any
5 ordinances or resolutions. The only
6 time an amendment would prohibit us
7 from passing it then on the third
8 reading and would go back to be read
9 the final time in the following week.
10 I couldn't see anything in the
11 charter either. If anyone would like
12 to reconsider, I just thought I would
13 look it up and make sure. That's all
14 I have to say.

15 MR. ASTORINO: Thank you.

16 Mr. Mayor?

17 MAYOR COYNE: Mr. Chairman,
18 for councils' information, why are we
19 doing this as an emergency and why
20 are we asking you to proceed in this
21 fashion. There is a section,
22 conditions, as councilmen Troyer and
23 Mencini adequately described, we had
24 part of the road that blew up this
25 summer, so we repaired it. In

1 looking at it to replace that section
2 with concrete and not deal with the
3 whole underlying problem with the
4 intersection I think we would look
5 foolish to the people of the City not
6 to correct this.

7 You are going to ask; where
8 is the money going to come from. In
9 the projects we did in Kennedy Park
10 we are not going to spend all of the
11 money and will pull the \$96,613.00
12 out of there when council makes
13 appropriation changes and we can pay cash
14 for this. So it's
15 coming out of some of the money. We
16 got good bids and proposals on some
17 of the things on Kennedy Park, so we
18 can capture some money out of it.
19 Just by way of explanation.

20 Thank you, Mr. Chairman.

21 MR. ASTORINO: Thank you,
22 Mayor.

23 Council, based on the last
24 comment made by councilwoman
25 McCormick, I mean if you guys are

1 comfortable with this now, I agree
2 with the motion, if the ordinance or
3 resolution is amended on the third
4 reading it goes back to the second
5 reading. If you make the motion to
6 suspend and decide to do that we
7 would have to read the motion in its
8 entirety since it's been suspended.
9 We went through it before, we
10 withdrew the motion because there was
11 some uncertainty. She has looked up
12 the rule, it kind of coincides with
13 what the myself and the clerk felt.
14 So I will allow it to happen again if
15 you want to make a motion to
16 suspend.

17 MS. MCCORMICK: I would like
18 to make a motion to suspend.

19 MR. ASTORINO: Okay, is there
20 support?

21 MR. MENCINI: Support.

22 MR. ASTORINO: Motion was
23 made, properly supported by on
24 suspension. Discussion?

25 Clerk?

1 THE CLERK: Do we have a
2 copy?
3 MR. ASTORINO: I have a copy
4 --
5 THE CLERK: Of the original
6 one?
7 MR. ASTORINO: Of the original
8 one, so he will be able to read it.
9 THE CLERK: Okay. We can call
10 roll.
11 MR. ASTORINO: It's still
12 under discussion.
13 Councilman Troyer first.
14 MR. TROYER: Thank you,
15 Mr. Chairman. Make sure the
16 dollar amount is at \$96,613.00 when you
17 are reading,
18 MR. ASTORINO: Yes, we have
19 it.
20 MR. TROYER: Okay.
21 MR. ASTORINO: Law director.
22 MRS. HORVATH: Yes, this is
23 considered to be the first reading of
24 this particular ordinance, can we
25 make sure it does not have the same

1 ordinance number as the other
2 ordinance that was submitted last
3 Monday or Tuesday?

4 MR. ASTORINO: I think the
5 intention was, if it passes under
6 this ordinance number we can always
7 go back and amend the other
8 ordinance.

9 MRS. HORVATH: I am just
10 throwing that out there because I
11 think it may carry the same ordinance
12 number as the previous one.

13 MR. ASTORINO: The clerk.

14 THE CLERK: The question on
15 ordinance number, why don't we start
16 over with a brand new fresh one. Are
17 we all in agreement with that?

18 MR. ASTORINO: Law director, I
19 talked with the clerk about this a
20 couple of days ago, she said we can
21 pass it under this ordinance, we just
22 have to go back to the other
23 ordinance and amend the ordinance
24 number, we can do it that way.

25 MRS. HORVATH: Either way you

1 do it, I am just concerned it kind of
2 be clean and have its own separate
3 number.

4 MR. ASTORINO: Okay. There is
5 a motion to suspend under the
6 ordinance number and supported. Is
7 there any discussion under the
8 suspension.

9 MR. TROYER: Thank you,
10 Mr. Chairman. I do have one more
11 question to the law director.

12 Madame Law Director, through
13 the chair, Madame Law Director, can
14 we have 2 pieces of legislation
15 exactly the same running at the same
16 time getting readings at the same
17 time?

18 MRS. HORVATH: Ordinarily no,
19 you would not want to do that. It
20 was my understanding that the new
21 piece that is attached to the packet
22 today had Konstruction King Inc. in
23 it, that may have been deleted from
24 the previous ordinance and I think
25 there may have been one additional

1 whereas added in. So I am not sure
2 that's it's exactly like the prior
3 title and ordinance that was
4 submitted. I think it was 10033.
5 If you want to guarantee these are
6 different you can certainly stick
7 Konstruction King Inc. in it.

8 I think that was the reason
9 Mr. Salvatore was indicating it was
10 appropriate and proper to let things
11 lay over until tomorrow, just to make
12 sure we have everything all
13 straightened out, but councils'
14 pleasure apparently is to suspend
15 perhaps and pass it tonight. I think
16 that was his reasoning to make sure
17 we had everything covered.

18 MR. TROYER So you think it
19 would be a good idea to add the Inc.
20 into that?

21 MRS. HORVATH: I think that
22 would take care of it, yes.

23 MR. TROYER: In that case I move
24 to amend and add the Inc..

25 MR. ASTORINO: We have a

1 motion to suspend first, there is a
2 motion on the floor, we need to
3 discuss that first.

4 MR. TROYER Okay.

5 MR. ASTORINO: Mr. Mayor.

6 MAYOR COYNE: Thank you. I
7 supplied council with a memorandum
8 this evening. In my view I believe
9 the law department could render the
10 other legislation action null and
11 void, not because I have evidence of
12 the open records law was violated but
13 there is some question as to the
14 whether it was or was not based on
15 did, in fact, the media ask for
16 written notice. They claim they
17 have. Rather than being engrained in
18 an issue that could be challenged
19 particularly on the zoning issue
20 which is the most important, I
21 believe that the law department could
22 declare those actions null and void
23 because they didn't occur. There is
24 a potential challenge. Therefore, in
25 either way, I don't believe we have

1 to change these numbers to consider
2 the ordinance. I still think the
3 wisdom of the senior member of
4 council, I think if you follow his
5 guidance things will work out well,
6 Either way it doesn't matter to me.
7 But I believe to me these are
8 substitute ordinances, the
9 notification was given, the media
10 can't challenge it or no one else can
11 challenge it procedurally and that's
12 the most important thing.

13 MR. ASTORINO: Thank you. Any
14 other discussion on this suspension?
15 Seeing none, we will call the roll on
16 the motion to suspend.

17 THE CLERK: McCormick?

18 MS. MCCORMICK: Yes.

19 THE CLERK: Powers?

20 MRS. POWERS? Yes.

21 THE CLERK: Troyer?

22 MR. TROYER: Yes.

23 THE CLERK: Mencini?

24 MR. MENCINI: Yes.

25 THE CLERK: Scott?

1 MR. SCOTT: Yes.

2 THE CLERK: Burgio.

3 MR. BURGIO: Yes.

4 THE CLERK: Salvatore?

5 MR. SALVATORE: Yes.

6 THE CLERK: Motion carries.

7 MR. ASTORINO: Council, motion
8 to suspend has been approved.

9 MS. McCORMICK: Motion to adopt.

10 MR. BURGIO Support.

11 MR. ASTORINO: There has been
12 a motion to adopt, properly
13 supported. Any discussion on
14 adoption?

15 Councilman Troyer.

16 MR. TROYER: Thank you,
17 Mr. Chairman.

18 I will be abstaining on this
19 vote tonight because I still believe
20 this is improperly on this agenda.

21 MR. ASTORINO: Thank you. Any
22 discussion on adoption? Seeing none,
23 we will call the roll on adoption.

24 THE CLERK: McCormick?

25 MS. MCCORMICK: Yes.

1 THE CLERK: Burgio?

2 MR. BURGIO: Yes.

3 THE CLERK: Scott?

4 MR. SCOTT: Yes.

5 THE CLERK: Salvatore?

6 MR. SALVATORE: Yes.

7 THE CLERK: Troyer?

8 MR. TROYER: Abstain.

9 THE CLERK: Powers?

10 MRS. POWERS: Abstain.

11 THE CLERK: Mencini?

12 MR. MENCINI: Yes.

13 MR. ASTORINO: Okay, ordinance
14 number 10033-2016 has been adopted
15 under suspension of the rules.

16 We will move to item number
17 2, which is resolution number
18 23-2016.

19 THE CLERK: Declaring
20 O'Malley's Bar and the Travellodge a
21 nuisance and declaring an emergency.
22 Introduced by Mayor Coyne, Councilmen
23 Salvatore, Burgio and Scott.

24 MR. ASTORINO: Councilman
25 Mencini.

1 MR. MENCINI: Thank you,
2 Mr. Chairman.

3 Just one quick question on
4 the resolution. On the 6th whereas,
5 if you go to the bottom on the last
6 sentence, the Court, on the first
7 page, the Court of Common Pleas
8 granted a CCPO request and issue and
9 if you flip the page, we go to the
10 7th whereas. We maybe missing
11 something on this.

12 MR. ASTORINO: You have to ask
13 the law director. Law director, do
14 you see that?

15 MRS. HORVATH: Yes, I do. I
16 think you might have a word or 2
17 missing there. And we can probably
18 just add in; and issued a temporary
19 restraining order, and add that to
20 the last sentence of the last whereas
21 on the first page and then pick up
22 from there.

23 MR. ASTORINO: Thank you.

24 MR. MENCINI: That's all I
25 have, Mr. Chairman. Thank you.

1 MR. ASTORINO: Council,
2 resolution 23-2016 is before you.
3 Councilman McCormick.

4 MS. MCCORMICK: I wanted to
5 request to be added as a co-sponsor.

6 MR. ASTORINO: Absolutely.

7 MS. MCCORMICK: Did we make
8 that suggested change or do we need a
9 motion to do that?

10 MRS. HORVATH: I would do it
11 just to be safe.

12 MS. MCCORMICK: Can you repeat
13 the exact wording?

14 MRS. HORVATH: Yes, we just
15 add to it; and issued a temporary
16 restraining order.

17 MS. MCCORMICK: So the motion
18 to amend the ordinance, the last
19 whereas on the first page, so it
20 says; to issue a temporary
21 restraining order. Sorry on the
22 resolution?

23 MR. MENCINI: Mr. Chairman we need
24 a resolution. I will support that
25 change on the resolution, the number

1 6 whereas.

2 MR. ASTORINO: There has been
3 a motion to add the words; temporary
4 restraining order to the last, 6th
5 whereas. It's properly supported.
6 Is there any discussion on the
7 motion?

8 MR. SALVATORE: Just one quick
9 question.

10 MR. ASTORINO: Councilman
11 Salvatore.

12 MR. SALVATORE: Through the
13 chair to the law director, on the
14 original resolution and on the
15 restraining order, closing the
16 businesses at that location, is that
17 important to have it added to that?

18 MRS. HORVATH: It certainly
19 wouldn't hurt, it could be added in,
20 yes.

21 MR. SALVATORE: I would make a
22 motion to reconsider.

23 MRS. HORVATH: We can add
24 that.

25 MR. ASTORINO: What we would

1 be adding, if you have the
2 legislation from last week, the 5th
3 whereas, the last sentence; the Court
4 of Common Pleas issued a temporary
5 restraining order closing the
6 businesses at that location. Instead
7 of adding just; issued a temporary
8 restraining order, we will add the
9 words; closing the businesses at that
10 location. MadameE Law Director.

11 MRS. HORVATH: Yes, I would
12 just indicates they are one in the
13 same, the order was granted, the
14 business was closed. So it could
15 probably read either way or you could
16 include both in.

17 MR. ASTORINO: There is a
18 motion to amend the 6th whereas by
19 the words; temporary restraining
20 order closing the businesses at that
21 location. There is probable second.
22 Is there any discussion on the motion
23 to amend? Seeing none, we will call
24 the roll.

25 THE CLERK: McCormick?

1 MS. MCCORMICK: Yes.

2 THE CLERK: Mencini?

3 MR. MENCINI: Yes.

4 THE CLERK: Powers?

5 MRS. POWERS: Yes.

6 THE CLERK: Troyer?

7 MR. TROYER: Yes.

8 THE CLERK: Salvatore?

9 MR. SALVATORE: Yes.

10 THE CLERK: Burgio?

11 MR. BURGIO: Yes.

12 THE CLERK: Scott?

13 MR. SCOTT: Yes.

14 MR. ASTORINO: We need you to
15 speak up a little louder. Thank
16 you.

17 So the amendment has passed.
18 The resolution 23-2016 is before
19 you.

20 Councilman McCormick.

21 MS. MCCORMICK: I will like to
22 make a motion to suspend?

23 MR. MENICNI: Support.

24 MR. ASTORINO: The motion to
25 suspend is properly supported. Any

1 discussion on suspension? Seeing
2 none, the clerk will call the roll.

3 THE CLERK: McCormick?

4 MS. MCCORMICK: Yes.

5 THE CLERK: Mencini?

6 MR. MENCINI: Yes.

7 THE CLERK: Powers?

8 MRS. POWERS: Abstain.

9 THE CLERK: Troyer?

10 MR. TROYER: Yes.

11 THE CLERK: Salvatore?

12 MR. SALVATORE: Yes.

13 THE CLERK: Burgio?

14 MR. BURGIO: Yes.

15 THE CLERK: Scott?

16 MR. SCOTT: Yes.

17 THE CLERK: 6 with one

18 abstention.

19 MR. ASTORINO: The motion to
20 suspend received 6 votes, so the
21 suspension has been approved.

22 MS. MCCORMICK: Motion to adopt.

23 MR. BURGIO: Support.

24 MR. ASTORINO: Motion to adopt
25 properly supported. Discussion on the

1 motion to adopt. Mr. Troyer.

2 MR. TROYER: Thank you,
3 Mr. Chairman. Again I will be
4 abstaining because I believe this
5 piece of legislation is improperly on
6 tonight's agenda. Thank you.

7 MR. ASTORINO: Thank you.
8 Discussion on adoption. Seeing none
9 we will call the roll.

10 THE CLERK: McCormick?

11 MS. MCCORMICK: Yes.

12 THE CLERK: Burgio?

13 MR. BURGIO: Yes.

14 THE CLERK: Scott?

15 MR. SCOTT: Yes.

16 THE CLERK: Salvatore?

17 MR. SALVATORE: Yes.

18 THE CLERK: Troyer?

19 MR. TROYER: Abstain.

20 THE CLERK: Powers?

21 MRS. POWERS: Abstain.

22 THE CLERK: Mencini?

23 MR. MENCINI: Yes.

24 THE CLERK: 5 to 2.

25 MR. ASTORINO: Resolution

1 number 23-2016 has been bin adopted
2 under suspension of the rules.
3 We will moveto item number 43,
 which is 10034-2016. Clerk,
5 please read the title.

6 THE CLERK: Introduced by
7 Mayor Coyne, councilmen Salvatore,
8 Burgio, Scott and Mencini. Ordinance
9 number 10034-2016, amending Section
10 1121-15(c) of the Brook Park codified
11 ordinances entitled Non-conforming
12 uses.

13 MS. McCORMICK Move to amend.

14 MR. ASTORINO: Councilwoman
15 McCormick

16 MS. MCCORMICK: I would like
17 to request to be a co-sponsor on this
18 one as well.

19 MR. ASTORINO: Of course.
20 Councilman Troyer.

21 MR. TROYER: Thank you. I
22 move to amend and my amendment would
23 be on section 3 remove the last
24 sentence or the second half of the
25 paragraph, after; meeting of this

1 council comma. I would like to
2 remove the comma and remove; all
3 deliberations of this council and any
4 of its committees that resulted in
5 such formal action were in meetings
6 open to the public in compliance with
7 all legal requirements including
8 section 121.22 the Ohio Revised
9 Code. My motion is to remove that
10 part.

11 MR. ASTORINO: There is a
12 motion to amend.

13 MRS. POWERS: Support.

14 MR. ASTORINO: Any discussion?

15 MAYOR COYNE: Mr. Chairman.

16 MR. ASTORINO: Mr. Mayor.

17 MAYOR COYNE: You are making
18 your amendment based on what? Do you
19 have some knowledge that it is not in
20 compliance with all the rules and
21 requirements?

22 MR. TROYER: You giving me the
23 floor, Mr. Chairman?

24 MR. ASTORINO: Councilman
25 Troyer.

1 MR. TROYER: Thank you,
2 Mr. Chairman.

3 I was in a closed meeting
4 where this legislation was discussed,
5 so I believe this sentence should be
6 removed. That's my statement.

7 MR. ASTORINO: Any other
8 discussion on the adoption of the
9 amendment? Madame Law director?

10 MRS. HORVATH: I would just
11 indicate that it's my understanding
12 that this piece of legislation is a
13 little bit different than the prior
14 piece that was submitted and it's on
15 first reading and I also believe it
16 needs to have 3 readings. So it is
17 slightly different, it should
18 assigned a different number. I think
19 we had discussed the reasons for that
20 previously and I believe that it has
21 met all of criteria of the Ohio
22 Revised Code section 121.22

23 MR. ASTORINO: Any discussion
24 on the amendment? Councilman Troyer.

25 MR. TROYER: Thank you,

1 Mr. Chairman. Through the chair and
2 the law director, I have 2
3 questions.

4 Since this was changed
5 enough, it's not the same piece of
6 legislation, the discussion was
7 another piece of legislation, so we
8 are okay on this then?

9 MRS. HORVATH: Yes.

10 MR. TROYER: I want to
11 clarify, this is a zoning issue so
12 there is no way we can suspend the
13 rules tonight?

14 MRS. HORVATH: That's correct.

15 MR. TROYER: This has to have
16 3 readings. All right, thank you.

17 MR. ASTORINO: Do we have a
18 discussion on the amendment? Seeing
19 no discussion, we will call the roll
20 on the amendment.

21 THE CLERK: Troyer?

22 MR. TROYER: No.

23 THE CLERK: Powers?

24 MR. POWERS: No.

25 THE CLERK: McCormick?

1 MS. MCCORMICK: No.

2 THE CLERK: Mencini?

3 MR. MENCINI: No.

4 THE CLERK: Scott?

5 MR. SCOTT: No.

6 THE CLERK: Burgio?

7 MR. BURGIO: No.

8 THE CLERK: Salvatore?

9 MR. SALVATORE: No.

10 THE CLERK: Motion fails.

11 MR. ASTORINO: The amendment
12 fails. Back to the ordinance as
13 printed before you. Before I declare
14 that this has had its first reading,
15 I simply wanted to make an
16 announcement about a clerical change,
17 you can see when it was posted, it's
18 listed as ordinance 10024-2016. At
19 the next meeting we will change that
20 to 10034-2016, it's just a matter of
21 changing that. There was a 2 typed in
22 instead of a 3.

23 Councilwoman McCormick.

24 MS. MCCORMICK: I just wanted
25 to make a brief statement before we

1 adjourned the meeting. I wanted to
2 thank the Mayor, councilman
3 Salvatore, councilman Mencini, the
4 law director, everybody who helped
5 get the slate wiped clean so we could
6 reconsider these and move these along
7 and passed more quickly. That's all
8 I wanted to say.

9 MR. ASTORINO: Okay. That
10 conclude the items that are on the
11 agenda for this special meeting, so
12 I would like to entertain a motion to
13 adjourn.

14 MR. SCOTT: Motion to adjourn.

15 MR. MENCINI: Support.

16 MR. ASTORINO: There is a
17 motion to adjourn, properly
18 supported. Clerk, please call the
19 roll.

20 THE CLERK: Scott?

21 MR. SCOTT: Yes.

22 THE CLERK: Mencini?

23 MR. MENCINI: Yes.

24 THE CLERK: McCormick?

25 MS. MCCORMICK: Yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE CLERK: Powers?

MRS. POWERS: Yes.

THE CLERK: Troyer?

MR. TROYER: Yes.

THE CLERK: Salvatore?

MR. SALVATORE: Yes.

THE CLERK: Burgio?

MR. BURGIO: YES.

MR. ASTORINO: This meeting is
now adjourned at 7:44 p.m. Thank you.

- - - - -

(Meeting adjourned.)

- - - - -

REVISED PAGES HAVE BEEN EDITED PER CITY COUNCIL'S
INSTRUCTION TO INSERT NAME OF THE SPEAKER OR A VOICE

Michelle Blazak
Clerk of Council

Approved

