

**SPECIAL CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, AUGUST 30, 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:

While Mr. Astorino was reading the meeting notice and before the roll call was called there was an interruption from a member of the audience.

According to the provisions of Council Rule No. 5 I'd like the opportunity to request to be heard.

Mr. Astorino on the request to be heard first of all give you name and address for the record.

Tom Greenlee
15841 Paulding Blvd.

Mr. Greenlee continued at this point I'd like to officially object that this meeting, this evening, is in violation of the Charter of the City of Brook Park. The provisions of the Charter - Meetings 4.05 and it states: That Council shall hold regular meetings at least twice each calendar month provided, however, that it may recess during the months of July and August subject to the recall of the Mayor. According to the Charter the Mayor is the only one who is given the authority to call for a meeting of Council while it is in recess. Today, is the 30th of August Council voted to be in recess for July and August; so the meeting tonight could only have been called by the Mayor according to the Charter. It was called by three members of Council which makes it an unlawful meeting. I was going to ask you to appeal to the Mayor and give him the opportunity to confirm that he is the only one that has that authority but I see that he's not here this evening. I was also going to ask you to ask the law director to also confirm that the Charter conveys the authority to call a meeting of Council while it is in recess only by the Mayor; so I request that you do that.

Mr. Astorino stated to Law Director Horvath would you like to address the concern of the resident.

Mrs. Horvath responded I'm looking at Section 4:05 that addresses meetings part a discusses regular meetings part b discusses special meetings. So yes under the regular meeting section it does say that the Mayor is allowed to call regular meetings during summer session. I believe we are here under 4.05 b) which

discusses Special meetings and that these two provisions have to be read in connection with each other. 4.05 b) gives three Council people the ability to call a special meeting. This is a special Caucus meeting not a regular meeting and clearly that's in evidence when looking at the agenda and you see that this particular Caucus meeting has been called to discuss rules of Council. I would also note that at the end of eight months as law director of the city that I've probably written about 14 opinions and am working on number 15 and half of them deal with rules and procedures of Council. So I would note that this is a very appropriate special Council meeting to sit down and take time, when we have time to look at the rules that are in place, to have everyone a fair opportunity to discuss them and consider them and I would say this is called under 4.05 b, it's a special meeting and therefore it is not an illegal meeting.

Mr. Greenlee are you taking into consideration that during a recess there are not regular meetings every meeting is a special meeting.

Mrs. Horvath no, a regular meeting is a regularly scheduled meeting of Council. So that would be the regular meetings that we have and also the Caucus meetings that we have scheduled on weeks one through four of the month. There is nothing scheduled as a regular meeting for tonight but three Council people have properly asked for a special meeting and notices have gone out and appears after hearing the comments of the Council President everything was done appropriately. I would also note that there simply going to be talking about rule changes. It's not like they're looking to pass an ordinance or anything else, so I think it's entirely appropriate for them to be able to speak about rule changes at a special Caucus meeting.

Mr. Greenlee stated you're discounting any reference to being in recess?

Mrs. Horvath replied that would only apply to a regular meeting, not a special meeting. If we had to limit special meetings to times where Council is not in recess that would make sense. The purpose of a special meeting is to allow issues to be called by three Councilmembers, that's been done here. I think that to read both a and b together is appropriate and clearly in this case letter b applies.

Mr. Greenlee stated letter a applies to recess and letter b does not in any way reference recess.

Mrs. Horvath replied letter a applies to regular meetings and certainly your reading of this as it pertains to regular meetings. Your reading it literally and that is the literal meaning of it but I believe this meeting was called under letter b and therefore is appropriate.

Mr. Greenlee stated so in a recess there are regular meetings even though it's recessed.

Mrs. Horvath this isn't a regular meeting; this is a special meeting called under the special meeting procedure. So, therefore, it falls under letter b not letter a.

Mr. Greenlee I'm asking are you saying that there are regular meetings that exist even though Council is on a two-month recess, there are still regular meetings during that period of time.

Mrs. Horvath, no I'm just simply noting that during the course of the year we have four regular meetings. I'm considering what we call a Caucus meeting or a work session also a regular meeting because they are regularly scheduled. Whereas this meeting is special in that it was not regularly scheduled, instead was called by three Councilmembers.

Mr. Greenlee my point being if there can be no regular meetings during recess because Council is in recess there are no regular meetings scheduled at that period of time. If any meetings are scheduled they're special meetings and letter a says that only the Mayor can call that.

Mrs. Horvath I would say that's incorrect, I would say that the definition of a regular meeting is something that is regularly scheduled. It occurs on a regular basis per a calendar. In this particular case under letter b three Council people have called this meeting, it's a special meeting called exclusively by them, certainly not by the Mayor under letter a. So I think it's entirely appropriate for us to proceed.

Mr. Greenlee I have officially lodged a protest on this that's an unlawful meeting.

Mr. Astorino everything is being recorded, it's on the record, Mr. Greenlee.

The meeting continued with the clerk calling the roll call of members.

SCOTT, BURGIO, SALVATORE, TROYER, POWERS, McCORMICK, MENCINI
Also in attendance were Building Commissioner Hurst and Law Director Horvath.

SUBJECT: DISCUSSION:

Mr. Astorino stated there are proposed Council Rule changes that have been submitted, there are five of them. Mr. Astorino commented that Rule No. 24 deals with amendments to the rules being submitted at a Council meeting under letter J.

1. PROPOSED COUNCIL RULE CHANGES

a) COUNCIL RULE NO. 5

Mr. Salvatore stated Council Rule No. 5 is a change from a 90-day period for legislation to be held in committee amended to read reduced to 60 days. Also, a sentence added 'under no circumstances shall legislation remain in committee for more than 60 days'.

Mr. Burgio stated generally speaking there were good intentions in entertaining some of the rule changes at the Organizational meeting in January, 2016. In an attempt to bring about the greater transparency to promote more of a dialogue; for the public and interaction between Council and residents in attendance in particular. Council agreed to take a look at adopt these changes at the organizational meeting of January 4th, 2016 in spirit of cooperation in working toward those goals. It was mentioned that these changes should be given about six-months to see if they're working well or not, I agreed and thought it was reasonable to do so. Well, it is not nine months later and reevaluating and openly discussing these changes to see if they have been beneficial for city government and made it easier for the residents to access and openly address public officials. Council has an obligation to assess their performance in carrying out the duties to bring about the goals of better and more inclusive government for the citizens. With rule number five 60-days is enough time to have legislation in committee. Leaving legislation in committee for 90-days is a little lengthy and with 60-days would bring about more efficiency and transparency, in my opinion. Everything else would still apply, Council would have the same options that they had.

Mr. Mencini questioned with the representatives to the school board and hospital board that will remain the same?

Mr. Salvatore concurred.

Mr. Mencini stated in the past I also stated that I would give things six months.

Mr. Astorino stated this rule wasn't something changed at the beginning of this year, looking back at past rules and going back to the year 2000 the rule read 90-days, as referenced.

Mr. Burgio stated that was not.

1. PROPOSED COUNCIL RULE CHANGES
 - a) COUNCIL RULE NO. 5 cont.

Ms. McCormick stated that there should be additional changes to Rule No. 5 - Standing Committees to meet separately as happened in the past, but this year was ruled against the Council rules.

Mr. Astorino read Council Rule No. 24 into the record and asked if these rules will be introduced in writing at the next Council meeting under letter J, along with any other proposed rule changes Council may have and then place all of them on the September 13th Caucus meeting for discussion.

Mr. Scott stated that was the intention of this there will be no motions to put this on any agendas this is just for open discussion; there was no intent to not follow Council Rule No. 24.

Mr. Salvatore stated after giving Council an opportunity to speak on the items on the agenda only the proper procedure would be to move this to the next Caucus meeting for continued discussion; then make a final decision.

Mr. Greenlee... Mr. Chairman.

Audience Remark - Point of order

Mr. Mencini - Point of order, the discussion is on here for Caucus.

Mr. Greenlee - Mr. Chairman, again under rule number 5...

Audience remark - Mr. Chairman, point of order.

Mr. Astorino - the audience doesn't call a point of order.

Mr. Scott - Mr. Mencini did.

Mr. Astorino - I'm going to ask the gentleman why he rose to the podium and is seeking recognition.

Mr. Greenlee - with rule number 5 with the amendments.

Audience remark - Point of order, he's out of order.

Mr. Astorino - Ma'am if you would please be quiet and let him speak.

Mr. Scott - Mr. Mencini called for a point of order.

1. PROPOSED COUNCIL RULE CHANGES
 - a) COUNCIL RULE NO. 5 cont.

Mr. Mencini - I called for a point of order and want to know if he's allowed to speak at a Caucus meeting.

Mr. Astorino - I'm asking him why he rose.

Mr. Mencini - I just want an interpretation on it?

Mr. Greenlee - Under rule no. 5 where any person who desires to speak.

Audience Remark - Can only speak at a Council.

Mr. Astorino, Ma'am be quiet out there.

Mr. Greenlee - I'm requesting to speak the subject under discussion which is Council Rule No. 5. My point is the amendment...

Mr. Astorino - Sir, hold on, to all Members of Council if you have your rules before you. If you look under rule number five it's after the definition of all the committees. The paragraph states persons desiring to be heard by any standing committee of the whole on any manner under consideration may, by consent of the Chairman and/or President of Council. Be given an opportunity to be heard thereon. Law director do you have that before you?

Mrs. Horvath - Yes, I do that is a correct reading of the rule but I would suggest that perhaps it would be best for any person who wishes to be heard, be heard after Council has had an opportunity to discuss all of these rules; otherwise it might be rather cumbersome and maybe people who wish to speak on more than one rule and it seems to make sense to me to just have Council have its discussion. Then anyone who wishes to be heard on a particular rule then be heard.

Mr. Astorino - I like that suggestion but want to modify it a little bit, I think I'm going to go rule by rule. I'm going to allow anyone in the audience. We're now discussing rule number five and will have Councilmembers have that discussion....

Mr. Salvatore - Mr. Chairman, Point of Order, please.

Mr. Astorino - what is your point of order?

1. PROPOSED COUNCIL RULE CHANGES
 - a) COUNCIL RULE NO. 5 cont.

Mr. Salvatore - what standing committee is this, Mr. Chairman? This is under discussion and requires a vote of Council to allow someone to speak; this is not a standing committee of any sort.

Mrs. Horvath - Mr. Chairman, I would concede that Councilman Salvatore is correct in that and it seems to me if someone wishes to be heard Council should have an opportunity to have their meeting, make their discussions on all the rules first; but Mr. Salvatore is correct it does say standing committee.

Mr. Salvatore - Mr. Chairman, if I may continue?

Mr. Astorino - on the point of order?

Mr. Salvatore - to clear up part of the issue, yes sir. I think that if--we're never going to get through these rules unless we start working towards it. For Mr. Greenlee, I know he's a very brilliant man and know he cares about what's going on and works hard at this. But he has an opportunity to speak to this if and when it ever gets to a Council agenda, that's when he can speak to it. Right now we're trying to work together to try and clean up a rule or two or three that we think may help conduct business in a little better fashion. If the votes aren't there to pass it, we have nothing to discuss. If it does get to an agenda, then Mr. Greenlee certainly has the right to come forward and speak as long as he wishes on any topic.

Mr. Mencini - Mr. Chairman.

Mr. Astorino - On the point of order, Councilman?

Mr. Mencini - yes.

Mr. Astorino - go ahead.

Mr. Mencini - on page six, persons desiring to be heard by a standing committee of a whole or any matter under consideration may by consent of the chairman or President of Council be given the opportunity to be heard. I want to be heard by everybody to be heard but think if we go this direction we'll have people participating without a microphone. To maybe open up somewhere we don't want to go. Again, it's up to the chairman or President of Council because it does say 'may' on page six, top sentence.

Mr. Troyer - Mr. Chairman.

1. PROPOSED COUNCIL RULE CHANGES
 - a) COUNCIL RULE NO. 5 cont.

Mr. Astorino - on the point of order, I'm gathering information so I can make my ruling. So if you want to give me information go ahead.

Mr. Troyer - I'll submit that this is a committee of the whole, that's what Caucus is, a committee of the whole. That's exactly what we are in is a committee of the whole.

Mr. Astorino - I guess that's the question I was going to point to the law director. When I look at my rules I see a part that says all regular standing committees shall be comprised of the Council of the whole; namely the four Ward Councilman and the three Councilmen at large. I don't know when were ever not a committee of the whole, is the thing I have. So I don't know if you can ever draw a distinction saying that this isn't a committee of the whole.

Mrs. Horvath - If I may through the chair address that issues.

Mr. Astorino - Mrs. Horvath.

Mrs. Horvath - I think Mr. Salvatore's point is we're not meeting under rule five, that instead, we're having a Special Caucus meeting. Obviously, everyone on Council is part of the committee of the whole but we're not operating under that section of the Council rules. Instead, we're conducting a Caucus meeting and that there is no specific standing committee that is dealing with this; it's Council as a Whole. So as Councilman Mencini suggested the language says 'may' traditionally we do not have these discussions at Caucus meeting. Don't we have a rule that addresses audience participation somewhere?

Mr. Astorino - Off the top of my head I don't know if we do or do not.

Mrs. Horvath - I would point out your Regular Council meeting the agenda indicates that audience participation comes at the end. I don't think it makes any sense to deal with discussing each one of these rules and then let the audience then participate on them. I mean our agenda only has two points where the audience can address Council with regards to their thoughts and it seems, to me, appropriate to have Council be able to discuss their own rules; then if there is any sort of audience participation to have that at the end.

Mr. Astorino - we do have a rule it is Council Rule No. 19. The rule states 'persons other than Members of the Council and city officers shall not be permitted to address Council except upon introduction by the presiding officer. Each citizen

1. PROPOSED COUNCIL RULE CHANGES
 - a) COUNCIL RULE NO. 5 cont.

must identify himself and residential address for purpose of the public record'. I appreciate the patience being shown out there by most of you because this is something that hasn't happened. Councilwoman McCormick do you have more information for me to provide my decision.

Ms. McCormick - I just have a comment, I think the purpose of a Caucus is to have a work session and think we would be going down a slippery slope if we started allowing audience participation whenever hands are raised or come up to the podium, that could become a huge problem if we go down that path.

Mr. Salvatore - Mr. Chairman.

Mr. Scott - I agree with Julie.

Mr. Astorino - Councilman Salvatore.

Mr. Salvatore - Just to clear up the definition of a standing committee it's sitting in front of every single member up here: 2016-2017 Standing Committees - Aviation & Environmental,

Finance, Legislative, Parks and Recreation, Planning, Safety, Service and Board of Zoning Appeals; those are the standing committees.

Mrs. Horvath - Mr. Chairman.

Mr. Astorino - One more piece because I'm ready to make my decision.

Mrs. Horvath - One more comment, I see on page three there is an order of business that's part of this standing committee rule and that order of business does not include any audience participation. So I would just note that contained in rule five there is an order of business.

Mr. Astorino - I'm prepared to make my ruling on the point of order and am going to rule Mr. Greenlee that for tonight's discussion that you will not be able to participate. Because if you look at the rules as I've gone through them and it's been pointed out there's a section that says, just before all the different committees and defined of what is in there. It says 'and shall be accepted by a majority of the vote at the next regular Council committee meeting. The standing committee shall be eight of them and lists the different committees and as Councilman Salvatore did point out these items right now are not in a standing committee. So I'm going to rule that you will not be able to participate in tonight's

1. PROPOSED COUNCIL RULE CHANGES
 - a) COUNCIL RULE NO. 5 cont.

meeting because the current rule changes are not in a standing committee of a whole. We are meeting as a committee of the whole but not under any one of those categories because these rule changes have not been placed in committee yet. Mr. Greenlee I appreciate you coming to the podium but Mr. Salvatore's point of order is well taken and I'm going to rule that nobody from the audience will be able to participate under that rule. Back to rule five, Councilman Troyer.

Mr. Troyer - I know we're here only to discuss what's on the agenda and we are discussing what changes we'd like as far as the rule numbers listed. So if there is an additional amendment or an amendment to the amendment that is allowed to be discussed here?

Mr. Astorino - if it's under rule number five relevant to the amendment, has to be relevant to the amendment.

Mr. Troyer - with the sixty days I have no problem with and have stated that over the last six months. I would just like if one of the members who called the meeting... I have a question about where it says under no circumstances shall legislation remain in committee for more than sixty days. I wish I could remember who told me this, I was told awhile back that there's some reasons that some legislation may want to be left in committee; basically for longer than sixty days, maybe for a year. I think that lines not needed because any Councilmember, one member, may request that legislation left in committee for sixty days without official action or discussion be placed on the next regular Caucus agenda. So if nobody wants to bring that piece to the floor why would we have a rule that required that, that's one question I have about that and the other one is in the next paragraph. Any legislation assigned to a standing committee shall be posted on the bulletin board in the Council office and copies placed in the committee chairman's mailbox at City Hall within 48-hours after assignment. I would also like to add there that also the new legislation will be sent by email to all members; it's an extra reminder and you would have it right away, think that would be a great change there.

Mr. Astorino - before you get an answer to that I had a question about this under no circumstances too. Is there any consideration what if let's say was in committee for 50 days and came to the floor and was placed back in committee? I think the wording has to be massaged a little bit because I think there can be circumstances where it would be in committee more than the 60 days.

1. PROPOSED COUNCIL RULE CHANGES
a) COUNCIL RULE NO. 5 cont.

Mr. Salvatore - if I may Mr. Chairman, if it came out on the 50th day prior to the 60 days and went back in committee, could stay in committee for another 60 days but it has to come out for discussion.

Mr. Astorino - I think that's the intent but the way it's worded it says under no circumstances shall legislation remain in committee for more than 60 days. So if there is any legislation that's in committee for more than 60 days it doesn't say 60 days partial here or there; it says for 60 days, it's a total amount of time.

Mr. Salvatore - Point well taken.

Mr. Astorino - I think if you follow what's in the current rule where it says without official action. I think that's the intent is it has to have some sort of an action.

Mr. Scott - So there could be discussion and then place back in committee after that discussion.

Mr. Salvatore - When it gets to the next Caucus agenda we can take official action and remove that.

Mr. Astorino - Changes can be made at the regular meeting.

Mr. Salvatore - correct.

Mr. Astorino - Under discussion this is the first time we're having this in the open.

Mr. Salvatore - I think Councilman Troyer had a good suggestion also.

Mr. Astorino - the email one?

Mr. Scott - Yes.

Mr. Salvatore - Could that be repeated what was said.

Mr. Troyer - Mr. Chairman.

Mr. Astorino - Councilman Troyer.

Mr. Troyer - Just that it would also be sent by email to all members and add wording that if the member doesn't have email then it would be a hard copy placed in the mailbox, email would be first to not waste paper.

1. PROPOSED COUNCIL RULE CHANGES
 - a) COUNCIL RULE NO. 5 cont.

Mr. Astorino - that has to deal with the section that talks about it just goes into the committee chairman's mailbox.

Mr. Troyer - right, as soon as it goes in committee everyone has a copy of it.

Ms. McCormick - I just wanted to ask that wed recently started posting all the legislation on the website and may also want to consider maybe putting that into our rules, to be posted to the website. On the Council website it's under the standing committees page and also the front page you can see the packet of all legislation that is in committees; in an effort to be more transparent.

Mr. Astorino - any other discussion on Council rule number five? Councilman Troyer.

Mr. Troyer - Councilwoman McCormick great suggestion, in fact, all the legislation that's in my committee right now is posted on my website tomtroyer.com; already did that and took that step, that additional step in addition to the email would be great.

Mr. Astorino - Anything else on Council rule number five?

Motion by Mr. Salvatore, supported by Mr. Scott, to place Council Rule No. 5 on the September 13th Caucus meeting.

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

- b) COUNCIL RULE NO. 7

Mr. Burgio - let me briefly express my views on rule no. 7 which is the order of business at Regular Council meetings and the second item on tonight's agenda. Perhaps, more than any other change, that was made on January 4th is the removing of the Remarks from the Audience from very early in the meeting, fourth item, to the last item before adjournment. Basically discourages our residents and limits their ability to address Council in a timely matter, in my opinion. As we've seen some meetings last for several hours, sometimes two, three and have had meetings five hours into the night. Making residents wait until late into the evening I think impedes their opportunity to be heard and voice their concerns which they have a right to do. Bringing the proposed change of Remarks from the Audience back to the early portion of the meeting would, in my view, bring relief to the residents with questions; who may not be able to wait until for possible several hours. I also believe that Remarks from the Audience should not be limited to

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b) COUNCIL RULE NO. 7 cont.

items on the agenda only but should include any item whether on the agenda or not; that the resident wishes to speak on. I'm not sure if this would be part of this rule but I also want to say that adjourning the meeting should be done by the majority Members of Council as well because sometimes people want a response from Councilmembers and think that would be a good thing to have is by a vote of Council.

Mr. Mencini - When we had orientation I was the one, and will explain why that I thought sitting two years as Ward 2 and still am. I always felt these were business meetings and that's what has to be taken care of first is take care of Council business. If we get done at a prompt time we could have audience participation until 11:59 p.m. or whenever we have to call it a day, I always felt business is done have at it. I'm a team player and will definitely listen to what my colleagues have to say on this and you've all heard me say up here before that I'd give this six-months on our rules made. I can only think of a few times that somebody and want to say that it was the lady with the gunshot that she sat quietly for four-and-one-half

(4 1/2) hours and came up and made her comment. I don't see too many others but maybe one of the things and I know probably this is not going to go over but maybe a time limit. The Berea School Board District does it, I believe, for a half-hour; 15 minutes on any subject matter and five-minutes per person. I think that five-minutes is a little short but don't want to see somebody up there for an hour-and-a-half (1 1/2) just reading War and Peace, or just reciting something that we all know, or just up there throwing shots at people. It is a business meeting and these are important meetings, Council and Caucus meetings, and there should be professionalism up here and somewhat to a degree with the audience. So, I know, they have some major concerns out there too and know that a lot of people have major problems. I heard seven of them yesterday over the phone; little ones but their problems to them and I also want to hear people at that microphone. I'm open on this and open to hear what my colleagues have to say and wanted to get that out that I was the one that maybe chose to put that at the end so Council is done with their business.

Ms. McCormick - The purpose of a Council meeting is to conduct the business of Council in views of the public. So I agree with Councilman Mencini these are business meetings and the important objective of the meeting is to get the business of the city done first. The way that the order of business currently stands it allows for residents to make comments on the items

PROPOSED COUNCIL RULE CHANGES

b) COUNCIL RULE NO. 7 cont.

that we are considering that evening; which allows us, as Councilmembers, to share their feedback on that and then if we have time at the end we can do anything else not on topic, when Council business is done. I think if we move the remarks on any subject back up to the middle of the meeting we run the risk of having the meetings run and maybe not being able to finish actual business that we need to do. The reason our meetings have been going longer is I think a lot of us have been questioning, asking a lot of questions about legislation that we're considering and conversation and I wouldn't want to limit that by having off-topic conversations.

Mr. Scott - we as Council are at the pleasure of our residents' and keeping residents who want to speak be the last order of business before adjourning is a non-acceptable practice. Some residents have had to wait and speak to receive clarification to their questions and concerns. My last thought on this issue was when, like Mr. Mencini, said the lady sat here for four hours to address her concerns about a gun being pointed at her and her grandson; that, in my eyes, something that should have happened. It doesn't change the timeframe if the residents speak early in the meeting the length of the Council meeting would be the same whether they speak at the fourth position of the agenda or last before adjournment, the time span would still be the same so it doesn't matter in that. I just don't feel that a resident should sit for three possibly four-and-a-half (4 1/2) hours to voice their concerns.

Mr. Troyer - there's other things I want to come back to on this but as far as the Remarks from the Audience make it clear the people were allowed to speak earlier, we have two points currently of Remarks from the audience. One is on the topic of that night's business which is very important to do before the vote, obviously. I see there are problems with that and our meetings have been long. I think maybe we should figure out a way to shorten our meetings like give us more information that we request, get the information to us faster before the meeting, don't hand us the information on what we're supposed to vote on right at the meeting. Have presentations given in a timely matter, like as soon as possible, instead of two or three months to get a presentation before you get the information you need to vote on something. One of the things that we should look at is shortening our meetings and one of those things would be get us informed us ahead of time so we didn't have to ask all those questions. Regarding the person with the somebody being shot at my problem is I don't like that she had to wait four hours; my problem is she should have had to come to a meeting. Somebody should have been in contact with her, she should have been able to talk with somebody to get that handled, whatever the issues were, obviously, if somebody points a gun at you there's an issue. So why is she coming here that shouldn't happen that way, that's

PROPOSED COUNCIL RULE CHANGES

b) COUNCIL RULE NO. 7 cont.

the problem there and not that the meetings were long. Also, one of the reasons it was changed this way was because, again, our meetings are to do the city's business, the business meetings. We have businessmen, company owners that are trying to move into this city and are waiting to see how the vote goes. The reason this was set up that way is so these people didn't have to wait all the audience participation which I care about, we care about but they don't really care about, so they can get their answers sooner. I prefer it like is but if we're going to change this we have to limit that amount of time that first discussion period is. I can't tell you exactly how to do it but you have to do that and when you do that. Now you also have to add back the remarks at the end with the time. That's my point on that and I like it how it is and think we'd be better off trying to figure out a way to shorten the meetings but if we're going to change this we have to do it right and this presentation is just, I think, is just reverting back to the way it was which there was problems with. So I think if we were going to make remarks on any subject that we limit it and then add it back to the end where people can talk longer if they a proposal or something like that, that's my discussion on that. Maybe one of the three members...do you want to go with this whole thing or each motion on this.

Mr. Astorino - You have the floor, Councilman.

Mr. Troyer - I'll go to letter L motion by Council involving any topics requiring a majority vote of Councilmembers including rule changes. Councilman Salvatore, Councilman Burgio or Councilman Scott can you explain what that is for. What is the reasoning behind that was and how that helps us?

Mr. Salvatore - what are you referring too, Tom?

Mr. Astorino - item L on your amendment you're adding a section that is underlined, it's a new item to the agenda.

Mr. Salvatore - Mr. Chairman, if I could refer to the law director we were discussing some of that particular item L and I may have left something out; that's why we have work sessions, if something is left out we can add to it.

Mrs. Horvath - if I may Mr. Chairman, there are a number of motions that Council has the ability to make. One of them addressed was in your rules and some of them include suspending the rules. There's proposals to rules that address adding things, rules to agendas, deleting things from agendas. So my understanding those motions would be made under Section L.

PROPOSED COUNCIL RULE CHANGES

b) COUNCIL RULE NO. 7 cont.

Mr. Troyer - to the law director so you're saying some motions that are currently would be under suspension of the rules required and now they would be under a majority vote of only four votes.

Mrs. Horvath - No, I'm referring to your Council rules, if you look under the agenda rule, might be rule number 19. No, I'm sorry it's rule number 14, second paragraph - last sentence. 'Council may by majority vote add or delete any parts of the proposed agenda'. You also have it at the end of your - Rule 23 - Suspension of the Rules. There might be a motion to suspend part of the rules.

Mr. Troyer - okay.

Mrs. Horvath - so it would be those types of motions. I suppose that could be a section under a Regular meeting that would also allow amendment of the rules. That would be part of the agenda perhaps under Rule number 24, where rules might be amended.

Mr. Troyer - what does this change? If that's the case, then didn't we already have this ability?

Mrs. Horvath - you always have the ability, I mean, these are your rules but I think it's more of a question of the agenda as to when it would be appropriate. As one particular time more appropriate than another? I mean...I suppose the logic and again these are Council's rules the law department doesn't really have anything to say about your passing your rules, they are your rules but you may want to have that before the other items on the agenda because it makes sense.

Mr. Troyer - okay, I have no problem if we want to have a motion to adjourn, that's fine. Also, letter K - Other Communications and Petitions; Verbal Approval:

Mr. Burgio - it's letter J now.

Mr. Troyer: Letter J used to say Introduction of New Legislation and now you're going to have motions by Council, change it to motions by Council. What is the intent and how does that change things?

Mr. Salvatore - that would refer to Verbal Approval by a motion by Council and having the majority Members of Council vote in the affirmative in order to pass verbal approval. That's just clearing that up and it almost goes without saying but was put in writing.

PROPOSED COUNCIL RULE CHANGES

b) COUNCIL RULE NO. 7 cont.

Mr. Troyer - okay, but you're eliminating the introduction of new legislation? Where are we introducing new legislation at what point of the agenda?

Mrs. Horvath - Your question is directed at who?

Mr. Astorino - Law Director, it's for Council people they're the ones that proposed the amendments.

Mr. Troyer - To Councilman Salvatore, sorry, at what point do we introduce new legislation? I'm waiting on some to be done so I want to know where I can introduce it at?

Mr. Salvatore - As I said I worked diligently with the law department on this so I will prefer to the law director for her assistance on the language for that particular item.

Mrs. Horvath - Councilman Troyer under the agenda's proposed amendments you would have Introduction of Ordinances under N and that would be First Reading, under O would be second reading and P would be third reading. That seems be a rule and a problem that we've had a number of issues about. I probably have written at least two opinions concerning it in conjunction with Rule 12a so I guess this would be one way of clearing that up. Am certainly open to discussion for all Members of Council as to how they feel about that but that would be where you would have your introduction of legislation and also First Reading would be letter N.

Mr. Troyer - so the way I'm reading this is basically fixes something that's been done improperly in recent months.

Mr. Astorino - I wouldn't agree with that Councilman.

Mr. Troyer - No.

Mr. Astorino - No, this changes the way we've been doing business for decades. We've introduced new legislation it's been done for decades. I've looked through all the agendas and minutes of the meetings and legislation was introduced and placed in committee. What this is doing is basically eliminating...allowing legislation to go to the floor under First Reading without the committees ever being able to look at it. What this is doing is they're proposing an amendment that's eliminating committee work; taking the work away from the standing committees.

PROPOSED COUNCIL RULE CHANGES

b) COUNCIL RULE NO. 7 cont.

Mr. Troyer - that's also true but what I'm saying is it's been done wrong quite a few times over the last six months. So now if there were to pass then this rule changes...

Mr. Astorino - I would ask you to change the word from right or wrong, sometimes it's not right or wrong, it's been done differently. In my opinion it hasn't been done in the process that we've been following for decades there's been a change. That's what has caused some of the problems, that's what caused some of these opinions that have to be written is because they're trying to change the process on how we do our legislation.

Mr. Troyer - this will, of course, do that.

Mr. Astorino - this is an attempt by the majority to change the way that we've been running business for decades, yes, they're trying to eliminate committee work.

Mrs. Horvath - Mr. Chairman, I wonder if I might speak on that issue, I always keep a copy of the old rules in my folder along with the new rules. So I have a copy of old rule seven...

Mr. Astorino - Madam law director, we're not going to have a discussion about that stuff. We're talking about the rule change number seven.

Mrs. Horvath - I understand that and I'm looking...

Mr. Astorino - we've had discussions about what your opinion is about rule 12.

Mrs. Horvath - I'm not talking about rule 12.

Mr. Burgio - Mr. Chairman, I would like to hear her.

Mrs. Horvath - I'm not talking about rule seven.

Mr. Astorino - rule seven was... are we talking about which one the introduction of new legislation?

Mrs. Horvath - yes, I'm talking about rule seven and have a copy of the old rule seven and J did not, under the old rules, contain introduction of legislation.

Mr. Astorino - it did not contain the title but if you look back at the minutes of the meetings that existed at that time that is the item on the agenda where it is always

PROPOSED COUNCIL RULE CHANGES

b) COUNCIL RULE NO. 7 cont.

introduced. So when we made the changes at the beginning of this year it was to identify that's where new legislation because that was the standing practice.

Mrs. Horvath - I'm simply indicating what the old agenda said as opposed to the current agenda so that it can be looked at in reference to any changes that you might impose. I'm simply trying to clarify the point that under the old J that language was not contained in the old J.

Mrs. McCormick - with the proposed changes under N - Introduction of Ordinances and Resolutions First Reading. When something is introduced that wouldn't take away the right of the Council President to assign it to a committee, would it? It would just have first reading but then be placed into committee and then when it comes out of committee, at some point of time, would be placed on Second Reading.

Mr. Astorino - not if you take into conjunction of the other rule changes that they're doing. There's another rule change that they're looking at to do that the Council President won't have the ability to assign items to committee.

Mrs. McCormick - so if the intent is to eliminate committee work I would be opposed to this change. I think as we've seen lately there's been a lot of things that have been rushed to be introduced and we've seen a lot of problems with them. Changes that need to be made I think it's important that we get a chance to discuss them at a Caucus meeting under a committee. Make the changes there so we don't have to drag out the length of these Council meetings. All of our meetings should not be three hours long and eliminating the committees would make the Council meetings longer, even longer than they are now.

Mr. Burgio - going back to my colleague Councilman Troyer, just wanted to touch base with you on that. You mentioned that business meetings and sometimes we have business people out here waiting for a vote because they want to bring business to Brook Park, I assume. I still think that the residents come first and it's alright if they wait a little while but still think Remarks from the Audience placed earlier. If they have to wait a little bit, I have no problem with that but would prefer the residents have the ability to speak first. You mentioned Remarks from the audience on the agenda items only that's all the way to letter L, which is the 12th item on the agenda so that's not too close to the beginning; that's about three-quarters (3/4) of our meeting. As it stands now Remarks from the audience on any subject is the very last item before adjournment; so I still feel the order for the change would be better for the residents.

PROPOSED COUNCIL RULE CHANGES

b) COUNCIL RULE NO. 7 cont.

Mr. Astorino - I would like to point out as information to all the Council people that the Remarks section was changed this year but the prior change was in 2010. Up before 2010 the Remarks from the Audience was separated into two separate sections as both of you probably remember since you were on Council. In 2010, it was consolidated into one and don't want anyone in the audience to think that we changed something that was a long-standing practice. 2010 is when they changed it to just one section at the beginning; up until then it was two sections. So it's not something that is new to the city it's actually something that they were used to before.

Mr. Burgio - I was just basing my opinion on...

Mr. Astorino I understand that and just giving you information I don't want anyone to think the change that was made this year was a change that was from a long established practice, it was only something that was done for five years. Before then it was always divided up to two different sections.

Mr. Burgio - thank you for that information.

Mr. Mencini - shorten the meetings we'll work on that but I do agree with the adjournment that we should vote on that. I know I've seen before and no offense to our chairman now but I've seen Mr. Salvatore or Mrs. Powers want to speak and didn't get that opportunity. Through the chair, if I can, to the law director. When I'm looking at letter L - Rule 7 - if you could go to L on the amendment. This majority vote of Councilmembers is that a 6-1 or is that one of these 4-3, 5-2; what is the majority vote?

Mrs. Horvath - it would not involve legislation so, obviously, it would and would refer to whatever is considered a majority with regards to your rules; example motion to adjourn...

Mr. Mencini - 4-2, 5-2 am I right?

Mrs. Horvath - right...

Mr. Mencini - not, 6-1.

Mrs. Horvath - correct.

PROPOSED COUNCIL RULE CHANGES

b) COUNCIL RULE NO. 7 cont.

Mr. Mencini - I've heard that saying a lot just because the way things have been for such a long time doesn't mean it should be that way; the example was used just because you speed down the street and finally get caught doesn't make it right all those other times. I want to believe, a little bit, that you can take that language and that's why we're here today but I do admit I've heard a lot of good things from my colleagues and we're only on the second one.

Mr. Astorino - Anything else on rule number seven?

Mr. Troyer - Through the chair to the law director, madam law director on suspension of rules how many votes does it take to pass?

Mr. Salvatore - Six.

Mrs. Horvath - that's correct, six.

Mr. Troyer - is this going to change that to be a majority vote on non-legislation. When we're suspending the rules a lot of times we're suspending Council rules. Is this going to change that to a majority vote?

Mr. Astorino - to answer the Councilman's question to suspend the Council rules is just a simple majority, that's in our rules.

Mrs. Horvath - that's correct.

Mr. Astorino - that's rule number 23 and already exists that to suspend the Council rules is just a majority. The sixth number is the suspension of the three readings, the Charter provision and we can't change that.

Mr. Troyer - good I'm glad we have that clear.

Mr. Astorino - any other discussion on Council rule number seven before we move to a motion to place on a Caucus.

Motion by Mr. Salvatore, supported by Mr. Burgio, to place on the September 13th Caucus agenda.

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

PROPOSED COUNCIL RULE CHANGES

c) COUNCIL RULE NO. 11

Mr. Scott - basically this is just to put the wording in that adjournment is required by a majority of Council; add that wording to the existing.

Mr. Burgio - If I may just add and I've mentioned this before adjourning the meeting should be done by a majority Members of Council; as we have done recently in fact. As I've stated at some meetings this year I've also feel that we've placed a wall between the residents and Council by not being able to reply to a question they have for all of us on the dais up here that some of us have voted no to adjournment so that Council can answer their questions. By bringing forth and adjusting these changes made on January 4th have proved, in my opinion, to be a time counter-productive and brought about less transparency and perception of inhibiting open dialogue. So, in my opinion, I think it's time that Council remove that wall and make the changes to adjournment by a majority of Council.

Mr. Troyer - I don't think there's really a need to always vote on it but if that's what Council wants I'm fine with that.

Mr. Astorino - anyone else want to discuss rule number 11? Seeing none. I would like to make a comment I have at times adjourned the meeting much like the Council Presidents' before me when there was no other business. Again, I would suggest you read the minutes there was no wall that was put up by anything the chair has the authority when there's no business to come before Council to declare the meeting adjourned. It's been done at Caucus' and Council' in the past and I don't have a problem with you making a vote, I just don't like the, what I perceive, as an inference that it was an abuse of the chair. Because it's something that Council Presidents' have always done in Brook Park. If there's no business to come before they don't have to wait for a motion they can just declare the meeting adjourned. Like I said I've looked through hundreds of Council meeting minutes and seen that's what happened but if you want to make this rule that it has to be a vote of Council. I would simply ask that by the end of the meeting that you make attentive enough to do that then.

Mr. Burgio - I didn't infer that anything was done improper I just said that sometimes there's an inception by some people that maybe we're not giving them the opportunity to speak. I've seen a lot of frustration out there and thought maybe this would help that not to come about again.

Mr. Astorino - Councilman, that's where we disagree because when you make a comment like that publicly it is actually an inference of such a thing, rather than letting it go. That's the way I perceive it you could have just let it gone and have it

PROPOSED COUNCIL RULE CHANGES

c) COUNCIL RULE NO. 11 cont.

this way and get what you want because you have the majority to do that but I perceived it as an inference when you make that kind of comment.

Mr. Salvatore - the intent on my part was not directed at you adjourning a meeting with or without a vote of Council. I've always felt that the majority should rule, that's why you have a majority; four votes to adjourn. When I was Chairman of the Zoning Board I always called the roll, when I was President of Council I always called the roll. I just felt that was appropriate and that's the reason why I'm supporting this particular rule, it had nothing to do with you.

Mr. Astorino - I appreciate that, I'm just telling you what's been done in the past and if you want to make the change, we'll make the change and follow that rule.

Mrs. Powers - I agree that, to me anyway, it seems just a total waste of time to have to go through the motion and for Mr. Burgio the audience has already had their time to speak and we even had our time to speak and right up until the adjournment is called for we can call Point of Order or however to get the President's attention to say what we have to say. So I don't see why we have to go through the formality of having a roll call.

Mr. Burgio - if I may respond to Mrs. Powers, we have called the roll because we decided to do that because we felt the audience had questions they need answers for and that's why we did that; just for more open communication. I thought that was a good thing and I know you voted to do that too. So at times when we see that people have questions and maybe they weren't getting the answer, or didn't feel they were, I think it's a fair way to do it. Just uniformly do it all the time and if they have questions maybe we have the answers that they are looking for and deserve to have an answer, that's my thought on that.

Mr. Mencini - I believe adjournment, as you heard me state before, I believe it's a formality that we have to do. You've seen how some of our meetings have ended, some of them haven't ended when they've ended so I kind of believe this would be the final stand by taking that roll call the meeting is over. I don't want anyone to feel offended or any past President or anything like that because you've done a good job at the end of the meetings. These past six months I've seen some things at the end of meetings and think a roll call would definitely put an end to a meeting.

Mr. Troyer - Mr. Chairman, I want to apologize for stepping on you earlier with the motion. What I did is realized I was the last one with my hand up and discounted

PROPOSED COUNCIL RULE CHANGES

c) COUNCIL RULE NO. 11 cont.

you that you might want to speak and wouldn't have your hand up to let yourself know you wanted to speak.

Motion by Mr. Troyer, supported by Mr. Burgio, to place this on the September 13th Caucus agenda.

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

PROPOSED COUNCIL RULE CHANGES

d) COUNCIL RULE NO. 12

Mr. Scott - this basically is to place legislation into the proper committees by a majority vote of Council. This gives Council the ability to place on Caucus or Regular Council agenda and is basically a check-and-balance for any inappropriate placement of legislation into committees or Regular Council agendas; this is just a check-and-balance.

Mr. Troyer - Madam, law director didn't Council already have this ability?

Mrs. Horvath - what ability are you speaking of, can you be more specific?

Mr. Troyer - to refer to committee any legislation or place on any Caucus or Council meeting agenda legislation for further reading of a majority vote.

Mrs. Horvath - Yes, Council can certainly do that, Council also by majority vote can remove a piece of legislation from a committee. I think the change in language and if I'm understanding Councilman Scott correctly is he's proposing that it be referred to committee by a majority of Council; as opposed to the presiding officer as the rule reads now.

Mr. Troyer - okay, even though the rule reads now the presiding officer places it in committee, at that point, Council could get the floor and make a motion to place in any of these places. On that night's Council meeting, Council meeting, whatever, Council, already has that right to be able to do that, correct?

Mrs. Horvath - that's correct Councilman Troyer but, of course, these are Councils' rules and you have the right to change them, modify them as you see fit and apparently this is a proposal to modify it in a different manner. Although, Council did have the ability to remove it

PROPOSED COUNCIL RULE CHANGES

d) COUNCIL RULE NO. 12 cont.

from a committee; this is a proposed rule modification to change the way that you're proceeding and I would assume Council would listen to that proposed change and then by a majority vote it up or down.

Mr. Troyer - going into this further, you're adding Resolution wherever it says Ordinance

You're adding Resolution, that just includes the Resolutions under the same rules.

Mrs. Horvath - Councilman, you're looking at me, so I assume you're speaking to me.

Mr. Troyer - yes, I am.

Mrs. Horvath - okay, I wasn't sure if you were speaking to me or Councilman Scott. It looks like Councilman Scott and his colleagues are proposing that, yes.

Mr. Troyer - to everyone under d I would like to see something put in here preparation by law director, all proposed ordinances/resolutions shall be certified by the law director. That they are in correct form and think after that should be written something like 'are in correct form only and returned in a reasonable amount of time with suggestions or some kind of wording like that. That it would be in correct form only and returned and any issues would be spelled out and be returned in a reasonable amount of time. That's a suggestion I have for that and we have to be careful on how we word that.

Ms. McCormick - I have some significant issues with the proposed changes for rule number 12. First under a - Introduction the addition of and Council may refer it to committee any legislation or place on any Caucus or Council agenda for further reading by a majority vote. That is an attempt to limit the powers of the president as well as bypass the committee process, I think that would be a very bad idea. Again, we've seen many times over the past several months where legislation is rushed and pushed through where it needs significant changes and I really think we should be discussing these things at Caucus and in committee and make these changes then. Also, our Council President was voted by a majority of the people and that's one of the powers that he has is to assign to committee. This is something that's been a long-standing practice and the wording was changed at the beginning of the year but that's simply to clarify the process. To put into words what had already been done and make it more clear-cut for everybody to understand. The other section under 'd' preparation by law director. I would agree with Councilman Troyer that we need to add some additional language in there to specify that it should be certified by the law director for correct form not

PROPOSED COUNCIL RULE CHANGES

d) COUNCIL RULE NO. 12 cont.

necessarily content. That has come up as an issue for, as I understand as a legislative body, it's our ability to introduced whatever we want. If I wanted to introduce legislation to paint the city buildings purple. I shall be allowed to do that but the law director should be able to look at that legislation and certify it as written in the correct form not to say you can't bring that idea forward. I think that should be clarified more in this section that it's the law director's role in preparation of legislation that it's legal and correct; not limiting the content of what you're doing, those are my issues with rule no 12 changes.

Mr. Astorino - the only thing I would suggest if you want to take the ability to refer it to committee I think you should consider the language that Council shall refer it to committee. Because the reason this rule change came in at the beginning of the year was when I sat in the audience there were times that Council President's...legislation was introduced and never placed in committee; it just sat there and was never actually assigned to a committee. I remember in January when we talked about it the language that was submitted said that the Council President shall assign it to a committee. It was explained at that time that the intent of that is when legislation is introduced it should be placed in committee so it can see some committee work to make sure everything is okay. The language you have here says Council may refer it to committee which basically means that you'll have...Councilman Scott you talked about check-and-balance there really was no check-and-balance on the Council President because I was required to put it committee. As it stands right now the majority can decide that legislation is introduced and it doesn't have to be placed in committee; because it says Council may refer it to committee. So if you want a check-and-balance you're going to need a check-and-balance on the power of the majority also to say that you'll place legislation in committee. Because our legislative process is very important for committee work it's the ability of the minority, it's the ability of the community to voice their opinions that way. It is a prevention of the majority from fast-tracking legislation and just getting things pushed through quickly, which to me seems to be unnatural concern right now. Because when I've looked at the legislation that we've passed most of it we've passed within two or three weeks after it's been introduced. So there's a lot of complaining within this community and within some of the people up at this dais that legislation is being slowed, there's been an obstruction of city business when there really has been no obstruction of city business. Items are being introduced, items are being passed. I looked at the first six months it's taken us less than a month to process all the legislation and much of the legislation has been done within two weeks or less. If you're looking to put a check-and-balance, is what you're saying, I guess you're trying to put a check-and-balance on my authority but I would suggest you have the same check-and-balance on your authority, if that's what you're looking to do. Not say Council may

PROPOSED COUNCIL RULE CHANGES

d) COUNCIL RULE NO. 12 cont.

refer it to committee but shall refer it to committee, that's the authority that I had. I had assign it to a committee because I witnessed in the past legislation that wasn't assigned to committees, so that would be my input. That you should reconsider that if you want to make the committee assignments you're going to be under the same guidelines as I am, our Council rules define what committee's things go into and I usually have sat down with the clerk when we have legislation. We go through it and we determine what exactly is the best committee for it to go into, so it's not something that I'm just throwing darts at a dartboard as to what committee it's going in. I'm following the definition of the committees and I'm following the advice that the clerk provides to make these committee assignments. I don't know how you guys are going to do that as a majority because most of the time when we've had legislation introduced at a Council meeting the only one that has seen the legislation is the clerk and myself because it's presented through the office and comes to the meeting. You don't see it until after its introduced yet you're going to be making committee assignments on legislation that you won't even have before you. So it's going to create some problems I don't think you've thought this all the way through I know we're at a Caucus. So give it some thought for the next couple of weeks because this is another area that you're making a rule change and with every change there's a consequence that comes in and I don't think you've thought this one all the way through.

Mr. Mencini - Rule 12, item b Deliver to Council, I think that in time here maybe even now may be a time to start thinking about would all copies of Ordinances and Resolutions to be considered at a Council meeting should be in the hands and delivered to regular place delivery (mailbox) for each Member of Council 72 hours prior to the time of the meeting of Council. My first year, I remember, I kind of proposed, it didn't make it...Our police are a little short-staffed and maybe may think about emailing that also. I would like to hear what my colleagues think about that, is it something good, or maybe something we have to look at.

Mr. Astorino - the clerk pointed out that item b that you're talking about Delivery to Council deals with regular meetings that's the way we handle our regular meeting notifications. When you mention the police delivering stuff that's for special meetings.

Mr. Mencini - possible even Special meetings...

Mr. Astorino - that's addressed in our Charter so we'd have to take a look at a Charter change.

Mr. Mencini - that's something that we may have to possibly look at.

PROPOSED COUNCIL RULE CHANGES

d) COUNCIL RULE NO. 12 cont.

Mr. Astorino - we can't take a look at it with these Council rules, because we can't adopt a rule that changes that process.

Mr. Mencini - because in time just had five meetings...

Mr. Astorino - I understand the comment, the comment is maybe we need to update the way we do it but we would need to update our Charter and allow us the authority to do that; we can't just do it on our own. Anything else on rule number 12?

Mr. Troyer - I just want to mention again that we should have the correct form from the law department and returned in a timely, reasonable fashion. I was concerned about the wording on this, I was thinking that we can't really tell the law department what to do but actually, reading page 13 of the Charter - Section 6.02 - Duties, it appears that we can, bottom of the first paragraph. It says he shall perform such other duties as may be required by this Charter and/or as the Council or the Mayor may impose upon him consistent with his office; of course, you would change the him to her. I was concerned about that but now that I read that I think that's something we could do. Of course, we have to be careful and make sure the law department has the personnel to handle the situation.

Mr. Astorino - As it was stated earlier in the meeting they're bringing these out for discussion and we have two weeks until the next meeting to work these things out.

Motion by Mr. Burgio, supported by Mr. Scott, to place on the September 13th Caucus agenda.

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

PROPOSED COUNCIL RULE CHANGES

e) COUNCIL RULE NO. 27

Mr. Scott - The reasoning behind this request is to open the channels of communication between Council and the Administration. For many months there has been no verbal communications between the Council President and the Mayor. The pledge of transparency of open communication is been nonexistent; we cannot have 16 more months of this. Movement of the Pro-Tem should open these lines of communications to both the current Council President and Administrative personnel. This should alleviate the pressures and stresses of the Council clerk as

PROPOSED COUNCIL RULE CHANGES

e) COUNCIL RULE NO. 27 cont.

the fine process will be followed and mutual consent between Council and the Administration will be evident. Actions that have been questioned and legal opinions that were given to these questions have persisted. Issues with postings have arisen and the second line of defense is not there, basically it's trying to open up the lines of communications. We haven't had that for eight months and have 16 more months and are hoping somehow this will open up the lines of communication.

Mrs. Powers - I'd like to refer everyone to Charter, page 8, Section 4.02 President of Council as written - It shall be the duty of the President of Council to preside at all meetings of Council, appoint various Council Committees, and perform such other duties as may be proposed by Council upon its presiding officer and such other duties as are proposed upon him by this Charter, coordinating the work of the various committees appointed by him. This would take away his power and would give it to the President Pro-Tem who is supposed to act only in the absence of the President of Council. If the President is here and the President Pro-Tem is taking over his job it just doesn't work that way and is against the City Charter.

Ms. McCormick - Rule 27 the changes that are suggested I also have significant issues with this one. It takes away the vote of the people; the vote of the people was to have the President do these duties. I think that's part of the reason why the President of Council also gets paid a little bit more, then the Wards and At-Large Councilmembers, because he takes on these extra duties. This isn't something new and in our Council rules show it was amended in 1998 and am going to assume that the Pro-Tem did not have any of these duties any time before then. I do not see how change would improve communications with the Mayor, that's something that the Mayor himself needs to take upon himself to do as well. We've also seen a number of memos back and forth so there is communication but there's disagreement. You're trying to take away the voice of our Council President who is elected by the majority of the residents' of the city and give it to somebody who is not elected as the Council President.

Mr. Troyer - I've said this a lot of times on rule changes, salaries and other things looked at. Whenever doing something with a position as far as salaries or whatever the case may be; in this case it's who's handling the administration of the Council office. You look at the position and consider anyone that may be in that position and/or what the future might hold. You don't pass a rule or an ordinance specifically against one person, this is wrong, it's wrong today and would have said this was wrong six months ago, six years ago, etc. It's wrong then, now and will be wrong in the future you do not do that; you do not change a rule just to affect one person.

PROPOSED COUNCIL RULE CHANGES

e) COUNCIL RULE NO. 27

Mr. Scott - this doesn't remove any legislative power of the Council President it's still as is daily; he still sets the agenda, still runs the meetings, has nothing to do with the legislative part of his duties. This is the administrative part of the duties not the legislative part of his duties.

Mr. Astorino - To that point I would ask the question because the Charter says coordinating the work of the various committees appointed by me, That's the administrative duties coordinating the work of the committees.

Mrs. Horvath - yes, I first in making this statement would indicate these are your rules and Council may do whatever they please as far as changing them. I do kind want to take a look at the Charter and rules and point a couple of things out. Basically, there are five duties in Section 4.02 of the Charter; presiding at meetings, appoint the various Council committees, perform such other duties as may be proposed by Council which is a reference to the rules and perform such other duties as are proposed by the Charter which would be a reference to the Council President's ability to call special meetings and also introduced emergency legislation. So this particular rule change is simply that; it's a rule change. It's not a change with regard to the Charter and I would also point out that the electors voted on the Charter, they don't vote on the Council rules. That is something that Council in its wisdom votes on so the Council rules are really procedural and not substantive. I just want to clear that up and point out that any change in Rule 27 I don't believe affects the Charter in any way; it's a procedural change not a substantive change. That particular duty is not iterated under Section 4.02 of the Council, it's reference to perform any other duties proposed by the Council by the presiding officer but it's not listing specific duties. That's my reading of the Council rules and also the Charter and just wanted to clarify that.

Mr. Astorino - if you could provide additional clarification, law director, because you gave your explanation but stopped when you said other duties as proposed upon him by this Charter. I pointed out that it says...right after that it says coordinated work of the various committees appointed by him. You didn't address that in your clarification, you left that point out. My thing is coordinating the work of the various committees requires meeting with the Council clerk in the Council office to do that. By having the Pro-Tem assume the office administrator I'm restricted from doing my administrative job as Council President. There is nothing in this Charter that gives the Council Pro-Tem any authority to do any of this except for in the absence of the Council President. So your explanation clarified some of it, omitted that so I'll let you continue.

PROPOSEDD COUNCIL RULE CHANGES

e) COUNCIL RULE NO. 27 cont.

Mrs. Horvath - let me clarify further, my understanding is the office administrator is exactly that, the administrator. If you need paper clips or a ream of paper the office administrator would be the one who signs the invoice and purchase order; he would be the one undertaking administrative duties but do not believe that would be a reference to him coordinating the work of committees. I think the office administrator is somebody who is just working on the day-to-day administration type of issues much like an office manager would do. I would see no reason why the Clerk of Courts...Clerk of Council couldn't be an office administrator; I don't see that being inconsistent with the duties of the Charter.

Mrs. Powers - Once more I am quoting from the Charter of the City of Brook Park, Ohio, revised edition January 1, 2014, amended November 5, 2013. Section 4.02 President of Council it shall not may -it shall be the duty of the President of Council to preside at all meetings of Council, appoint various Council committees and perform any other such duties as may be proposed by Council on the presiding officer and such other duties that are proposed by him by this Charter, coordinating the work of the various committees appointed by him. The President of Council shall have the right to vote on all ordinances, resolutions or motions coming before the Council only in the event of a tie vote. It is insult to my intelligence to sit there and tell me that you can interpret this any way other than the way it is written; the President of Council presides over the meetings.

Mrs. McCormick - Make no mistake about these suggested changes to Rule number 27 they are punitive; they are malicious. Councilman Scott's prepared statements that he read indicate this clearly that that's the intent; it's directed at a specific person. I imagine when Councilman Salvatore was Council President he would have objected to this kind of change; I object to this change. Also, for the reason when we elected our Pro-Tem this wasn't part of the job description, we did not elect him to do those duties. So if that job duty was changed I would suggest that we also reopen the elections for Pro-Tem. Specifically, for rule number 27 I don't think is something that should be changed in the middle of our Council session, it should be changed only at our Organizational meeting because you're trying to change it in the middle of the game to punish a specific individual, and I think that is wrong. No matter who the Council President was I would be opposed to that making that change at this time.

Mr. Troyer - I would appreciate if one or the three members and law director could all get together and come up with the duties of Office Administrator; someone needs to put in writing what the duties of the Office Administrator are.

PROPOSEDD COUNCIL RULE CHANGES

e) COUNCIL RULE NO. 27 cont.

Mrs. Powers - this rule number 27 is a failed attempt to change the Charter, the Charter cannot be exchanged except by the Charter Review Commission and a vote of the people; so this is strictly a way of trying to get around the Charter, which is very clear about the President of Council and what his duties are.

Mrs. McCormick - I would like to add that I'm very disappointed that these proposed changes were brought up especially after it seemed like we were making progress in working together, after working out some of the issues at some of those meetings earlier this month and last month.

Motion by Ms. McCormick, supported by Mr. Troyer, that this item was discussed.

ROLL CALL: AYES: McCormick, Troyer, Powers

NAYS: Mencini, Scott, Burgio, Salvatore. The motion failed with a vote of 3-4.

Motion by Mr. Salvatore, supported by Mr. Scott, to place on the September 13th Caucus meeting.

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

NAYS: Troyer, Powers, McCormick. The motion carried with a vote of 4-3.

There being no further business to come before this meeting Council President Astorino declared this meeting adjourned at 8:46 p.m.

RESPECTFULLY SUBMITTED Michelle Blazak

APPROVED June 20, 2017

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