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REVISED BY THE CLERK OF COUNCIL AS INSTRUCTED BY
CITY COUNCIL

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REGULAR CAUCUS MEETING OF THE
BROOK PARK CITY COUNCIL
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Transcript of the Regular Caucus Meeting of
the Brook Park City Council, commencing at
7 p.m., Tuesday, September 13, 2016 in the
City Council Chambers at 6161 Engle Road,
Brook Park, Ohio 44142.

1 TRANSCRIPT OF PROCEEDINGS

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3 THE CLERK: Today is Tuesday,
4 September 13th and we have a meeting at
5 7 p.m.6 MR. ASTORINO: Good evening
7 everyone and welcome to the September
8 13, 2016 Regular Caucus meeting
9 for the City of Brook Park.10 Will the clerk please call
11 the roll.

12 THE CLERK: Scott?

13 MR SCOTT: Here.

14 THE CLERK: Burgio?

15 MR. BURGIO: Here.

16 THE CLERK: Salvatore?

17 MR. SALVATORE: Here.

18 THE CLERK: Troyer?

19 MR. TROYER: Here.

20 THE CLERK: Powers?

21 MRS. POWERS: Here.

22 THE CLERK: McCormick?

23 MS. MCCORMICK: Here.

24 THE CLERK: Mencini?

25 MR. MENCINI: Here.

1 MR. ASTORINO: Will everyone
2 please stand for the pledge of
3 allegiance.

4 (Pledge of Allegiance.)

5 MR. ASTORINO: The first item
6 on the agenda is the approval of the
7 minutes from the preceding meeting.
8 We have no minutes to be approved for
9 tonight.

10 So we will move to item
11 number 4, Discussion. The first item
12 under discussion is the Berea School
13 Board bond issue. Committee for
14 council president Astorino and in
15 attendance tonight we have the Berea
16 School Superintendent Michael
17 Sheppard to make a presentation, so
18 Mr. Sheppard.

19 MR. SHEPPARD: Thank you.

20 MR. ASTORINO: We will need
21 your name and address.

22 MR. SHEPPARD: Mike
23 Sheppard. School address 390 Fair Street
24 Berea

1 Of course, I appreciate the
2 opportunity to be heard this
3 evening. We have already come to
4 talk at one point in time with regard
5 to a procedure, at the time I came
6 first we were talking about, thinking
7 about a plan, sharing our thoughts,
8 asking for feedback, going to the
9 community for ideas. Since then we
10 have held a number of meetings, as
11 you know we have come to a plan and
12 are going to be moving forward in
13 regards to a bond issue that would be
14 on the November 8th ballot. What I
15 really wanted to do is get the facts
16 out there so people really understand
17 what we are going to accomplish with
18 our bond issue. You can find all
19 this information on our district
20 website, follow us on all of the
21 social media sites. Also there is
22 all kinds of information out there on
23 what we are trying to accomplish with
24 new buildings and renovations.

1 The bond issue that we have
2 on the ballot is 4.3 mil. That will
3 generate for us, \$105.1 million
4 dollars. Those funds will be used for
5 new construction, for renovations,
6 major renovations and also some
7 renovations to some of our buildings
8 just to get them up to where they
9 need to be. I really want to go
10 through that this evening so
11 everybody has a clear understanding
12 of where we are.

13 The bond issue will allow us
14 to do construction of new buildings.
15 The first one that I will share, that
16 we will build a brand new high school
17 on the existing property that will be
18 constructed while our students
19 continue to use the current high
20 school. That's a big deal when it
21 comes to construction. There are
22 neighboring communities around us
23 that have built brand new schools and
24 having to build transition space is a
25 cost to the entire project. In some

1 case we have some communities that
2 have experienced work on their
3 students being in trailers for
4 several years. So we don't have to
5 do with this at the high school, kids
6 can go to the school while the
7 construction of the new building can
8 be done behind the building.

9 I will share with you in a
10 little bit a video of the renderings
11 we have for that building to be
12 constructed. The cost for that runs
13 around \$70 million dollars for this
14 project. We will provide all of our
15 departments with the current
16 resources they have now and all brand
17 new, state-of-the-art technology,
18 all of the things our
19 kids are used to now, with a pool,
20 natatorium, all the facilities we
21 have will be available for our kids.
22 I think it's important for all of us
23 to understand that our students learn
24 pretty different than when we went to
25 school, you know, the 900 square

1 foot classroom or 1,200 square
2 square foot classroom isn't the way
3 our students learn anymore. The
4 bringing in of technology really
5 changed how our kids experience
6 schools. It's designed for 1,800
7 students. We also know on any given
8 day that will not be the number going
9 through the hallways. Kids
10 participate in college credit plus,
11 which is all post secondary options.
12 We have a large number of students
13 that leave our school that go to
14 Lorain Community College, Tri-C,
15 Cleveland State, Case Western Reserve,
16 and to Baldwin-Wallace.
17 They actually begin, for your
18 information, really in the 7th grade,
19 we don't encourage that, we think
20 it's kind of young. We have a lot of
21 kids that are juniors and seniors
22 experiencing that.

23 Another piece of that, a lot
24 of our kids travel to Polaris. We
25 have a great partnership with

1 Polaris, it is a wonderful and great
2 experience for our kids in our school
3 or over at Polaris. So on any given
4 day, even though the building is
5 designed for 1,800 students, we
6 would not have that number roaming
7 the hallways as we do right now with
8 the number of students we have there
9 right now.

10 The second piece of this, we
11 would build a brand new elementary
12 school here in the City of Brook Park
13 on the intermediate school piece of
14 property. Again, we are very
15 fortunate based on the size of this
16 property, we will construct the
17 building, if we need it, while our
18 students continue to use the existing
19 facility for the intermediate
20 school. We will be able to see in
21 the renderings of our brand new
22 school, we will try to incorporate
23 the current auditorium that would be
24 used for our kids and also for your
25 community.

1 The other thing I think is
2 important, what it costs the
3 taxpayer. For a hundred thousand
4 dollar home it is \$147 dollars a
5 year. For a 100,000 dollar
6 home, \$12.25 a month or \$.40 a
7 day. We can break it down as far as
8 we need to. We actually have on our
9 website, Which is kind of a nice
10 feature -- if you scroll down for a
11 second, Treasurer Ghizzoni, people don't
12 want to
13 necessarily calculate that out. We
14 actually have the ability on our
15 website to use the affirmativetax
16 chart. You can put in your home
17 value, the tax you pay and where
18 these taxes go, what those taxes will
19 be used oncethis bond issue is
20 passed in November. That will be a
21 helpful tool for our community.

22 The next piece of this, we
23 will do major renovations to our
24 Middleburg Heights Junior High School
25 and create a MiddleBrook, which is

1 also a MiddleBrook Education Center
2 which is also on that same campus. If
3 you can picture that as not one long
4 hallway, probably additional classrooms,
5 a small hallway, additional classroom
6 space, another class in there connected
7 to Berea-Midpark High School or the old
8 Midpark High School.
9 We will transition our
10 5th and 6th grade students over there
11 to that complex, that will be a 5th,
12 6th, 7th and 8th grade complex.
13 Our 5th grade will spend the majority
14 of their time in the renovated
15 MiddleBrook Education Center and new
16 classrooms that will be built. We have
17 access to all the facilities and
18 resources that are there now, auditorium,
19 sports center, gymnasium, athletic
20 fields, cafeteria, swimming pool. Things
21 that if you go to other district buildings,
22 middle schools, will not
23 be included in the construction of
24 the building. That in itself will
25 also have some additional facility

1 landscaping demands. We are going to
2 try to work on that, we are going to
3 have conversations with the City of
4 Middleburg Heights to determine if we
5 can actually have traffic flow that
6 goes from Paula Drive all the
7 way through to MiddleBrook. If you
8 have ever been over there and have
9 been there when it was a high school
10 or when it was a junior high, before
11 school there is a lot of congestion
12 on Paula and we can help with our bus
13 fleet and our traffic with parent
14 pick-up flow. We also know there
15 needs to be some changes to the large
16 asphalt areas. It was designed at
17 one point in time for high school
18 parking and we will probably look to
19 do some changes to that as well. We
20 are not going to do like huge
21 changes. We also we need spaces for
22 parents, grandparents and family
23 members who want to come up and watch
24 our kids during performances or
25 athletic events.

1 The last piece is Big Creek
2 Elementary School. Big Creek
3 Elementary School will also get
4 renovations that are needed, HVAC
5 work, windows, doors, roof work and
6 some, also some general asphalt work
7 on this piece of property.

8 A couple of big things that I
9 think I want to highlight. When this
10 is all said and done we will have
11 state of the art facilities for
12 learning, we will have existing
13 buildings with brand new HVAC
14 buildings. If you know anybody that
15 has children in our school district
16 and last week when we had a couple of
17 days in the 90s, last summer was a
18 hot summer for everybody, our
19 classrooms were very uncomfortable.
20 There will be a big piece to have
21 renovated along with the new
22 buildings. On top of this page it
23 talks about those things that will be
24 an advantage to our students. We talk
25 about the climate controls, upgrade

1 current classrooms and currently to
2 get technology to a place were it's
3 amazing what our kids now do with
4 technology and the use of
5 technology. The students here at
6 Midpark, Memorial and Brookview have
7 phone book carts in their classroom.
8 When you ask them to do research it's
9 no longer flipping through a book,
10 it's going on to the computer and
11 going page to page and then a lot of
12 our kids are utilizing technology for
13 techbooks, just turning in papers if
14 they are going to some of our older
15 buildings. Kids do not carry papers
16 and turn them in anymore, most of the
17 papers are handled through
18 downloading or sending them through a
19 teacher's site.

20 As I mentioned before,
21 construction of a new high school,
22 brand new elementary school in the
23 City of Brook Park, all of the rest
24 of the renovations. The other thing
25 I wanted to make sure that people

1 understand, this bond issue is for 37
2 years, it's on the website, so
3 people understand the details when it
4 comes to making a good decision on
5 November 8th.

6 We have a couple of things
7 that we wanted to share, that's why I
8 asked if we had a screen. We have
9 already done some work for renderings
10 of buildings. These are renderings,
11 these are not the actual buildings. I
12 think it's important for people to
13 realize that. I don't want that to
14 happen in 2020 when these are all
15 done someone says; that's not what I
16 saw when I watched the council in
17 Brook Park. These are the
18 possibilities for our students. We
19 will show one, this is for our high
20 school and we will show you won for
21 the Brook Park Elementary. When you
22 construct a new building it takes a
23 year of planning and we have all
24 kinds of people who want to have an
25 interest in that planning process and

1 we will reach out to the local
2 communities to make sure there is
3 representation of those groups to
4 make sure we are, as a community,
5 have input into what is being
6 constructed.

7 Mr. Ghizzoni I don't know if you
8 want this is the design on the
9 Ford property. You can see in green
10 on the right-hand side that's the
11 current auditorium. This design
12 actually sits back obviously further
13 from Holland Road, which we all know
14 right now is a little congested in
15 the morning for space on the traffic
16 flow.

17 So that's the renderings that
18 we have for the new elementary school
19 and these are the renderings for the
20 new high school. Again, this is
21 being built behind the existing high
22 school, so as you can see there is
23 additional green space in the front
24 that backs that building up quite
25 a ways off of Bagley Road. Parking

1 in front will be primarily student
2 parking. Parking in back will be our
3 staff, bus drop off. This building
4 will have all the resources that are
5 available now. It has a baseball
6 field in the corner, then a
7 natatorium, gymnasium auditorium in
8 front. The building is actually
9 designed where it has learning spaces
10 like math and science would be maybe
11 in one of the buildings or one wing
12 of the building. You will have the
13 ability if other organizations wanted
14 to utilize a section of the building
15 you wouldn't have to leave the whole
16 building open as it is now, which we
17 couldn't do now. Our high school is
18 open earlier in the mornings those
19 weeks for our students, around 2:15
20 when our kids go home, 2:30, we
21 believe as we build both of those
22 facilities there is opportunity for
23 use after school to our communities
24 afternoon partner organizations will
25 be able to utilize space like we

1 would be able to run courses that
2 Tri-C wants to offer closer to our
3 communities, for Lorain Community or
4 any other organization they could
5 utilize some of the space.

6 That's the last picture in
7 the back of the building. Another
8 thing I think is important also, if
9 we are successful, which we are hope
10 that we are, that entire project
11 would be completed in 2020. There
12 will be different times that things
13 will be completed. Renovations can
14 start a lot earlier and even
15 transitioning our students over for
16 mid level completion may happen a
17 little bit earlier with both the
18 complication of the elementary school
19 and high school. The project
20 completion date is 2020, with brand
21 new facilities for our students. I
22 think I shared this last time, our
23 9th grade students that are now at
24 our junior high, we would like to
25 transition these students over to the

1 high school as soon as possible.
2 Having 9th grade students not in the
3 high school is a logistical challenge
4 for the school district. We know they
5 could do that in 2018, 2018-2019
6 school year. We are actually going
7 to look at that in the next few
8 months to see if we can actually move
9 these students over in the next
10 school year.

11 The other piece is when this
12 is all said and done we will spend
13 about \$1.2million dollars less each
14 year for operating the school
15 district. What that means, it means
16 we stay off the ballot a lot longer
17 when it comes to generating operating
18 dollars. We anticipate going on the
19 ballot, in some cases you hear when
20 new buildings are being constructed,
21 when that process goes, somebody is
22 turning around and asking for
23 additional dollars. It's our goal
24 when this is completed we can
25 continue to stretch our operating

1 dollars as long as we can before we
2 have to go out to the community for
3 that purpose.

4 Mr. Ghizzoni: Can you think of
5 anything else? Are you sure?

6 That's the story. That's
7 where we are right now. We begin our
8 campaign, we actually started working
9 on that, you will get information in
10 the mail, we have video series, we
11 have all those type of things going
12 on. It is our goal to educate our
13 community what we are going to
14 accomplish. At the end of the day
15 this project is being getting our
16 buildings up to where they need to be
17 because they, we need to invest some
18 dollars into our facilities and
19 create great learning environments
20 for our kids and the future kids of
21 our communities.

22 That's it, that's why we are
23 doing it.

24 MR. ASTORINO: Thank you,
25 Mr. Sheppard. We probably have some

1 questions from Council. I am
2 actually going to start out off
3 because I have a couple. One is,
4 with the new school and the Ford
5 building do you have any idea of the
6 size of the building, the square
7 footage?

8 MR. SHEPPARD: I don't know
9 the elementary square footage. The
10 high school is over 3,000 square
11 foot. That project is based on
12 student enrollment and square footage
13 that needs to be in place for that
14 building.

15 MR. ASTORINO: Thank you.
16 Councilman Mencini.

17 MR. MENCINI: Thank you,
18 Mr. Chairman. Through the chair to
19 the superintendent. Mr. Sheppard,
20 thank you for coming.

21 MR. SHEPPARD: You are
22 welcome.

23 MR. MENCINI: I know Council
24 together as a whole appreciate your
25 coming. I personally believe we have

1 a great community, great schools.
2 The \$2.1 you would be saving every
3 year is really big. If you go with
4 that bond issue, that could be a
5 convincing factor. Here in Brook
6 Park I know, and in Berea you have
7 the administration building, the new
8 high school, you have Grindstone and
9 the Roehm Athletic complex and the
10 bus depot. With that said, how is the
11 high school chosen for that location
12 and why was it for a centrally
13 located reason or because more people
14 for the high school in coming years
15 are going to be in that central
16 location?

17 MR. SHEPPARD: It's primarily
18 location. When we did the
19 consolidation and determination
20 whether or not the high school at one
21 point there was all kind of
22 conversations around Midpark and
23 Berea, whether or not one high school
24 was better than the other. The
25 current location of the high school

1 is a good location for a large
2 building. It is also very close to an
3 athletic facility. Not just on
4 Friday night, we utilize that
5 facility sometimes during the day and
6 for other activities for our school
7 district. That was the primary
8 decision as we went through that for
9 that building to be placed on this
10 site.

11 MR. MENCINI: And two other
12 things. One will be a little
13 comment, too. If we do that
14 elementary school here in Brook Park,
15 which really sounds great, the
16 pictures look great and the high
17 school that is absolutely a whole new
18 ball game, what would happen with the
19 Brookview property that's down the
20 road, what are we looking at?

21 MR. SHEPPARD: That's a good
22 question and actually I was going to
23 mention that. The plan as I
24 mentioned before is a process, we are
25 going to close two buildings, Brookview

1 and BPM, then we will determine are
2 we going to use those buildings for
3 district use. We have done that with
4 some of our vacant buildings, Smith
5 Elementary right now will be a good
6 example. We use a portion of that
7 building for a learning center for
8 our kids, primarily junior high
9 school kids. If we are going go
10 retain the building for that, that
11 would be one of the decisions that
12 would be an option.

13 Another option, we will
14 retain it and lease the building,
15 and we have done that. We have
16 Middlebrook right now primarily the
17 majority of that building is being
18 leased by an Adult Autism Program. It
19 generates close to a \$100,000
20 dollar revenue for the school
21 district. It can be determined we
22 want to retain that land. If that's
23 the case we are not really interested
24 in having a vacant building. A good
25 history on that, we have Parkview

1 Elementary School and Woodbridge
2 Elementary, it was decided we would
3 retain the property and not to keep
4 the building. Nobody wants a vacant
5 building next to a house or nobody
6 wants a vacant building in the center
7 of a community. In those cases we
8 actually leased a piece of property
9 to the City of Berea for a dollar a
10 year. Actually it helps us out
11 because they maintain that property,
12 then we can utilize that as a park.

13 The other piece is
14 Riveredge. We took that building
15 down. Right now that houses our
16 community garden, which is utilized
17 by not only people, you know, people
18 who live in that area but probably
19 residents of Brook Park, Riverview
20 and Berea and Strongsville. They
21 could grow their own and actually
22 purchase vegetables from that garden.
23 In each one of those cases we work
24 closely with the cities. Probably
25 the most recent or the most recent

1 sale of property is a piece of
2 property which we own in Middle Brook
3 close to the Bob Evans. Right now is
4 the design of a new library for the
5 City of Middleburg Heights. We sold
6 that property at the appraised
7 value. We worked closely with them
8 to make sure obviously we can work so
9 they can utilize that land. We have
10 done that with the City of Brook Park
11 with a number of our schools. I
12 think I mentioned that last time,
13 those other options. The board will
14 have to have some conversations about
15 what happens to those buildings

16 MR. MENCINI: A comment, I
17 know there are other questions out
18 there. The cultural programs, we
19 have a great rec center, I will say
20 there, I coached at Ford in football
21 and BPM. I did the playground at
22 BPM and practices were at Brookview,
23 your staff, being an outsider with no
24 children you guys do a great job. I

1 know being on Council you guys do a
2 great job, go forward and good
3 luck.

4 MR. SHEPPARD: Thank you very
5 much, we appreciate it.

6 MR. ASTORINO: Councilman
7 Salvatore.

8 MR. SALVATORE: Thank you for
9 coming out. My first question, the
10 presentation you are making
11 elsewhere, is that the same
12 presentation?

13 MR. SHEPPARD: Same
14 presentation. We get better at as we
15 go.

16 MR. SALVATORE: I noticed
17 that. Are we going to keep you after
18 school for being late?

19 MR. SHEPPARD: You can if you
20 want.

21 MR. Salvatore: You mentioned
22 the cost of 70 million dollars in
23 your presentation for the new high
24 school, that new high school?

25 MR. SHEPPARD: Just for the

1 high school.

2 MR. SALVATORE: You didn't
3 think the elementary school?

4 MR. SHEPPARD: It will be 20,
5 22 million. We just based, we built
6 a new elementary school not too long
7 ago.

8 MR. SALVATORE: Is that the
9 balance of \$2.1million dollars?

10 MR. SHEPPARD: For asphalt
11 work an complete it across the
12 district.

13 MR. SALVATORE: The
14 construction cost, does that include
15 computerization in that cost?

16 MR. SHEPPARD: All brand new.

17 MR. SALVATORE: You mentioned
18 37 years, that's how long a life the
19 bond would be?

20 MR. SHEPPARD: Yes, 37 years.

21 MR. SALVATORE: You said it
22 adds \$147per household on a hundred
23 thousand dollar value?

24 MR. SHEPPARD: Correct.

25 MR. SALVATORE: Do you have a

1 life expectancy, where are we going
2 to be in 37 years?

3 MR. SHEPPARD: You look at the
4 high school, it was built in 1927, a
5 long time ago. That raises a good
6 point. You think you see new
7 buildings going up all over the
8 place, City of Cleveland has new
9 schools, and there is a program
10 through the State that matches the
11 school district at a certain
12 percentage. So Cleveland, when we
13 they go out and pass an issue for new
14 schools, they get as match from the
15 State based on whatever their amount
16 is based on. I think it's based on
17 property value and property wealth
18 per pupil. So they want 50 million
19 dollars, the State matches it. Well,
20 for us, we are considered a wealthy
21 school district. Right? So we get 7
22 percent back. The majority of the
23 cost comes from our local taxpayers.
24 That seven-percent will generate some
25 money that we could have set aside

1 that can be used to keep our
2 buildings up to where they need to
3 be.

4 One of the problems we are
5 experiencing right now, we don't have
6 any money to fix these buildings.
7 That's one of the major problems. We
8 get 9 hundred thousand dollars a year
9 with permanent improvement levee. We
10 have to borrow against that so we can
11 do major renovation work like roofs,
12 doors, windows, those types of
13 things. We spent several years 4
14 hundred thousand dollars in asphalt
15 work. If you drove through the Brook
16 Park parking lots you probably see
17 pot holes at Brook Park Memorial. We
18 can't fix them. We are going to
19 allocate funds for that reason.

20 MR. SALVATORE: Councilman
21 Mencini asked a couple of questions
22 that I was going to ask. The closing
23 of Brookview and BPM: We put this on
24 hold to be part of the process. Well,

1 we don't want to work on Brook Park
2 Memorial.

3 MR. SALVATORE: The name,
4 that's how you do that?

5 MR. SHEPPARD: People have
6 input and ideas and that committee
7 will make a recommendation as to the
8 name of this school.

9 MR. SALVATORE: Have you ever
10 thought about selling the name and
11 getting naming rights, have you
12 thought about that?

13 MR. SHEPPARD: For 1 hundred 2
14 million?

15 MR. SALVATORE: For leaving
16 that name up there.

17 MR. SHEPPARD: That's a good
18 idea.

19 MR. SALVATORE: Thank you for
20 coming out.

21 MR. SHEPPARD: You are
22 welcome.

23 MR. ASTORINO: Mr. Burgio.

24 MR. BURGIO: Thank you,
25 Mr. Chairman. I saw the enrollment

1 projection for 2020. Do you have any
2 projection beyond that? Do you
3 anticipate any surprises or
4 increases?

5 MR. SHEPPARD: We don't. So we
6 study that every year, I shared this
7 before, we actually had a company
8 that did that work with the most
9 recent census and library statistics,
10 we can do that with, we have been
11 really accurate with the number. We
12 continue to lose, we are going to
13 level at 5 thousand 8 hundred
14 students. We are going to be for
15 awhile. We are also not short
16 changing ourselves looking forward as
17 we have done with other buildings.
18 When we built Bridgestone, Smith
19 Elementary as newer buildings, a new
20 roof on that, we are utilizing that
21 school. If we need to expand we will
22 look at the elementary school here in
23 the City of Brook Park, we know what
24 the numbers will be in 2020, what
25 that will be. If there is an

1 increase in enrollment we are having
2 to do more work with the building.

3 MR. BURGIO: The square
4 footage can take any surprise uptick
5 in enrollment, so you have plenty of
6 room for the students?

7 MR. SHEPPARD: Correct. The
8 other piece, when we determine
9 whether or not you are going to
10 retain a building like we retained
11 Smith and retained Mack, you have to
12 determine if that's a building you
13 are going to use in the future based
14 on all things in it. That would be
15 part of this conversation, do we want
16 to retain just for the future if we
17 are going to use that building in the
18 future. If that's not the case, we
19 are probably not going to keep it for
20 that purpose.

21 MR. BURGIO: That's all I
22 have.

23 MR. ASTORINO: Council, do you
24 have any other questions? Councilman
25 Troyer.

1 MR. TROYER: Thank you,
2 Mr. Chairman. Thanks to all the
3 school board members for coming
4 tonight. I just have one.

5 What is your yearly budget,
6 school board's yearly budget and take
7 it between capital?

8 MR. SHEPPARD: We have an 80
9 million dollar budget in our general
10 fund, that's not all our funds. We
11 receive additional dollars from the
12 Federal Government, it runs 1 hundred
13 1. The 80 runs our day-to-day
14 operations, payroll, resources for
15 our kids, paying the bills.

16 Our capital side, as I
17 mentioned before, we passed a
18 permanent improvement levy, it
19 generates about 9 hundred thousand
20 dollars annually. We have some small
21 bonds put on. One of those bonds
22 just rolled over. The debt from '93
23 just rolled over. Anything else you
24 can think of?

1 MR. TROYER: Thanks, that's
2 it.

3 MR. ASTORINO: Any others?
4 Councilman Burgio.

5 MR. BURGIO: May I speak? I
6 just wanted to say as a side note, at
7 the school board meeting there was
8 lots of information, it was as great
9 meeting, I learned a lot I didn't
10 know before. The officers that were
11 there did a great job and I didn't
12 know that much about the navigate and
13 I will share that with this council
14 next week. It was a very good
15 meeting. Thanks an awful lot.

16 MR. SHEPPARD: Thanks, I
17 appreciate it.

18 MR. ASTORINO: Mr. Mayor.

19 MAYOR COYNE: Thank you,
20 Mr. Chairman. Superintendent, you
21 have a task ahead of you. \$147dollars
22 a year, everyone is trying to address
23 the voter with capital needs because
24 we all have them and they are
25 glaring. \$9 hundred thousand and we

1 have the dilemma that all of us have,
2 we are now at the point when we hear
3 me ask this question, also, what kind
4 of city do you want to live in? What
5 kind of community do you want to
6 develop in the future? It's no
7 question it begins with you. And you
8 must rely on the voters to determine
9 they want to make that personal
10 sacrifice because you are at the end
11 of the line where anything that you
12 do, anything you change or the board
13 changes is not going to solve your
14 problem. It's not --

15 MR. SHEPPARD: Right.

16 MAYOR COYNE: You are
17 convincing to attack the problem on
18 the capital side, everyone believes
19 we waste money on the capital side.
20 It's hard to convince, I think you
21 have you the right plan of attack.
22 Looking at a couple of criticisms,
23 and that's flat roofs. Unless you
24 have help to the outside, if they
25 could change, a flat roof is always a

1 problem. I don't see any solar
2 panels, unless I am missing those in
3 the views. They are kind of an
4 improvement, futuristic improvement
5 that will save you operating costs in
6 the future, lighting and utilities
7 are going to be as efficient as
8 possible. I am wondering if this is
9 something in consideration that's not
10 visible on the renderings?

11 MR. SHEPPARD: That's a good
12 point, Mayor. This is a rendering,
13 we are going to look to the experts,
14 people that have done this for a long
15 time to help us as we design the
16 buildings. We have an architect, we
17 have engineers, we have been through
18 this process when we build new
19 schools, we gain so much knowledge
20 from people who have done this in
21 other places, whether it's here in
22 the City of Brook Park and bring up
23 those type of questions; are there
24 any solar panels on there? I don't
25 think anybody brought that up. We

1 have solar panels in front of the
2 buildings but that can be the
3 possible.

4 The roof line, I had a
5 conversation that flat roof versus
6 pitched roof. Any time you do unique
7 designs to a school it does sometimes
8 create some unforeseen issues when it
9 comes to roofing. So you are
10 absolutely right, we got to make sure
11 as we go through this process we
12 don't want to open a building that we
13 haven't done our complete homework on
14 and then have issues. So we are
15 looking for people.

16 When that process begins you
17 are all welcome to come in and be
18 apart of it, share your thoughts and
19 expertise.

20 MAYOR COYNE: Realistically
21 the residual effect of whether you
22 are successful or not I think we are
23 going to bear the greatest burden.
24 It is pretty obvious with the closing
25 of the schools, I would like you are

1 going to entertain input from us.
2 And those residuals are going to
3 effect loss of revenue from good
4 paying teacher jobs and we have real
5 estate issues to deal with. I think
6 it would be really productive that
7 our planning commission sit with you
8 and talk about what we see as the
9 future. I think there are some great
10 needs that we are looking at and
11 finalizing now, making the number,
12 our rec center is one that we have.
13 Millions of dollars worth of
14 challenges. Climate controls, we are
15 going to put good money after bad.
16 We all have buildings built in the
17 late '50s and early '60s, so that
18 residual use of what is left for our
19 city. Snow Road clearly has a
20 different capability than Brook Park
21 Memorial School would. So it is
22 important we play a major role in
23 that discussion all after is a plan
24 in our town. Maybe it didn't and we
25 have at the rec easily could move and

1 provide Brook Park Memorial School
2 for instance. Right now the
3 collection basket, we are seeing more
4 and more in the presidential campaign is
5 daycare. The price of it and quality
6 of it, and maybe we have a unique
7 opportunity here in Brook Park to get
8 that daycare, it seems like we are
9 getting the pre-school needs and
10 assistance providing something for
11 children. It's almost like after
12 they are born and live with the
13 mother for two weeks they have some
14 kind of program for them. So
15 possibly there is some innovation in
16 pre-school that can be part of the
17 daycare program for the young ones
18 and maybe some particular things for
19 the children, the latchkey children,
20 we have a relationship with the city
21 and the school. Those are things of
22 our concern, I wish you a tremendous
23 lot of luck, I understand where you
24 are at. It's a great challenge for
25 people to part with anything today

1 because the upset of their own
2 success of their own lives, you and
3 the City lived for many years on
4 laurels of a great city. We are
5 doing all that we can to turn that
6 around. We are talking about new
7 work or guaranteed work, those new
8 folks that are coming in there,
9 replacing old folks that were paid 12
10 times more than they would. You live
11 and die with the City income and you
12 live and die with the property tax.
13 We are going to work with we have.

14 Those are my comments. I
15 have nothing critical about the
16 decisions you have to make. I wish
17 we could have a greater role in the
18 beginning and I understand why you
19 can't have that. You can't have the
20 perfect input of the communities.
21 Again, I wish you luck. Those are my
22 comments and my criticisms.

23 MR. SHEPPARD: I appreciate
24 it. Thank you.

25 MR. ASTORINO: Okay,

1 Mr. Sheppard, I think there are no
2 more questions. I appreciate you
3 you coming out and giving us a
4 presentation. Thank you very much.

5 MR. SHEPPARD: Thank you very
6 much.

7 MR. ASTORINO: Council, I will
8 entertain a motion on that item number
9 one was discussed. Mr. Salvatore so made
10 Mr. Mencini - Support. MR. ASTORINO:
11 Discussion on the motion? Seeing none,
12 we will call the roll.

13 THE CLERK: Salvatore?

14 MR. SALVATORE: yes.

15 THE CLERK: Mencini?

16 MR. MENCINI: Yes.

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: Burgio?

24 MR. BURGIO: Yes.

25 THE CLERK: Scott?

1 MR. SCOTT: Yes.

2 MR. ASTORINO: Number one has
3 been discussed, We will move to item
4 number 2, which is the proposed 2016-
5 2017 Council Rule changes that were
6 presented by Councilman Salvatore. I
7 will note in item number 2, the last
8 Special Caucus on August 30th items A
9 through E were moved to the agenda
10 tonight and we also provided number 2
11 for any additional Council rules that
12 might have been submitted afterward
13 so we can discuss all the rules at
14 once. So we will move to item number
15 A which is council rule number 5.

16 Mr. Salvatore Mr. Chairman, I
17 would like to propose on rule number
18 5 that one amendment at the very
19 bottom of the first paragraph on page
20 2; under no circumstances legislation
21 will be retained in committee more
22 than 60 days, just to strike that
23 completely out.

24 Mr. Troyer: Support.

25 Mr. Salvatore: The only amendment

1 without change would be a simple
2 change of rule 5 from 90 days to 60,
3 that's the only change.

4 MR. ASTORINO: Is there any
5 discussion on that motion to
6 amend? If I understand correctly,
7 just throw out the sentence under no
8 circumstances, just leave the change
9 to 60 days.

10 Mr. Salvatore 90 to 60, yes, sir.

11 MR. ASTORINO: Seeing no
12 discussion on it, we will call the
14 roll on the amendment.

15 THE CLERK: Salvatore?

16 MR. SALVATORE: Yes.

17 THE CLERK: Troyer?

18 MR. TROYER: Yes.

19 THE CLERK: Powers?

20 MRS. POWERS: Yes.

21 THE CLERK: McCormick?

22 MS. MCCORMICK: 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 MR. ASTORINO: Okay, the
5 amendment passes. Mr. Salvatore?

6 MR. SALVATORE: I would like
7 to make a motion to place that on the
8 next council agenda.

9 Mr. Scott: Support.

10 Ms. McCormick: Mr. Chairman, I
11 wanted to offer another amendment
12 there, if you would consider holding
13 off for a minute, it was something
14 talked at the last minute to
15 consider what my amendment is. Sorry.

16 Would you consider rescinding
17 your motion to put it on the agenda
18 before I do an amendment?

19 MR. SALVATORE: And amendment
20 for number 5?

21 Ms. McCormick: Yes.

22 Mrs. Powers: Support.

23 Ms. McCormick: Motion to amend.

24 Mrs. Powers: Support.

25 Ms. McCormick: The amendment I want

1 to offer, in the last paragraph where it
2 says; any regulation assigned to a
3 standing committee. After the 48
4 hours after assignments I would like
5 to add the words; copies of all
6 legislation assigned to a standing
7 committee shall also be e-mailed to
8 all Members of Council within 48
9 hours after assignment and shall also
10 be posted to the City Council website
11 for public viewing.

12 MR. ASTORINO: Could you
13 repeat the amendment?

14 **Ms. McCormick**: Copies of all
15 legislation assigned to a standing
16 committee shall also be e-mailed to
17 all, Members of Council within 48
18 hours after assignments and shall
19 also be posted to City Council's
20 website for public viewing.

21 THE CLERK: Okay.

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

24 MR. TROYER: As I stated last
25 week when we talked about this, this

1 is a good idea, it gets out
2 information out to the residents, it
3 gets the information out to the
4 Council, so I am all for this.

5 MR. ASTORINO: Any other
6 discussions? Seeing none, we will
7 call the roll. The amendment was
8 supported by Jan Powers.

9 THE CLERK: Okay. McCormick?

10 MS. MCCORMICK: Yes.

11 THE CLERK: Powers?

12 MRS. POWERS: Yes.

13 THE CLERK: Mencini?

14 MR. MENCINI: Yes.

15 THE CLERK: Scoot?

16 MS. SCOTT: Yes.

17 THE CLERK: Burgio?

18 MR. BURGIO: Yes.

19 THE CLERK: Salvatore:

20 MR. SALVATORE: Yes.

21 MR. ASTORINO: That amendment
22 passes 7 to zero.

23 Council, we are under
24 discussion on the rules now as I
25 understand it with Councilman

1 Salvatore. But I would like to have a
2 little bit of discussion of rule
3 number 24, actually it is an
4 amendment to the rules. I will read
5 it for everyone. The rule 24, to
6 amend rules, it says these rules
7 maybe amended or new rules adopted by
8 a majority vote of all voting members
9 elected to council. Any such
10 alteration or amendment shall be
11 submitted in writing at the preceding
12 regular meeting and shall be placed
13 on the agenda under amendment J. This
14 requirement is only by unanimous
15 consent of the recorded votes of all
16 members. Is that your motion putting
17 under item J?

18 MR. SALVATORE: Under verbal
19 approval, yes.

20 MR. ASTORINO: For the record
21 do you want to restate the motion.

22 MR. SALVATORE: Rule change
23 number 5 on the next council agenda.

24 Mr. Scott: Support.

25 MR. ASTORINO: Okay,

1 discussion? Seeing none, we will call
2 the roll.

3 THE CLERK: Salvatore?

4 MR. SALVATORE: Yes.

5 THE CLERK: Scott

6 MR. SCOTT: Yes.

7 THE CLERK: Burgio?

8 MR. BURGIO: Yes.

9 THE CLERK: Troyer?

10 MR. TROYER? Yes.

11 THE CLERK: Powers?

12 MRS. POWERS: Yes.

13 THE CLERK: McCormick?

14 MS. MCCORMICK: Yes.

15 THE CLERK: Mencini?

16 MR. MENCINI: Yes.

17 MR. ASTORINO: So council rule

18 5 is amended under item J under

19 verbal approval.

20 The next item is letter B,

21 Council rule number 7.

22 MR. SALVATORE: Mr. Chairman.

23 MR. ASTORINO: Councilman

24 Salvatore.

25 MR. SALVATORE: I would like

1 to make a motion to place it on the
2 next Caucus agenda. I am not sure I
3 am a 100% behind it. You
4 can discuss tonight all you want, I
5 would like to make a motion to move
6 it to the Caucus meeting.

7 Mr. Burgio: Support.

8 MR. ASTORINO: This is a
9 motion to move it to the September
10 27th Caucus?

11 MR. SALVATORE: Yes.

12 MR. ASTORINO: Any discussion
13 on the motion? Seeing none, we will
14 call the roll.

15 THE CLERK: Salvatore?

16 MR. SALVATORE: Yes.

17 THE CLERK: Burgio?

18 MR. BURGIO: Yes.

19 THE CLERK: Scott?

20 MR. SCOTT: Yes.

21 THE CLERK: McCormick?

22 MS. MCCORMICK: Yes.

23 THE CLERK: Powers?

24 MRS. POWERS: Yes.

25 THE CLERK: Troyer?

1 MR. TROYER: Yes.

2 THE CLERK: Mencini?

3 MR. MENCINI: Yes.

4 MR. ASTORINO: Council, rule 7
5 will be moved to the September 27
6 caucus.

7 Letter C is rule number 11.

8 **Mr. Salvatore:** Mr. Chairman Council
9 rule number 11, the only change is
10 the requirement for adjournment,
11 it requires a vote by the majority of
12 Council to adjourn. I do believe, and
13 if we move 7 we probably have to move
14 11 we have to change. We just add it
15 to the adjournment. I would like to
16 move that to the next Council
17 meeting.

18 **Mr. Scott:** Support.

19 MR. ASTORINO: You would like
20 to move it to which one?

21 **Mr. Salvatore:** The next Council
22 meeting.

23 MR. ASTORINO: Okay. There is
24 a motion to move Council rule number
25 11 to the next Council meeting, under

1 item J. Seeing no discussion, we
2 will call the roll.

3 THE CLERK: Salvatore?

4 MR. SALVATORE: Yes.

5 THE CLERK: Scott?

6 MR. SCOTT: Yes.

7 THE CLERK: Burgio?

8 MR. BURGIO: Yes.

9 THE CLERK: Troyer?

10 MR. TROYER: Yes.

11 THE CLERK: Powers?

12 MRS. POWERS: Yes.

13 THE CLERK: McCormick?

14 MS. MCCORMICK: Yes.

15 THE CLERK: Mencini?

16 MR. MENCINI: Yes.

17 MR. ASTORINO: Council rule
18 number 11 will be moved to item J on
19 verbal approval for the September
20 20th, Council meeting.

21 The next item is letter D,
22 Council rule number 12.

23 Mr. Salvatore: Mr. Chairman, I
24 would like to move rule 12 to the
25 next Caucus

1 Mr. Troyer: Support

2 MR. ASTORINO: There is a
3 motion to move rule number 12 to the
4 September 27th Caucus meeting. Any
5 discussion? Seeing none, we will call
6 the roll.

7 THE CLERK: Salvatore?

8 MR. SALVATORE: Yes.

9 THE CLERK: Troyer?

10 MR. TROYER: Yes.

11 THE CLERK: Powers?

12 MRS. POWERS: Yes.

13 THE CLERK: McCormick?

14 MS. MCCORMICK: Yes.

15 THE CLERK: Mencini?

16 MR. MENCINI: Yes.

17 THE CLERK: Scott?

18 MR. SCOTT: Yes.

19 THE CLERK: Burgio?

20 MR. BURGIO: Yes.

21 MR. ASTORINO: Okay. Council
22 rule number 12 ha been moved to the
23 September 27th Caucus.

24 Letter E is Council rule
25 number 27.

1 Mr. Scott: Mr. Chairman, I
2 would like to make a motion to move
3 this to the next Caucus meeting for
4 discussion.

5 Mr. Mencini: Support.

6 MR. ASTORINO: The motion is
7 to move Council rule number 27 to the
8 September 27th Caucus meeting;
9 correct?

10 Mr. Scott: Correct.

11 MR. ASTORINO: Any
12 discussion? Seeing none, we will
13 call the roll.

14 THE CLERK: Scott?

15 MR. SCOTT: Yes.

16 THE CLERK: Mencini?

17 MR. MENCINI: Yes.

18 THE CLERK: McCormick?

19 MS. MCCORMICK: No.

20 THE CLERK: Powers?

21 MRS. POWERS: Yes.

22 THE CLERK: Troyer?

23 MR. TROYER: Yes.

24 THE CLERK: Salvatore?

1 MR. SALVATORE: Yes.

2 THE CLERK: Burgio?

3 MR. BURGIO: Yes.

4 MR. ASTORINO: Okay, Council
5 rule number 27 has been moved to the
6 September 27th Caucus meeting.

7 We will move to the note
8 number 2 which is additional Council
9 rules proposals. The first one is
10 rule number 4 dealing with Special
11 meetings. It should be in your
12 packet. We are taking the section on
13 Special meetings and adding in a
14 clarification of when Council is in
15 session. Special meetings maybe called
16 at any time by the Mayor, President
17 of Council or any 3 Members of
18 Council by written notice not less
19 than 24 hours in advance. During
20 recess during July and August Special
21 meetings only maybe called by the Mayor
22 with written notice, when Council is in
23 Summer session Special meetings maybe called at
24 anytime by the
25 Mayor,

1 President of Council or any three Members
2 of Council by a written notice not
3 less than 24 hours in advance. When
4 in recess during the months of July
5 and August Special meetings only
6 maybe called by the Mayor, only by
7 written notice not
8 less than 48 hours in advance, such
9 notice served personally to each
10 Member of Council. No other subject
11 shall be considered other than what
12 is stated in the notice of Special
13 meeting.

14 I would like to suggest that
15 we make a change to this dealing with
16 the part that says; when in recess
17 during the months of July and August
18 Special meetings only may be called
19 by the Mayor not less than 24 hours
20 in advance. The explanation being,
21 when I wrote up this change I
22 overlooked the fact that the Charter
23 talks about 24 hour notice, so when I
24 saw I overlooked this, I thought
25 we should change it to that.

1 The other explanation I would
2 give to Council why I am looking for
3 this, when we take a vote to take a
4 recess during July on August that
5 vote requires at least 4 votes, and I
6 think that last round during the
7 summer we actually had 5 votes to
8 take a recess during July and August.
9 What happens is, if Council members
10 are allowed to make calls
11 for a Special meeting while we have
12 already voted going into recess we
13 are allowing 3 people to vote not the
14 majority, during the months of
15 July and August. Because the Mayor to
16 call a Special meeting, he
17 isn't part of the vote. From an
18 administrative standpoint that may need
19 to be addressed. I just felt that Council
20 took a vote to do a recess, we should
21 honor that vote and worse
22 case scenario I can think of, if the
23 vote to do a recess was a 4 to 3
24 vote, we voted to take the recess,
25 the 3 members who voted not to take a

1 recess wouldn't be to disregard the
2 vote of the majority. So with it
3 being introduced like this just to
4 note, my recommendation would be to
5 make that change or at least just
6 maybe leave it to the September 27th
7 Caucus for some more discussion.

8 **Mr. Astorino:** Councilman

9 MR. MENCINI: Thank you for
10 recognizing me, Mr. Chairman. The
11 only question I have, if I remember
12 right, we were kind of voting on
13 taking a recess, we were almost
14 basically etching it, if we approve,
15 we are almost etching July and August
16 in stone for our break. We don't
17 know that until next year.

18 The other thing, what if
19 something were to arise legislative-
20 wise, we need the Councilmembers to
21 call a Special meeting. Those are
22 the kind of questions I had
23 when looking this over.

24 MR. ASTORINO: Councilman

1 Salvatore.

2 MR. SALVATORE: Thank you,
3 Mr. Chairman. My question is
4 relative to rule 4, how it effects
5 the Charter. The Charter in the
6 pecking order is first, when it
7 speaks of the Charter about any
8 issue, then that's the way it must
9 be.

10 The second item would be
11 legislation for resolution and the
12 third item would be our Council
13 rules. This is the third on the
14 list. That says we are allowed to
15 call Special meetings and chiming in
16 on Councilman Mencini's concerns, 3
17 members of Council would be denied the
18 right to call a Special meeting in
19 the event of an emergency. Let's say
20 the Mayor was out of town and also
21 the President of Council was out of
22 town, we had to have a meeting to
23 take care of something of an
24 emergency nature, this rule would
25 prohibit us doing that. I will stick

1 with the Charter and with the law
2 director on that topic. I couldn't
3 support this rule change.

4 MR. ASTORINO: Well, Councilman
5 Salvatore, I will allow the
6 law director to address this.

7 MS. HORVATH: Thank you very
8 much, Mr. Chairman. I am sure that
9 everyone has the opinion memorandum
10 which I had distributed earlier today
11 with regard to this particular rule
12 change. We have a very special
13 section in our Charter which
14 discusses Special meetings, Section
15 4.05 (b) I don't see how any language
16 contained in the Council rules can
17 deviate from what the Charter says.
18 The Ohio Supreme Court has held that
19 the plain language of City Charter is
20 the superior authority and it
21 prevails over any conflicting rules
22 of Council or city ordinances. In this
23 particular case the Charter clearly states that 3
24 Councilmembers are able to call a
25 Special meeting

1 and the President of Council
2 is also able to call a Special
3 meeting. I do not believe that this
4 would be wise or possible to enact
5 because it conflicts with the Charter
6 and I would recommend it not be
7 enacted simply because it would have
8 no effect anyway.
9 The Charter is supreme as far as
10 what should be happening. It is
11 equivalent of the City's
12 Constitution.

13 MR. ASTORINO: Councilman
14 Troyer.

15 MR. TROYER: Thank you,
16 Mr. Chairman. A couple of points I
17 would like to make.

18 First, somebody correct
19 if I am wrong, if the Mayor isn't
20 here then the Council President steps
21 in for the time he is unavailable.
22 If the Council President is also
23 unavailable, then the Council pro-tem
24 would be able to step in and call

1 that meeting. So I don't think that
2 is an issue. We could also add an
3 additional rule under this, 6,
4 members could call the meeting if
5 that were the case.

6 Now, according to the Charter
7 I agree that the Charter is
8 number one, the Charter pretty much
9 trumps anything except for a union
10 contract. Let me read the Special
11 meetings rule. It says; Special
12 meetings of Council maybe called in
13 accordance with and as provided for
14 by the rules, regulations or by-Laws
15 adopted by the Council. That's what
16 the Charter says. So it gives the
17 right to make the rules in these
18 matters. The Charter specifically
19 right there gives you the right to
20 make the rules. Special meetings of
21 the Council maybe called in
22 accordance with and as provided by
23 the rules, regulations or by-Laws
24 adopted by the Council.

25 MR. ASTORINO: Ms. Director,

1 do you want to address that?

2 MS. HORVATH: Yes. They are
3 talking about procedures that you use
4 to call the meetings. I don't
5 believe that gives Council the
6 authority to abrogate the provisions
7 that says 3 Councilmembers may call
8 a Special meeting. We are simply
9 talking about the method or procedure
10 used to call the meeting. I do not
11 believe that applies at all. I think
12 to enact this rule you would do
13 integration of the Charter and I
14 don't see how it would be possible to
15 do so because the Charter should
16 prevail. You may change your rules
17 as to how you call these Special
18 meetings and there has been
19 discussion of using e-mail as notice
20 and so forth. But I do not believe
21 that would apply to giving 3 members
22 the ability to actually call the
23 meeting or the Council President
24 either. That's simply a reference to
25 the method used to call the meeting.

1 MR. ASTORINO: I would like to
2 ask the Council, I respectfully, I
3 think if you read the next sentence,
4 it says in the absence of such
5 provisions and it provides how Special
6 meetings can be called. The
7 first sentence is very clear and it
8 is not vague at all, it says; Special
9 meetings of the Council maybe called
10 in accordance with and is provided
11 for by the rules, regulations or
12 by-laws adopted by the Council.

13 The next one says; in the
14 absence of such provisions this is
15 how we would do it. It is not spoken
16 if we have rules and adopt rules. I
17 am simply looking at what this rule
18 change is trying to do, is to protect
19 the vote of a majority, if the
20 majority of the Councilmembers take
21 a vote to take a recess.

22 Mr. Troyer: With all due respect
23 -- I will read the rest of it. It
24 says; in the absence of such
25 provision a Special meeting shall be

1 called by the a vote of Council taken
2 at any Regular or Special meeting
3 thereof. It shall be called by written
4 notice of the Mayor, 3 Members of
5 Council.

6 Mr. Troyer: It says 4 shall.
7 The first part of it says may. If
8 you went to law school, this is or,
9 it's this or that or shall, they may,
10 shall.

11 MR. ASTORINO: In the absence
12 OF such provision Special meetings
13 maybe called by the Mayor or shall be
14 called by the request of the Mayor,
15 the President of Council or 3 Members
16 of Council. It says or, it can be
17 done that way or this way by the
18 Charter, in the absence of such
19 provisions.

20 MAYOR COYNE: You can make
21 provisions for the may part of it,
22 but you can't make provisions for the
23 shall part of it.

24 MR. ASTORINO: Ms. Director.

25 MS. HORVATH: Yes, this is

1 essentially correct and it is the
2 official position of the Law Director
3 of the City of Brook Park if you
4 enact the amendment to special rule 4
5 you are violating the Charter. I
6 read section 4.05 B in the same
7 manner, it says or shall, which to me
8 means the Clerk of Council at the
9 request of Mayor, President of
10 Council or 3 Members may call a
11 Special meeting.

12 It seems to me the word shall
13 gives either one of those groups
14 the absolute right to call a Special
15 meeting, it doesn't matter whether
16 you are in recess or not. So to go
17 ahead and enact this particular
18 change to this rule, you are going to
19 be in violation of that provision of
20 the Charter. Once again for clarity
21 sake, that's the official position of
22 the Law Director of the City of Brook
23 Park.

24 MR. ASTORINO: Councilwoman
25 McCormick.

1 MS. MCCORMICK: I respectfully
2 disagree with the Law Director of the
3 City of Brook Park. You look to
4 ignore special as another part of the
5 Charter. That being said, I don't
6 really have a strong feeling either
7 way on this topic. Personally I
8 don't think we should be taking
9 recesses, I think that's outdated the
10 way things are now. I think Council
11 should be meeting throughout the
12 summer. But also, what was I going
13 to say, so I don't have strong
14 feelings either way or on this, but I
15 do not agree with the law director's
16 interpretation.

17 MR. TROYER: Mr. Chairman.

18 MR. ASTORINO: Councilman
19 Troyer.

20 MR. TROYER: Thank you
21 Mr. Chairman. Let me broach this
22 again. In all due respect I disagree
23 with the law director's
24 interpretation. Again, the key is,
25 let me just go over it. It reads;

1 Special meetings -- Special meetings
2 of Council maybe called in accordance
3 and as provided for by the rules,
4 regulations or by-laws adopted by the
5 Council. In the absence of such
6 provisions, Special meetings maybe
7 called by a vote of the Council taken
8 at any Regular or Special meeting
9 thereof, or shall be called, again in
10 the absence of such provisions shall
11 be called by the Clerk of council
12 upon written request of the Mayor or
13 President of Council. Okay.

14 Now, again where it says in
15 the absence of such provisions, in
16 the absence of such rules deviating
17 from that, in the absence of such
18 provision, which means the rules that
19 the Council, 7 Members of council are
20 allowed to propagate concerning this
21 point, and I understand there is that
22 clause. That is also that clause,
23 that little section in our Charter
24 that kind of touches on that and I
25 agree, I believe it reads just that

1 the meaning of that section was to
2 prevent problems with us having,
3 going in summer recess and having the
4 3 members. When I first read it I
5 thought it didn't read right, the
6 section of our Charter talks about
7 summer recess, it didn't read right,
8 I don't see why anybody couldn't
9 call the meeting. Here is the
10 reasons, as was stated, if 4 members
11 of Council decide that is the
12 majority of votes there should be
13 summer recess, 3 people that didn't
14 want to call the meeting and disrupt
15 it, that wouldn't be the rule.

16 I believe it is the intent
17 the way the Charter was written for
18 that. Again, we are using a
19 different paragraph, a different
20 section to go in and say; okay, we
21 can't make these rules. I am reading
22 these rules and it is telling me in
23 the absence of such provisions, in
24 the absence of such rules, this is
25 what happens how this reads. If we

1 make the rules and 7 Councilmembers
2 we can make these rules or not, but
3 we can make the rules controlling
4 this, that's our prerogative.

5 MR. MENCINI: Mr. Chairman.

6 MR. ASTORINO: Councilman
7 Mencini has the floor.

8 MR. MENCINI: Thank you,
9 Mr. Chairman. My feelings don't
10 weigh too heavy either way on this.
11 As my colleague, Councilman McCormick
12 says, I think there was a point we
13 were going on recess and we were close to
14 almost not having one. I can say
15 this, I don't want to deny my
16 colleagues if they have a meeting, we
17 can have it Saturday mornings,
18 Monday, Tuesday, Wednesday, I think
19 in my first term, we had them on
20 Friday. I am a Council person, if I
21 have to have a meeting I will have
22 it. My phone rings all the time, that
23 was the job I was I elected to. I
24 don't want to go against the Charter,
25 I don't like going against our law

1 department, that is kind of how I
2 feel on that. She is sitting here
3 and could be telling us for the next half
4 hour, if
5 you want to meet every Tuesday, if it
6 cuts our meetings down from 4 hours
7 to 2, I will meet. Thank you,
8 Mr. Chairman.

9 MR. ASTORINO: Mr. Mayor.

10 MAYOR COYNE: Let me explain
11 why the provisions of the Charter
12 Councilman Troyer stated is
13 absolutely incorrect.

14 It's to have a check on
15 irresponsible majority. What
16 it says, in the summer recess the
17 Mayor can call Council back, I am not sure
18 how many times it's ever happened. The
19 other provision is very important because
20 it provides if there is irresponsible
21 majority that the Council President can
22 call a meeting with his or her view if the
23 Council is not acting responsibly, to have
24 legislation at least heard, the Council
25 the President can call a meeting,

1 same with the Mayor
2 Members, in minority, we never would have
3 this legislation heard, we have a right
4 to call a meeting. That's why it
5 says shall. This is 2 separate and
6 distinct things in the Charter and
7 that is the reason it was provided
8 for in this Charter, so it's a check
9 and balance on the legislative
10 process. So the majority does
11 continue specifically and legislation
12 of the city is a provision that is
13 served very well. Council can make
14 the rules by majority, they can have
15 a recess, that's arbitrary. You can
16 make your rules to be arbitrary to
17 conduct the way you process things.
18 What is not arbitrary, the Charter's
19 rights for the Council President or 3 to
20 call a meeting, it's not arbitrary,
21 it's plain, it is as clear as it can
22 be. That's what it says, I can
23 assure that's what it means.

1 Thank you.

2 MR. ASTORINO: Councilman
3 McCormick.

4 MS. McCORMICK: Let's look at
5 section 4.05 part b, starting with
6 the in the absence of such provisions
7 Special meetings may be callby a vote
8 of Council taken at a Regular or
9 Special meeting thereof or shall be
10 called by the clerk upon request of
11 the Mayor, President of Council or 3
12 Councilmembers. Translated into
13 plain English, that would mean
14 without such Council rules, without
15 Council rules in place Special
16 meetings could be called in one of 3
17 ways, by a vote of Council or at the
18 request of the Mayor, President of
19 Council or 3 Members of Council, so
20 the emphasis is without these rules
21 in place there is 2 ways. So there
22 is 2 different ways it can be called
23 without the rules in place. We have
24 rules in place, he is seeking to
25 amend those and I think that's fully

1 within our right to do so. I
2 understand the logic behind wanting
3 to make the changes as well. This
4 past summer, if you recall, we had
5 intermittent recess part of July,
6 part of August and there were several
7 instances in which 3 Councilmembers
8 would call a Special meeting when
9 they knew it was inconvenient for
10 other members. It was abused and I
11 think that's maybe the objective for
12 the proposed change to rule 4 is to
13 limit the abuse. But I do think,
14 that is something that we could
15 ask Councilmembers, try not to abuse
16 that, call a Special meeting only if
17 it needs to be called. We didn't
18 need to have that Special meeting to
19 discuss these rules, there is no
20 urgency for that, then other ones
21 that came up before, too, there was
22 no special emergency or urgency for
23 these to be called, it was just used
24 as a tool to cause inconvenience to others

1 That is all I have to say.

2 MR. ASTORINO: Councilman
3 Troyer.

4 MR. TROYER: Thank you,
5 Mr. Chairman. I am not going to make
6 the motion because there is probably
7 going to be more motions. I would
8 urge the Council to move this forward
9 when done discussing to the
10 next Caucus meeting; we need sometime
11 to digest and look at it. This could
12 be adjusted, changed, I just want to
13 say, and I hate to have to say this
14 again, if I learned one thing in the
15 last 2 and-a-half years plus, just
16 because the Mayor says it's so, it
17 isn't so. I disagree with the Mayor
18 on this, that is my job. To
19 state that I disagree, this doesn't
20 make me wrong, I could be proven
21 wrong. If I had the money I would
22 hire my own attorney, that's how
23 right I think I am on this. I think
24 Council has a right to make rules on
25 this as it states in the Charter to

1 adjust this or control how this
2 happens or again not have any. So I
3 think what we have to do is. Actually,
4 we have to change, we have to
5 actually change the Charter. So we
6 have a choice of making some rules
7 for this, making some rules that we
8 all agree on, all 7 of us agree on.
9 With some wording or not and it will
10 go back to what the Charter says.
11 But we have the ability to come up
12 with our own rules and control our
13 summer recess how we want. Like I
14 said, we can come up with like 6
15 votes to have a Special meeting
16 during summer recess, we can make it
17 5 votes, we can do everyone. It says
18 in the absence of such provisions, in
19 the absence of such rules.

20 I guess that's all I have to
21 say. I still think we should not
22 harp on this too much today, move
23 this to the next Caucus. I am not
24 making the motion because I want
25 discussion to continue if we want. We

1 should all come back and visit it
2 again in a couple of weeks.

3 MR. ASTORINO: Ms. Director.

4 MS. HORVATH: Thank you, Mr.
5 Chairman. Let me try to explain a
6 little bit further the law
7 department's opinion on this matter.
8 There is our Charter, it's number 1
9 in the hierarchy of the rules and
10 regulations, it is the equivalent of
11 our city's constitution. The electors
12 of our city got to votes on this
13 charter, they vote on the
14 provisions of the Charter. We
15 periodically review it and there are
16 changes made to it. Council rules
17 are procedural and discretionary,
18 they are voted on by 7 Members of
19 Council, not the entire city but by the
20 citizens of Brook Park. So by
21 attempting to make this rule change
22 you are in violation of the Charter
23 provisions, this is my official
24 position. I was elected to give
25 legal opinions for the city and every

1 one, of course, has opinions about
2 everything. I have an opinion about
3 whether or not someone maybe should
4 be quarterback for the Cleveland
5 Browns. This is not the same.

6 I am telling you as the Law
7 Director of the City of Brook Park,
8 if this is enacted it is in violation
9 of the Charter and for you not to
10 heed that warning is extraordinary.
11 You need to listen in to what the law
12 department is telling you.

13 There are 2 parts to this
14 Charter provision. You may change
15 the procedures in your rules as to
16 how these meetings are called, but
17 you cannot change the provision which
18 says that 3 members may call a
19 Special meeting or that the Council
20 President can call a Special meeting
21 and that is final. I am sorry if
22 people have other opinions, they
23 think I am right or I am wrong but it
24 doesn't matter, because the opinion
25 of the law director is such that I am

1 telling you if this is enacted you
2 are in violation of the Charter and
3 that should be sufficient reason for
4 not to enact this

5 MR. ASTORINO: We appreciate
6 the participation. I also wanted to
7 address the comment that was made
8 by Council Pro-Tem. He had concerns
9 about the rules in requesting the
10 months of July and August, he felt
11 that was requiring us to take the
12 recess. The way it is written it
13 requires, it says if we are in recess
14 that rule would apply. It doesn't
15 mandate that we recess.

16 Now, the other aspect, I can
17 appreciate the passion and the
18 commitments that the law director has
19 to her opinions, but if you look at
20 the history of Brook Park Council,
21 there have been times that Council
22 has followed the advice of the law
23 director, not this one, but prior



1 ones, faced litigation and lost the
2 litigation. I think Council people
3 are elected to be free-thinkers. We
4 take that advice because she serves
5 as a lawyer, she takes our advice.
6 If you read it in a manner without
7 certain things, it says in the
8 absence of such provisions, I will
9 take out the part of the vote of
10 Council taken at a Special meeting,
11 in the absence of such provision
12 Special meetings shall be called by
13 the Clerk of Council upon written
14 request, it's a 2 part sentences,
15 the second part says, shall be called
16 in the absence of such provision.
17 The law director seems to ignore the
18 Charter is a priority, then she
19 says our rules are procedural and we
20 can't do that. When the Charter
21 provides us the ability to do that
22 and references that we can create
23 rules, not all of our rules are
24 procedural. The Charter gives us the
25 power to develop rules, much like the

1 Constitution, not everything is
2 contained in the Constitution,
3 sometimes it needs to be clarified a
4 little bit and it just can't be in
5 conflict with it. So the fact she
6 thinks it's in conflict doesn't
7 necessarily mean all the 7 or 8 have
8 to shake our heads and say she is
9 right because she is the law
10 director. Law directors in this city
11 have been wrong before and they will
12 be wrong again. It does not provide
13 because she said it we have to do it.
14 We have a responsibility as Council
15 people to take a look at it.

16 The reason I was putting this
17 rule forward is simply to protect the
18 vote of Council. We heard the Mayor
19 say this might be an irresponsible
20 majority, he is coming up with excuses.

21 MAYOR COYNE: You mentioned
22 my name, can I respond?

23 MR. ASTORINO: When I am done.

24 MAYOR COYNE: Point of order.

1 MR. ASTORINO: You can follow
2 the proper decorum.

3 MAYOR COYNE: When you are
4 done can I respond? You mentioned my
5 name.

6 MR. ASTORINO: Yes,

7 MAYOR COYNE: Thank you.

8 So Council, I understand the
9 law director's opinion about this,
10 her position on this. I would
11 support Councilman Troyer's need to
12 push it to the next Caucus. Her
13 opinion was provided this afternoon,
14 it is not time for there to be
15 necessarily discussion amongst our
16 members, there is not time to do
17 anything. At the last minute she is
18 dropping it in our lap, here is my
19 opinion. The law director is providing
20 improper advice
21 and we shouldn't follow it. There was
22 a contract, they said it was okay to

1 impose a contract, that you have the
2 ability and the court says; no, we
3 don't. Why do we need to have all
4 that litigation when we clarify with
5 the rules, the intent of this
6 rule is to protect the vote of the
7 majority. If you want the minority
8 to disregard that vote, I think it's
9 irresponsible.

10 Now go ahead.

11 MAYOR COYNE: Thank you very
12 much. You are a hundred percent
13 wrong. It's not Council's duty to
14 protect the vote of anyone. The
15 purpose of this Charter, you leave
16 out the word or, it can this way with
17 the Council rules or it shall be done
18 by this way. It's a check and
19 balance. I heard you many times say
20 we should have checks and balances,
21 that's why the Charter is written, if
22 the majority of Council cannot get
23 this legislation they could call for
24 a Special meeting. If there is not
25 progress being made, the Council

1 President can go against the majority
2 or minority and call a meeting to
3 have the minority opinion heard.
4 That's the purpose of this Charter,
5 to have legislation, that's it
6 exacty. You don't have to listen to
7 the law director, I assure that's
8 what it says. That's what you are
9 really trying to do here is to
10 protect all the voices being heard.
11 That's what is really going on.
12 Anybody involved in the legislative
13 process of the city, and there has
14 never been a problem like we have
15 incurred or we have experienced since
16 you have been presiding over these
17 meetings. That's the real issue here.

18 MR. ASTORINO: Are you going
19 to follow the rules?

20 MAYOR COYNE: I am following
21 the rules.

22 MR. ASTORINO: You are not
23 following rule 8 or 9.

24 MAYOR COYNE: What is that?

25 MR. ASTORINO: Proper decorum.

1 You are impugning.

2 MAYOR COYNE: I am not, I am
3 stating a fact, I am not impugning
4 anything. It's a fact.

5 Mr. Troyer: Point of order.

6 Mayor Coyne: Thank you.

7 Mr. Troyer: Point of order.

8 Mr. Chairman, point of order. He
9 needs to keep his seat because when
10 he goes down here and talks --

11 MAYOR COYNE: I can leave any
12 time I want. Quite frankly, I can
13 leave whenever I want.

14 Mr. Troyer: I didn't say
15 anything about you leaving.

16 MAYOR COYNE: Are you going to
17 address me?

18 Mr. Troyer: No, I am addressing
19 the Council President.

20 Mrs. Powers: He is our guest and
21 when he gets out his chair and goes
22 down there and he is disrupting our
23 meeting. This is a Council meeting.

24 MAYOR COYNE: I have a seat on

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REVISED BY THE CLERK OF COUNCIL AS INSTRUCTED BY
CITY COUNCIL

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REGULAR CAUCUS MEETING OF THE
BROOK PARK CITY COUNCIL
- - - - -

Transcript of the Regular Caucus Meeting of
the Brook Park City Council, commencing at
7 p.m., Tuesday, September 13, 2016 in the
City Council Chambers at 6161 Engle Road,
Brook Park, Ohio 44142.

1 TRANSCRIPT OF PROCEEDINGS

2 - - - - -

3 THE CLERK: Today is Tuesday,
4 September 13th and we have a meeting at
5 7 p.m.6 MR. ASTORINO: Good evening
7 everyone and welcome to the September
8 13, 2016 Regular Caucus meeting
9 for the City of Brook Park.10 Will the clerk please call
11 the roll.

12 THE CLERK: Scott?

13 MR SCOTT: Here.

14 THE CLERK: Burgio?

15 MR. BURGIO: Here.

16 THE CLERK: Salvatore?

17 MR. SALVATORE: Here.

18 THE CLERK: Troyer?

19 MR. TROYER: Here.

20 THE CLERK: Powers?

21 MRS. POWERS: Here.

22 THE CLERK: McCormick?

23 MS. MCCORMICK: Here.

24 THE CLERK: Mencini?

25 MR. MENCINI: Here.

1 MR. ASTORINO: Will everyone
2 please stand for the pledge of
3 allegiance.

4 (Pledge of Allegiance.)

5 MR. ASTORINO: The first item
6 on the agenda is the approval of the
7 minutes from the preceding meeting.
8 We have no minutes to be approved for
9 tonight.

10 So we will move to item
11 number 4, Discussion. The first item
12 under discussion is the Berea School
13 Board bond issue. Committee for
14 council president Astorino and in
15 attendance tonight we have the Berea
16 School Superintendent Michael
17 Sheppard to make a presentation, so
18 Mr. Sheppard.

19 MR. SHEPPARD: Thank you.

20 MR. ASTORINO: We will need
21 your name and address.

22 MR. SHEPPARD: Mike
23 Sheppard. School address 390 Fair Street
24 Berea

1 Of course, I appreciate the
2 opportunity to be heard this
3 evening. We have already come to
4 talk at one point in time with regard
5 to a procedure, at the time I came
6 first we were talking about, thinking
7 about a plan, sharing our thoughts,
8 asking for feedback, going to the
9 community for ideas. Since then we
10 have held a number of meetings, as
11 you know we have come to a plan and
12 are going to be moving forward in
13 regards to a bond issue that would be
14 on the November 8th ballot. What I
15 really wanted to do is get the facts
16 out there so people really understand
17 what we are going to accomplish with
18 our bond issue. You can find all
19 this information on our district
20 website, follow us on all of the
21 social media sites. Also there is
22 all kinds of information out there on
23 what we are trying to accomplish with
24 new buildings and renovations.

1 The bond issue that we have
2 on the ballot is 4.3 mil. That will
3 generate for us, \$105.1 million
4 dollars. Those funds will be used for
5 new construction, for renovations,
6 major renovations and also some
7 renovations to some of our buildings
8 just to get them up to where they
9 need to be. I really want to go
10 through that this evening so
11 everybody has a clear understanding
12 of where we are.

13 The bond issue will allow us
14 to do construction of new buildings.
15 The first one that I will share, that
16 we will build a brand new high school
17 on the existing property that will be
18 constructed while our students
19 continue to use the current high
20 school. That's a big deal when it
21 comes to construction. There are
22 neighboring communities around us
23 that have built brand new schools and
24 having to build transition space is a
25 cost to the entire project. In some

1 case we have some communities that
2 have experienced work on their
3 students being in trailers for
4 several years. S owe don't have to
5 do with this at the high school, kids
6 can go to the school while the
7 construction of the new building can
8 be done behind the building.

9 I will share with you in a
10 little bit a video of the renderings
11 we have for that building to be
12 constructed. The cost for that runs
13 around \$70 million dollars for this
14 project. We will provide all of our
15 departments with the current
16 resources they have now and all brand
17 new, state-of-the-art technology,
18 all of the things our
19 kids are used to now, with a pool,
20 natatorium, all the facilities we
21 have will be available for our kids.
22 I think it's important for all of us
23 to understand that our students learn
24 pretty different than when we went to
25 school, you know, the 900 square

1 foot classroom or 1,200 square
2 square foot classroom isn't the way
3 our students learn anymore. The
4 bringing in of technology really
5 changed how our kids experience
6 schools. It's designed for 1,800
7 students. We also know on any given
8 day that will not be the number going
9 through the hallways. Kids
10 participate in college credit plus,
11 which is all post secondary options.
12 We have a large number of students
13 that leave our school that go to
14 Lorain Community College, Tri-C,
15 Cleveland State, Case Western Reserve,
16 and to Baldwin-Wallace.
17 They actually begin, for your
18 information, really in the 7th grade,
19 we don't encourage that, we think
20 it's kind of young. We have a lot of
21 kids that are juniors and seniors
22 experiencing that.

23 Another piece of that, a lot
24 of our kids travel to Polaris. We
25 have a great partnership with

1 Polaris, it is a wonderful and great
2 experience for our kids in our school
3 or over at Polaris. So on any given
4 day, even though the building is
5 designed for 1,800 students, we
6 would not have that number roaming
7 the hallways as we do right now with
8 the number of students we have there
9 right now.

10 The second piece of this, we
11 would build a brand new elementary
12 school here in the City of Brook Park
13 on the intermediate school piece of
14 property. Again, we are very
15 fortunate based on the size of this
16 property, we will construct the
17 building, if we need it, while our
18 students continue to use the existing
19 facility for the intermediate
20 school. We will be able to see in
21 the renderings of our brand new
22 school, we will try to incorporate
23 the current auditorium that would be
24 used for our kids and also for your
25 community.

1 The other thing I think is
2 important, what it costs the
3 taxpayer. For a hundred thousand
4 dollar home it is \$147 dollars a
5 year. For a 100,000 dollar
6 home, \$12.25 a month or \$.40 a
7 day. We can break it down as far as
8 we need to. We actually have on our
9 website, which is kind of a nice
10 feature -- if you scroll down for a
11 second, Treasurer Ghizzoni, people don't
12 want to
13 necessarily calculate that out. We
14 actually have the ability on our
15 website to use the affirmative tax
16 chart. You can put in your home
17 value, the tax you pay and where
18 these taxes go, what those taxes will
19 be used on this bond issue is
20 passed in November. That will be a
21 helpful tool for our community.

22 The next piece of this, we
23 will do major renovations to our
24 Middleburg Heights Junior High School
25 and create a MiddleBrook, which is

1 also a MiddleBrook Education Center
2 which is also on that same campus. If
3 you can picture that as not one long
4 hallway, probably additional classrooms,
5 a small hallway, additional classroom
6 space, another class in there connected
7 to Berea-Midpark High School or the old
8 Midpark High School.
9 We will transition our
10 5th and 6th grade students over there
11 to that complex, that will be a 5th,
12 6th, 7th and 8th grade complex.
13 Our 5th grade will spend the majority
14 of their time in the renovated
15 MiddleBrook Education Center and new
16 classrooms that will be built. We have
17 access to all the facilities and
18 resources that are there now, auditorium,
19 sports center, gymnasium, athletic
20 fields, cafeteria, swimming pool. Things
21 that if you go to other district buildings,
22 middle schools, will not
23 be included in the construction of
24 the building. That in itself will
25 also have some additional facility

1 landscaping demands. We are going to
2 try to work on that, we are going to
3 have conversations with the City of
4 Middleburg Heights to determine if we
5 can actually have traffic flow that
6 goes from Paula Drive all the
7 way through to MiddleBrook. If you
8 have ever been over there and have
9 been there when it was a high school
10 or when it was a junior high, before
11 school there is a lot of congestion
12 on Paula and we can help with our bus
13 fleet and our traffic with parent
14 pick-up flow. We also know there
15 needs to be some changes to the large
16 asphalt areas. It was designed at
17 one point in time for high school
18 parking and we will probably look to
19 do some changes to that as well. We
20 are not going to do like huge
21 changes. We also we need spaces for
22 parents, grandparents and family
23 members who want to come up and watch
24 our kids during performances or
25 athletic events.

1 The last piece is Big Creek
2 Elementary School. Big Creek
3 Elementary School will also get
4 renovations that are needed, HVAC
5 work, windows, doors, roof work and
6 some, also some general asphalt work
7 on this piece of property.

8 A couple of big things that I
9 think I want to highlight. When this
10 is all said and done we will have
11 state of the art facilities for
12 learning, we will have existing
13 buildings with brand new HVAC
14 buildings. If you know anybody that
15 has children in our school district
16 and last week when we had a couple of
17 days in the 90s, last summer was a
18 hot summer for everybody, our
19 classrooms were very uncomfortable.
20 There will be a big piece to have
21 renovated along with the new
22 buildings. On top of this page it
23 talks about those things that will be
24 an advantage to our students. We talk
25 about the climate controls, upgrade

1 current classrooms and currently to
2 get technology to a place were it's
3 amazing what our kids now do with
4 technology and the use of
5 technology. The students here at
6 Midpark, Memorial and Brookview have
7 phone book carts in their classroom.
8 When you ask them to do research it's
9 no longer flipping through a book,
10 it's going on to the computer and
11 going page to page and then a lot of
12 our kids are utilizing technology for
13 techbooks, just turning in papers if
14 they are going to some of our older
15 buildings. Kids do not carry papers
16 and turn them in anymore, most of the
17 papers are handled through
18 downloading or sending them through a
19 teacher's site.

20 As I mentioned before,
21 construction of a new high school,
22 brand new elementary school in the
23 City of Brook Park, all of the rest
24 of the renovations. The other thing
25 I wanted to make sure that people

1 understand, this bond issue is for 37
2 years, it's on the website, so
3 people understand the details when it
4 comes to making a good decision on
5 November 8th.

6 We have a couple of things
7 that we wanted to share, that's why I
8 asked if we had a screen. We have
9 already done some work for renderings
10 of buildings. These are renderings,
11 these are not the actual buildings. I
12 think it's important for people to
13 realize that. I don't want that to
14 happen in 2020 when these are all
15 done someone says; that's not what I
16 saw when I watched the council in
17 Brook Park. These are the
18 possibilities for our students. We
19 will show one, this is for our high
20 school and we will show you won for
21 the Brook Park Elementary. When you
22 construct a new building it takes a
23 year of planning and we have all
24 kinds of people who want to have an
25 interest in that planning process and

1 we will reach out to the local
2 communities to make sure there is
3 representation of those groups to
4 make sure we are, as a community,
5 have input into what is being
6 constructed.

7 Mr. Ghizzoni I don't know if you
8 want this is the design on the
9 Ford property. You can see in green
10 on the right-hand side that's the
11 current auditorium. This design
12 actually sits back obviously further
13 from Holland Road, which we all know
14 right now is a little congested in
15 the morning for space on the traffic
16 flow.

17 So that's the renderings that
18 we have for the new elementary school
19 and these are the renderings for the
20 new high school. Again, this is
21 being built behind the existing high
22 school, so as you can see there is
23 additional green space in the front
24 that backs that building up quite
25 a ways off of Bagley Road. Parking

1 in front will be primarily student
2 parking. Parking in back will be our
3 staff, bus drop off. This building
4 will have all the resources that are
5 available now. It has a baseball
6 field in the corner, then a
7 natatorium, gymnasium auditorium in
8 front. The building is actually
9 designed where it has learning spaces
10 like math and science would be maybe
11 in one of the buildings or one wing
12 of the building. You will have the
13 ability if other organizations wanted
14 to utilize a section of the building
15 you wouldn't have to leave the whole
16 building open as it is now, which we
17 couldn't do now. Our high school is
18 open earlier in the mornings those
19 weeks for our students, around 2:15
20 when our kids go home, 2:30, we
21 believe as we build both of those
22 facilities there is opportunity for
23 use after school to our communities
24 afternoon partner organizations will
25 be able to utilize space like we

1 would be able to run courses that
2 Tri-C wants to offer closer to our
3 communities, for Lorain Community or
4 any other organization they could
5 utilize some of the space.

6 That's the last picture in
7 the back of the building. Another
8 thing I think is important also, if
9 we are successful, which we are hope
10 that we are, that entire project
11 would be completed in 2020. There
12 will be different times that things
13 will be completed. Renovations can
14 start a lot earlier and even
15 transitioning our students over for
16 mid level completion may happen a
17 little bit earlier with both the
18 complication of the elementary school
19 and high school. The project
20 completion date is 2020, with brand
21 new facilities for our students. I
22 think I shared this last time, our
23 9th grade students that are now at
24 our junior high, we would like to
25 transition these students over to the

1 high school as soon as possible.
2 Having 9th grade students not in the
3 high school is a logistical challenge
4 for the school district. We know they
5 could do that in 2018, 2018-2019
6 school year. We are actually going
7 to look at that in the next few
8 months to see if we can actually move
9 these students over in the next
10 school year.

11 The other piece is when this
12 is all said and done we will spend
13 about \$1.2million dollars less each
14 year for operating the school
15 district. What that means, it means
16 we stay off the ballot a lot longer
17 when it comes to generating operating
18 dollars. We anticipate going on the
19 ballot, in some cases you hear when
20 new buildings are being constructed,
21 when that process goes, somebody is
22 turning around and asking for
23 additional dollars. It's our goal
24 when this is completed we can
25 continue to stretch our operating

1 dollars as long as we can before we
2 have to go out to the community for
3 that purpose.

4 Mr. Ghizzoni: Can you think of
5 anything else? Are you sure?

6 That's the story. That's
7 where we are right now. We begin our
8 campaign, we actually started working
9 on that, you will get information in
10 the mail, we have video series, we
11 have all those type of things going
12 on. It is our goal to educate our
13 community what we are going to
14 accomplish. At the end of the day
15 this project is being getting our
16 buildings up to where they need to be
17 because they, we need to invest some
18 dollars into our facilities and
19 create great learning environments
20 for our kids and the future kids of
21 our communities.

22 That's it, that's why we are
23 doing it.

24 MR. ASTORINO: Thank you,
25 Mr. Sheppard. We probably have some

1 questions from Council. I am
2 actually going to start out off
3 because I have a couple. One is,
4 with the new school and the Ford
5 building do you have any idea of the
6 size of the building, the square
7 footage?

8 MR. SHEPPARD: I don't know
9 the elementary square footage. The
10 high school is over 3,000 square
11 foot. That project is based on
12 student enrollment and square footage
13 that needs to be in place for that
14 building.

15 MR. ASTORINO: Thank you.
16 Councilman Mencini.

17 MR. MENCINI: Thank you,
18 Mr. Chairman. Through the chair to
19 the superintendent. Mr. Sheppard,
20 thank you for coming.

21 MR. SHEPPARD: You are
22 welcome.

23 MR. MENCINI: I know Council
24 together as a whole appreciate your
25 coming. I personally believe we have

1 a great community, great schools.
2 The \$2.1 you would be saving every
3 year is really big. If you go with
4 that bond issue, that could be a
5 convincing factor. Here in Brook
6 Park I know, and in Berea you have
7 the administration building, the new
8 high school, you have Grindstone and
9 the Roehm Athletic complex and the
10 bus depot. With that said, how is the
11 high school chosen for that location
12 and why was it for a centrally
13 located reason or because more people
14 for the high school in coming years
15 are going to be in that central
16 location?

17 MR. SHEPPARD: It's primarily
18 location. When we did the
19 consolidation and determination
20 whether or not the high school at one
21 point there was all kind of
22 conversations around Midpark and
23 Berea, whether or not one high school
24 was better than the other. The
25 current location of the high school

1 is a good location for a large
2 building. It is also very close to an
3 athletic facility. Not just on
4 Friday night, we utilize that
5 facility sometimes during the day and
6 for other activities for our school
7 district. That was the primary
8 decision as we went through that for
9 that building to be placed on this
10 site.

11 MR. MENCINI: And two other
12 things. One will be a little
13 comment, too. If we do that
14 elementary school here in Brook Park,
15 which really sounds great, the
16 pictures look great and the high
17 school that is absolutely a whole new
18 ball game, what would happen with the
19 Brookview property that's down the
20 road, what are we looking at?

21 MR. SHEPPARD: That's a good
22 question and actually I was going to
23 mention that. The plan as I
24 mentioned before is a process, we are
25 going to close two buildings, Brookview

1 and BPM, then we will determine are
2 we going to use those buildings for
3 district use. We have done that with
4 some of our vacant buildings, Smith
5 Elementary right now will be a good
6 example. We use a portion of that
7 building for a learning center for
8 our kids, primarily junior high
9 school kids. If we are going to
10 retain the building for that, that
11 would be one of the decisions that
12 would be an option.

13 Another option, we will
14 retain it and lease the building,
15 and we have done that. We have
16 Middlebrook right now primarily the
17 majority of that building is being
18 leased by an Adult Autism Program. It
19 generates close to a \$100,000
20 dollar revenue for the school
21 district. It can be determined we
22 want to retain that land. If that's
23 the case we are not really interested
24 in having a vacant building. A good
25 history on that, we have Parkview

1 Elementary School and Woodbridge
2 Elementary, it was decided we would
3 retain the property and not to keep
4 the building. Nobody wants a vacant
5 building next to a house or nobody
6 wants a vacant building in the center
7 of a community. In those cases we
8 actually leased a piece of property
9 to the City of Berea for a dollar a
10 year. Actually it helps us out
11 because they maintain that property,
12 then we can utilize that as a park.

13 The other piece is
14 Riveredge. We took that building
15 down. Right now that houses our
16 community garden, which is utilized
17 by not only people, you know, people
18 who live in that area but probably
19 residents of Brook Park, Riverview
20 and Berea and Strongsville. They
21 could grow their own and actually
22 purchase vegetables from that garden.
23 In each one of those cases we work
24 closely with the cities. Probably
25 the most recent or the most recent

1 sale of property is a piece of
2 property which we own in Middle Brook
3 close to the Bob Evans. Right now is
4 the design of a new library for the
5 City of Middleburg Heights. We sold
6 that property at the appraised
7 value. We worked closely with them
8 to make sure obviously we can work so
9 they can utilize that land. We have
10 done that with the City of Brook Park
11 with a number of our schools. I
12 think I mentioned that last time,
13 those other options. The board will
14 have to have some conversations about
15 what happens to those buildings

16 MR. MENCINI: A comment, I
17 know there are other questions out
18 there. The cultural programs, we
19 have a great rec center, I will say
20 there, I coached at Ford in football
21 and BPM. I did the playground at
22 BPM and practices were at Brookview,
23 your staff, being an outsider with no
24 children you guys do a great job. I

1 know being on Council you guys do a
2 great job, go forward and good
3 luck.

4 MR. SHEPPARD: Thank you very
5 much, we appreciate it.

6 MR. ASTORINO: Councilman
7 Salvatore.

8 MR. SALVATORE: Thank you for
9 coming out. My first question, the
10 presentation you are making
11 elsewhere, is that the same
12 presentation?

13 MR. SHEPPARD: Same
14 presentation. We get better at as we
15 go.

16 MR. SALVATORE: I noticed
17 that. Are we going to keep you after
18 school for being late?

19 MR. SHEPPARD: You can if you
20 want.

21 MR. Salvatore: You mentioned
22 the cost of 70 million dollars in
23 your presentation for the new high
24 school, that new high school?

25 MR. SHEPPARD: Just for the

1 high school.

2 MR. SALVATORE: You didn't
3 think the elementary school?

4 MR. SHEPPARD: It will be 20,
5 22 million. We just based, we built
6 a new elementary school not too long
7 ago.

8 MR. SALVATORE: Is that the
9 balance of \$2.1million dollars?

10 MR. SHEPPARD: For asphalt
11 work an complete it across the
12 district.

13 MR. SALVATORE: The
14 construction cost, does that include
15 computerization in that cost?

16 MR. SHEPPARD: All brand new.

17 MR. SALVATORE: You mentioned
18 37 years, that's how long a life the
19 bond would be?

20 MR. SHEPPARD: Yes, 37 years.

21 MR. SALVATORE: You said it
22 adds \$147per household on a hundred
23 thousand dollar value?

24 MR. SHEPPARD: Correct.

25 MR. SALVATORE: Do you have a

1 life expectancy, where are we going
2 to be in 37 years?

3 MR. SHEPPARD: You look at the
4 high school, it was built in 1927, a
5 long time ago. That raises a good
6 point. You think you see new
7 buildings going up all over the
8 place, City of Cleveland has new
9 schools, and there is a program
10 through the State that matches the
11 school district at a certain
12 percentage. So Cleveland, when we
13 they go out and pass an issue for new
14 schools, they get as match from the
15 State based on whatever their amount
16 is based on. I think it's based on
17 property value and property wealth
18 per pupil. So they want 50 million
19 dollars, the State matches it. Well,
20 for us, we are considered a wealthy
21 school district. Right? So we get 7
22 percent back. The majority of the
23 cost comes from our local taxpayers.
24 That seven-percent will generate some
25 money that we could have set aside

1 that can be used to keep our
2 buildings up to where they need to
3 be.

4 One of the problems we are
5 experiencing right now, we don't have
6 any money to fix these buildings.
7 That's one of the major problems. We
8 get 9 hundred thousand dollars a year
9 with permanent improvement levee. We
10 have to borrow against that so we can
11 do major renovation work like roofs,
12 doors, windows, those types of
13 things. We spent several years 4
14 hundred thousand dollars in asphalt
15 work. If you drove through the Brook
16 Park parking lots you probably see
17 pot holes at Brook Park Memorial. We
18 can't fix them. We are going to
19 allocate funds for that reason.

20 MR. SALVATORE: Councilman
21 Mencini asked a couple of questions
22 that I was going to ask. The closing
23 of Brookview and BPM: We put this on
24 hold to be part of the process. Well,

1 we don't want to work on Brook Park
2 Memorial.

3 MR. SALVATORE: The name,
4 that's how you do that?

5 MR. SHEPPARD: People have
6 input and ideas and that committee
7 will make a recommendation as to the
8 name of this school.

9 MR. SALVATORE: Have you ever
10 thought about selling the name and
11 getting naming rights, have you
12 thought about that?

13 MR. SHEPPARD: For 1 hundred 2
14 million?

15 MR. SALVATORE: For leaving
16 that name up there.

17 MR. SHEPPARD: That's a good
18 idea.

19 MR. SALVATORE: Thank you for
20 coming out.

21 MR. SHEPPARD: You are
22 welcome.

23 MR. ASTORINO: Mr. Burgio.

24 MR. BURGIO: Thank you,
25 Mr. Chairman. I saw the enrollment

1 projection for 2020. Do you have any
2 projection beyond that? Do you
3 anticipate any surprises or
4 increases?

5 MR. SHEPPARD: We don't. So we
6 study that every year, I shared this
7 before, we actually had a company
8 that did that work with the most
9 recent census and library statistics,
10 we can do that with, we have been
11 really accurate with the number. We
12 continue to lose, we are going to
13 level at 5 thousand 8 hundred
14 students. We are going to be for
15 awhile. We are also not short
16 changing ourselves looking forward as
17 we have done with other buildings.
18 When we built Bridgestone, Smith
19 Elementary as newer buildings, a new
20 roof on that, we are utilizing that
21 school. If we need to expand we will
22 look at the elementary school here in
23 the City of Brook Park, we know what
24 the numbers will be in 2020, what
25 that will be. If there is an

1 increase in enrollment we are having
2 to do more work with the building.

3 MR. BURGIO: The square
4 footage can take any surprise uptick
5 in enrollment, so you have plenty of
6 room for the students?

7 MR. SHEPPARD: Correct. The
8 other piece, when we determine
9 whether or not you are going to
10 retain a building like we retained
11 Smith and retained Mack, you have to
12 determine if that's a building you
13 are going to use in the future based
14 on all things in it. That would be
15 part of this conversation, do we want
16 to retain just for the future if we
17 are going to use that building in the
18 future. If that's not the case, we
19 are probably not going to keep it for
20 that purpose.

21 MR. BURGIO: That's all I
22 have.

23 MR. ASTORINO: Council, do you
24 have any other questions? Councilman
25 Troyer.

1 MR. TROYER: Thank you,
2 Mr. Chairman. Thanks to all the
3 school board members for coming
4 tonight. I just have one.

5 What is your yearly budget,
6 school board's yearly budget and take
7 it between capital?

8 MR. SHEPPARD: We have an 80
9 million dollar budget in our general
10 fund, that's not all our funds. We
11 receive additional dollars from the
12 Federal Government, it runs 1 hundred
13 1. The 80 runs our day-to-day
14 operations, payroll, resources for
15 our kids, paying the bills.

16 Our capital side, as I
17 mentioned before, we passed a
18 permanent improvement levy, it
19 generates about 9 hundred thousand
20 dollars annually. We have some small
21 bonds put on. One of those bonds
22 just rolled over. The debt from '93
23 just rolled over. Anything else you
24 can think of?

1 MR. TROYER: Thanks, that's
2 it.

3 MR. ASTORINO: Any others?
4 Councilman Burgio.

5 MR. BURGIO: May I speak? I
6 just wanted to say as a side note, at
7 the school board meeting there was
8 lots of information, it was as great
9 meeting, I learned a lot I didn't
10 know before. The officers that were
11 there did a great job and I didn't
12 know that much about the navigate and
13 I will share that with this council
14 next week. It was a very good
15 meeting. Thanks an awful lot.

16 MR. SHEPPARD: Thanks, I
17 appreciate it.

18 MR. ASTORINO: Mr. Mayor.

19 MAYOR COYNE: Thank you,
20 Mr. Chairman. Superintendent, you
21 have a task ahead of you. \$147dollars
22 a year, everyone is trying to address
23 the voter with capital needs because
24 we all have them and they are
25 glaring. \$9 hundred thousand and we

1 have the dilemma that all of us have,
2 we are now at the point when we hear
3 me ask this question, also, what kind
4 of city do you want to live in? What
5 kind of community do you want to
6 develop in the future? It's no
7 question it begins with you. And you
8 must rely on the voters to determine
9 they want to make that personal
10 sacrifice because you are at the end
11 of the line where anything that you
12 do, anything you change or the board
13 changes is not going to solve your
14 problem. It's not --

15 MR. SHEPPARD: Right.

16 MAYOR COYNE: You are
17 convincing to attack the problem on
18 the capital side, everyone believes
19 we waste money on the capital side.
20 It's hard to convince, I think you
21 have you the right plan of attack.
22 Looking at a couple of criticisms,
23 and that's flat roofs. Unless you
24 have help to the outside, if they
25 could change, a flat roof is always a

1 problem. I don't see any solar
2 panels, unless I am missing those in
3 the views. They are kind of an
4 improvement, futuristic improvement
5 that will save you operating costs in
6 the future, lighting and utilities
7 are going to be as efficient as
8 possible. I am wondering if this is
9 something in consideration that's not
10 visible on the renderings?

11 MR. SHEPPARD: That's a good
12 point, Mayor. This is a rendering,
13 we are going to look to the experts,
14 people that have done this for a long
15 time to help us as we design the
16 buildings. We have an architect, we
17 have engineers, we have been through
18 this process when we build new
19 schools, we gain so much knowledge
20 from people who have done this in
21 other places, whether it's here in
22 the City of Brook Park and bring up
23 those type of questions; are there
24 any solar panels on there? I don't
25 think anybody brought that up. We

1 have solar panels in front of the
2 buildings but that can be the
3 possible.

4 The roof line, I had a
5 conversation that flat roof versus
6 pitched roof. Any time you do unique
7 designs to a school it does sometimes
8 create some unforeseen issues when it
9 comes to roofing. So you are
10 absolutely right, we got to make sure
11 as we go through this process we
12 don't want to open a building that we
13 haven't done our complete homework on
14 and then have issues. So we are
15 looking for people.

16 When that process begins you
17 are all welcome to come in and be
18 apart of it, share your thoughts and
19 expertise.

20 MAYOR COYNE: Realistically
21 the residual effect of whether you
22 are successful or not I think we are
23 going to bear the greatest burden.
24 It is pretty obvious with the closing
25 of the schools, I would like you are

1 going to entertain input from us.
2 And those residuals are going to
3 effect loss of revenue from good
4 paying teacher jobs and we have real
5 estate issues to deal with. I think
6 it would be really productive that
7 our planning commission sit with you
8 and talk about what we see as the
9 future. I think there are some great
10 needs that we are looking at and
11 finalizing now, making the number,
12 our rec center is one that we have.
13 Millions of dollars worth of
14 challenges. Climate controls, we are
15 going to put good money after bad.
16 We all have buildings built in the
17 late '50s and early '60s, so that
18 residual use of what is left for our
19 city. Snow Road clearly has a
20 different capability than Brook Park
21 Memorial School would. So it is
22 important we play a major role in
23 that discussion all after is a plan
24 in our town. Maybe it didn't and we
25 have at the rec easily could move and

1 provide Brook Park Memorial School
2 for instance. Right now the
3 collection basket, we are seeing more
4 and more in the presidential campaign is
5 daycare. The price of it and quality
6 of it, and maybe we have a unique
7 opportunity here in Brook Park to get
8 that daycare, it seems like we are
9 getting the pre-school needs and
10 assistance providing something for
11 children. It's almost like after
12 they are born and live with the
13 mother for two weeks they have some
14 kind of program for them. So
15 possibly there is some innovation in
16 pre-school that can be part of the
17 daycare program for the young ones
18 and maybe some particular things for
19 the children, the latchkey children,
20 we have a relationship with the city
21 and the school. Those are things of
22 our concern, I wish you a tremendous
23 lot of luck, I understand where you
24 are at. It's a great challenge for
25 people to part with anything today

1 because the upset of their own
2 success of their own lives, you and
3 the City lived for many years on
4 laurels of a great city. We are
5 doing all that we can to turn that
6 around. We are talking about new
7 work or guaranteed work, those new
8 folks that are coming in there,
9 replacing old folks that were paid 12
10 times more than they would. You live
11 and die with the City income and you
12 live and die with the property tax.
13 We are going to work with we have.

14 Those are my comments. I
15 have nothing critical about the
16 decisions you have to make. I wish
17 we could have a greater role in the
18 beginning and I understand why you
19 can't have that. You can't have the
20 perfect input of the communities.
21 Again, I wish you luck. Those are my
22 comments and my criticisms.

23 MR. SHEPPARD: I appreciate
24 it. Thank you.

25 MR. ASTORINO: Okay,

1 Mr. Sheppard, I think there are no
2 more questions. I appreciate you
3 you coming out and giving us a
4 presentation. Thank you very much.

5 MR. SHEPPARD: Thank you very
6 much.

7 MR. ASTORINO: Council, I will
8 entertain a motion on that item number
9 one was discussed. Mr. Salvatore so made
10 Mr. Mencini - Support. MR. ASTORINO:
11 Discussion on the motion? Seeing none,
12 we will call the roll.

13 THE CLERK: Salvatore?

14 MR. SALVATORE: yes.

15 THE CLERK: Mencini?

16 MR. MENCINI: Yes.

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: Burgio?

24 MR. BURGIO: Yes.

25 THE CLERK: Scott?

1 MR. SCOTT: Yes.

2 MR. ASTORINO: Number one has
3 been discussed, We will move to item
4 number 2, which is the proposed 2016-
5 2017 Council Rule changes that were
6 presented by Councilman Salvatore. I
7 will note in item number 2, the last
8 Special Caucus on August 30th items A
9 through E were moved to the agenda
10 tonight and we also provided number 2
11 for any additional Council rules that
12 might have been submitted afterward
13 so we can discuss all the rules at
14 once. So we will move to item number
15 A which is council rule number 5.

16 Mr. Salvatore Mr. Chairman, I
17 would like to propose on rule number
18 5 that one amendment at the very
19 bottom of the first paragraph on page
20 2; under no circumstances legislation
21 will be retained in committee more
22 than 60 days, just to strike that
23 completely out.

24 Mr. Troyer: Support.

25 Mr. Salvatore: The only amendment

1 without change would be a simple
2 change of rule 5 from 90 days to 60,
3 that's the only change.

4 MR. ASTORINO: Is there any
5 discussion on that motion to
6 amend? If I understand correctly,
7 just throw out the sentence under no
8 circumstances, just leave the change
9 to 60 days.

10 Mr. Salvatore 90 to 60, yes, sir.

11 MR. ASTORINO: Seeing no
12 discussion on it, we will call the
14 roll on the amendment.

15 THE CLERK: Salvatore?

16 MR. SALVATORE: Yes.

17 THE CLERK: Troyer?

18 MR. TROYER: Yes.

19 THE CLERK: Powers?

20 MRS. POWERS: Yes.

21 THE CLERK: McCormick?

22 MS. MCCORMICK: 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 MR. ASTORINO: Okay, the
5 amendment passes. Mr. Salvatore?

6 MR. SALVATORE: I would like
7 to make a motion to place that on the
8 next council agenda.

9 Mr. Scott: Support.

10 Ms. McCormick: Mr. Chairman, I
11 wanted to offer another amendment
12 there, if you would consider holding
13 off for a minute, it was something
14 talked at the last minute to
15 consider what my amendment is. Sorry.

16 Would you consider rescinding
17 your motion to put it on the agenda
18 before I do an amendment?

19 MR. SALVATORE: And amendment
20 for number 5?

21 Ms. McCormick: Yes.

22 Mrs. Powers: Support.

23 Ms. McCormick: Motion to amend.

24 Mrs. Powers: Support.

25 Ms. McCormick: The amendment I want

1 to offer, in the last paragraph where it
2 says; any regulation assigned to a
3 standing committee. After the 48
4 hours after assignments I would like
5 to add the words; copies of all
6 legislation assigned to a standing
7 committee shall also be e-mailed to
8 all Members of Council within 48
9 hours after assignment and shall also
10 be posted to the City Council website
11 for public viewing.

12 MR. ASTORINO: Could you
13 repeat the amendment?

14 **Ms. McCormick**: Copies of all
15 legislation assigned to a standing
16 committee shall also be e-mailed to
17 all, Members of Council within 48
18 hours after assignments and shall
19 also be posted to City Council's
20 website for public viewing.

21 THE CLERK: Okay.

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

24 MR. TROYER: As I stated last
25 week when we talked about this, this

1 is a good idea, it gets out
2 information out to the residents, it
3 gets the information out to the
4 Council, so I am all for this.

5 MR. ASTORINO: Any other
6 discussions? Seeing none, we will
7 call the roll. The amendment was
8 supported by Jan Powers.

9 THE CLERK: Okay. McCormick?

10 MS. MCCORMICK: Yes.

11 THE CLERK: Powers?

12 MRS. POWERS: Yes.

13 THE CLERK: Mencini?

14 MR. MENCINI: Yes.

15 THE CLERK: Scoot?

16 MS. SCOTT: Yes.

17 THE CLERK: Burgio?

18 MR. BURGIO: Yes.

19 THE CLERK: Salvatore:

20 MR. SALVATORE: Yes.

21 MR. ASTORINO: That amendment
22 passes 7 to zero.

23 Council, we are under
24 discussion on the rules now as I
25 understand it with Councilman

1 Salvatore. But I would like to have a
2 little bit of discussion of rule
3 number 24, actually it is an
4 amendment to the rules. I will read
5 it for everyone. The rule 24, to
6 amend rules, it says these rules
7 maybe amended or new rules adopted by
8 a majority vote of all voting members
9 elected to council. Any such
10 alteration or amendment shall be
11 submitted in writing at the preceding
12 regular meeting and shall be placed
13 on the agenda under amendment J. This
14 requirement is only by unanimous
15 consent of the recorded votes of all
16 members. Is that your motion putting
17 under item J?

18 MR. SALVATORE: Under verbal
19 approval, yes.

20 MR. ASTORINO: For the record
21 do you want to restate the motion.

22 MR. SALVATORE: Rule change
23 number 5 on the next council agenda.

24 Mr. Scott: Support.

25 MR. ASTORINO: Okay,

1 discussion? Seeing none, we will call
2 the roll.

3 THE CLERK: Salvatore?

4 MR. SALVATORE: Yes.

5 THE CLERK: Scott

6 MR. SCOTT: Yes.

7 THE CLERK: Burgio?

8 MR. BURGIO: Yes.

9 THE CLERK: Troyer?

10 MR. TROYER? Yes.

11 THE CLERK: Powers?

12 MRS. POWERS: Yes.

13 THE CLERK: McCormick?

14 MS. MCCORMICK: Yes.

15 THE CLERK: Mencini?

16 MR. MENCINI: Yes.

17 MR. ASTORINO: So council rule

18 5 is amended under item J under

19 verbal approval.

20 The next item is letter B,

21 Council rule number 7.

22 MR. SALVATORE: Mr. Chairman.

23 MR. ASTORINO: Councilman

24 Salvatore.

25 MR. SALVATORE: I would like

1 to make a motion to place it on the
2 next Caucus agenda. I am not sure I
3 am a 100% behind it. You
4 can discuss tonight all you want, I
5 would like to make a motion to move
6 it to the Caucus meeting.

7 Mr. Burgio: Support.

8 MR. ASTORINO: This is a
9 motion to move it to the September
10 27th Caucus?

11 MR. SALVATORE: Yes.

12 MR. ASTORINO: Any discussion
13 on the motion? Seeing none, we will
14 call the roll.

15 THE CLERK: Salvatore?

16 MR. SALVATORE: Yes.

17 THE CLERK: Burgio?

18 MR. BURGIO: Yes.

19 THE CLERK: Scott?

20 MR. SCOTT: Yes.

21 THE CLERK: McCormick?

22 MS. MCCORMICK: Yes.

23 THE CLERK: Powers?

24 MRS. POWERS: Yes.

25 THE CLERK: Troyer?

1 MR. TROYER: Yes.

2 THE CLERK: Mencini?

3 MR. MENCINI: Yes.

4 MR. ASTORINO: Council, rule 7
5 will be moved to the September 27
6 caucus.

7 Letter C is rule number 11.

8 **Mr. Salvatore:** Mr. Chairman Council
9 rule number 11, the only change is
10 the requirement for adjournment,
11 it requires a vote by the majority of
12 Council to adjourn. I do believe, and
13 if we move 7 we probably have to move
14 11 we have to change. We just add it
15 to the adjournment. I would like to
16 move that to the next Council
17 meeting.

18 **Mr. Scott:** Support.

19 MR. ASTORINO: You would like
20 to move it to which one?

21 **Mr. Salvatore:** The next Council
22 meeting.

23 MR. ASTORINO: Okay. There is
24 a motion to move Council rule number
25 11 to the next Council meeting, under

1 item J. Seeing no discussion, we
2 will call the roll.

3 THE CLERK: Salvatore?

4 MR. SALVATORE: Yes.

5 THE CLERK: Scott?

6 MR. SCOTT: Yes.

7 THE CLERK: Burgio?

8 MR. BURGIO: Yes.

9 THE CLERK: Troyer?

10 MR. TROYER: Yes.

11 THE CLERK: Powers?

12 MRS. POWERS: Yes.

13 THE CLERK: McCormick?

14 MS. MCCORMICK: Yes.

15 THE CLERK: Mencini?

16 MR. MENCINI: Yes.

17 MR. ASTORINO: Council rule

18 number 11 will be moved to item J on

19 verbal approval for the September

20 20th, Council meeting.

21 The next item is letter D,

22 Council rule number 12.

23 Mr. Salvatore: Mr. Chairman, I

24 would like to move rule 12 to the

25 next Caucus

1 Mr. Troyer: Support

2 MR. ASTORINO: There is a
3 motion to move rule number 12 to the
4 September 27th Caucus meeting. Any
5 discussion? Seeing none, we will call
6 the roll.

7 THE CLERK: Salvatore?

8 MR. SALVATORE: Yes.

9 THE CLERK: Troyer?

10 MR. TROYER: Yes.

11 THE CLERK: Powers?

12 MRS. POWERS: Yes.

13 THE CLERK: McCormick?

14 MS. MCCORMICK: Yes.

15 THE CLERK: Mencini?

16 MR. MENCINI: Yes.

17 THE CLERK: Scott?

18 MR. SCOTT: Yes.

19 THE CLERK: Burgio?

20 MR. BURGIO: Yes.

21 MR. ASTORINO: Okay. Council
22 rule number 12 ha been moved to the
23 September 27th Caucus.

24 Letter E is Council rule
25 number 27.

1 Mr. Scott: Mr. Chairman, I
2 would like to make a motion to move
3 this to the next Caucus meeting for
4 discussion.

5 Mr. Mencini: Support.

6 MR. ASTORINO: The motion is
7 to move Council rule number 27 to the
8 September 27th Caucus meeting;
9 correct?

10 Mr. Scott: Correct.

11 MR. ASTORINO: Any
12 discussion? Seeing none, we will
13 call the roll.

14 THE CLERK: Scott?

15 MR. SCOTT: Yes.

16 THE CLERK: Mencini?

17 MR. MENCINI: Yes.

18 THE CLERK: McCormick?

19 MS. MCCORMICK: No.

20 THE CLERK: Powers?

21 MRS. POWERS: Yes.

22 THE CLERK: Troyer?

23 MR. TROYER: Yes.

24 THE CLERK: Salvatore?

1 MR. SALVATORE: Yes.

2 THE CLERK: Burgio?

3 MR. BURGIO: Yes.

4 MR. ASTORINO: Okay, Council
5 rule number 27 has been moved to the
6 September 27th Caucus meeting.

7 We will move to the note
8 number 2 which is additional Council
9 rules proposals. The first one is
10 rule number 4 dealing with Special
11 meetings. It should be in your
12 packet. We are taking the section on
13 Special meetings and adding in a
14 clarification of when Council is in
15 session. Special meetings maybe called
16 at any time by the Mayor, President
17 of Council or any 3 Members of
18 Council by written notice not less
19 than 24 hours in advance. During
20 recess during July and August Special
21 meetings only maybe called by the Mayor
22 with written notice, when Council is in
23 Summer session Special meetings maybe called at
24 anytime by the
25 Mayor,

1 President of Council or any three Members
2 of Council by a written notice not
3 less than 24 hours in advance. When
4 in recess during the months of July
5 and August Special meetings only
6 maybe called by the Mayor, only by
7 written notice not
8 less than 48 hours in advance, such
9 notice served personally to each
10 Member of Council. No other subject
11 shall be considered other than what
12 is stated in the notice of Special
13 meeting.

14 I would like to suggest that
15 we make a change to this dealing with
16 the part that says; when in recess
17 during the months of July and August
18 Special meetings only may be called
19 by the Mayor not less than 24 hours
20 in advance. The explanation being,
21 when I wrote up this change I
22 overlooked the fact that the Charter
23 talks about 24 hour notice, so when I
24 saw I overlooked this, I thought
25 we should change it to that.

1 The other explanation I would
2 give to Council why I am looking for
3 this, when we take a vote to take a
4 recess during July on August that
5 vote requires at least 4 votes, and I
6 think that last round during the
7 summer we actually had 5 votes to
8 take a recess during July and August.
9 What happens is, if Council members
10 are allowed to make calls
11 for a Special meeting while we have
12 already voted going into recess we
13 are allowing 3 people to vote not the
14 majority, during the months of
15 July and August. Because the Mayor to
16 call a Special meeting, he
17 isn't part of the vote. From an
18 administrative standpoint that may need
19 to be addressed. I just felt that Council
20 took a vote to do a recess, we should
21 honor that vote and worse
22 case scenario I can think of, if the
23 vote to do a recess was a 4 to 3
24 vote, we voted to take the recess,
25 the 3 members who voted not to take a

1 recess wouldn't be to disregard the
2 vote of the majority. So with it
3 being introduced like this just to
4 note, my recommendation would be to
5 make that change or at least just
6 maybe leave it to the September 27th
7 Caucus for some more discussion.

8 **Mr. Astorino:** Councilman

9 MR. MENCINI: Thank you for
10 recognizing me, Mr. Chairman. The
11 only question I have, if I remember
12 right, we were kind of voting on
13 taking a recess, we were almost
14 basically etching it, if we approve,
15 we are almost etching July and August
16 in stone for our break. We don't
17 know that until next year.

18 The other thing, what if
19 something were to arise legislative-
20 wise, we need the Councilmembers to
21 call a Special meeting. Those are
22 the kind of questions I had
23 when looking this over.

24 MR. ASTORINO: Councilman

1 Salvatore.

2 MR. SALVATORE: Thank you,
3 Mr. Chairman. My question is
4 relative to rule 4, how it effects
5 the Charter. The Charter in the
6 pecking order is first, when it
7 speaks of the Charter about any
8 issue, then that's the way it must
9 be.

10 The second item would be
11 legislation for resolution and the
12 third item would be our Council
13 rules. This is the third on the
14 list. That says we are allowed to
15 call Special meetings and chiming in
16 on Councilman Mencini's concerns, 3
17 members of Council would be denied the
18 right to call a Special meeting in
19 the event of an emergency. Let's say
20 the Mayor was out of town and also
21 the President of Council was out of
22 town, we had to have a meeting to
23 take care of something of an
24 emergency nature, this rule would
25 prohibit us doing that. I will stick

1 with the Charter and with the law
2 director on that topic. I couldn't
3 support this rule change.

4 MR. ASTORINO: Well, Councilman
5 Salvatore, I will allow the
6 law director to address this.

7 MS. HORVATH: Thank you very
8 much, Mr. Chairman. I am sure that
9 everyone has the opinion memorandum
10 which I had distributed earlier today
11 with regard to this particular rule
12 change. We have a very special
13 section in our Charter which
14 discusses Special meetings, Section
15 4.05 (b) I don't see how any language
16 contained in the Council rules can
17 deviate from what the Charter says.
18 The Ohio Supreme Court has held that
19 the plain language of City Charter is
20 the superior authority and it
21 prevails over any conflicting rules
22 of Council or city ordinances. In this
23 particular case the Charter clearly states that 3
24 Councilmembers are able to call a
25 Special meeting

1 and the President of Council
2 is also able to call a Special
3 meeting. I do not believe that this
4 would be wise or possible to enact
5 because it conflicts with the Charter
6 and I would recommend it not be
7 enacted simply because it would have
8 no effect anyway.

9 The Charter is supreme as far as
10 what should be happening. It is
11 equivalent of the City's
12 Constitution.

13 MR. ASTORINO: Councilman
14 Troyer.

15 MR. TROYER: Thank you,
16 Mr. Chairman. A couple of points I
17 would like to make.

18 First, somebody correct
19 if I am wrong, if the Mayor isn't
20 here then the Council President steps
21 in for the time he is unavailable.
22 If the Council President is also
23 unavailable, then the Council pro-tem
24 would be able to step in and call

1 that meeting. So I don't think that
2 is an issue. We could also add an
3 additional rule under this, 6,
4 members could call the meeting if
5 that were the case.

6 Now, according to the Charter
7 I agree that the Charter is
8 number one, the Charter pretty much
9 trumps anything except for a union
10 contract. Let me read the Special
11 meetings rule. It says; Special
12 meetings of Council maybe called in
13 accordance with and as provided for
14 by the rules, regulations or by-Laws
15 adopted by the Council. That's what
16 the Charter says. So it gives the
17 right to make the rules in these
18 matters. The Charter specifically
19 right there gives you the right to
20 make the rules. Special meetings of
21 the Council maybe called in
22 accordance with and as provided by
23 the rules, regulations or by-Laws
24 adopted by the Council.

25 MR. ASTORINO: Ms. Director,

1 do you want to address that?

2 MS. HORVATH: Yes. They are
3 talking about procedures that you use
4 to call the meetings. I don't
5 believe that gives Council the
6 authority to abrogate the provisions
7 that says 3 Councilmembers may call
8 a Special meeting. We are simply
9 talking about the method or procedure
10 used to call the meeting. I do not
11 believe that applies at all. I think
12 to enact this rule you would do
13 integration of the Charter and I
14 don't see how it would be possible to
15 do so because the Charter should
16 prevail. You may change your rules
17 as to how you call these Special
18 meetings and there has been
19 discussion of using e-mail as notice
20 and so forth. But I do not believe
21 that would apply to giving 3 members
22 the ability to actually call the
23 meeting or the Council President
24 either. That's simply a reference to
25 the method used to call the meeting.

1 MR. ASTORINO: I would like to
2 ask the Council, I respectfully, I
3 think if you read the next sentence,
4 it says in the absence of such
5 provisions and it provides how Special
6 meetings can be called. The
7 first sentence is very clear and it
8 is not vague at all, it says; Special
9 meetings of the Council maybe called
10 in accordance with and is provided
11 for by the rules, regulations or
12 by-laws adopted by the Council.

13 The next one says; in the
14 absence of such provisions this is
15 how we would do it. It is not spoken
16 if we have rules and adopt rules. I
17 am simply looking at what this rule
18 change is trying to do, is to protect
19 the vote of a majority, if the
20 majority of the Councilmembers take
21 a vote to take a recess.

22 Mr. Troyer: With all due respect
23 -- I will read the rest of it. It
24 says; in the absence of such
25 provision a Special meeting shall be

1 called by the a vote of Council taken
2 at any Regular or Special meeting
3 thereof. It shall be called by written
4 notice of the Mayor, 3 Members of
5 Council.

6 Mr. Troyer: It says 4 shall.
7 The first part of it says may. If
8 you went to law school, this is or,
9 it's this or that or shall, they may,
10 shall.

11 MR. ASTORINO: In the absence
12 OF such provision Special meetings
13 maybe called by the Mayor or shall be
14 called by the request of the Mayor,
15 the President of Council or 3 Members
16 of Council. It says or, it can be
17 done that way or this way by the
18 Charter, in the absence of such
19 provisions.

20 MAYOR COYNE: You can make
21 provisions for the may part of it,
22 but you can't make provisions for the
23 shall part of it.

24 MR. ASTORINO: Ms. Director.

25 MS. HORVATH: Yes, this is

1 essentially correct and it is the
2 official position of the Law Director
3 of the City of Brook Park if you
4 enact the amendment to special rule 4
5 you are violating the Charter. I
6 read section 4.05 B in the same
7 manner, it says or shall, which to me
8 means the Clerk of Council at the
9 request of Mayor, President of
10 Council or 3 Members may call a
11 Special meeting.

12 It seems to me the word shall
13 gives either one of those groups
14 the absolute right to call a Special
15 meeting, it doesn't matter whether
16 you are in recess or not. So to go
17 ahead and enact this particular
18 change to this rule, you are going to
19 be in violation of that provision of
20 the Charter. Once again for clarity
21 sake, that's the official position of
22 the Law Director of the City of Brook
23 Park.

24 MR. ASTORINO: Councilwoman
25 McCormick.

1 MS. MCCORMICK: I respectfully
2 disagree with the Law Director of the
3 City of Brook Park. You look to
4 ignore special as another part of the
5 Charter. That being said, I don't
6 really have a strong feeling either
7 way on this topic. Personally I
8 don't think we should be taking
9 recesses, I think that's outdated the
10 way things are now. I think Council
11 should be meeting throughout the
12 summer. But also, what was I going
13 to say, so I don't have strong
14 feelings either way or on this, but I
15 do not agree with the law director's
16 interpretation.

17 MR. TROYER: Mr. Chairman.

18 MR. ASTORINO: Councilman
19 Troyer.

20 MR. TROYER: Thank you
21 Mr. Chairman. Let me broach this
22 again. In all due respect I disagree
23 with the law director's
24 interpretation. Again, the key is,
25 let me just go over it. It reads;

1 Special meetings -- Special meetings
2 of Council maybe called in accordance
3 and as provided for by the rules,
4 regulations or by-laws adopted by the
5 Council. In the absence of such
6 provisions, Special meetings maybe
7 called by a vote of the Council taken
8 at any Regular or Special meeting
9 thereof, or shall be called, again in
10 the absence of such provisions shall
11 be called by the Clerk of council
12 upon written request of the Mayor or
13 President of Council. Okay.

14 Now, again where it says in
15 the absence of such provisions, in
16 the absence of such rules deviating
17 from that, in the absence of such
18 provision, which means the rules that
19 the Council, 7 Members of council are
20 allowed to propagate concerning this
21 point, and I understand there is that
22 clause. That is also that clause,
23 that little section in our Charter
24 that kind of touches on that and I
25 agree, I believe it reads just that

1 the meaning of that section was to
2 prevent problems with us having,
3 going in summer recess and having the
4 3 members. When I first read it I
5 thought it didn't read right, the
6 section of our Charter talks about
7 summer recess, it didn't read right,
8 I don't see why anybody couldn't
9 call the meeting. Here is the
10 reasons, as was stated, if 4 members
11 of Council decide that is the
12 majority of votes there should be
13 summer recess, 3 people that didn't
14 want to call the meeting and disrupt
15 it, that wouldn't be the rule.

16 I believe it is the intent
17 the way the Charter was written for
18 that. Again, we are using a
19 different paragraph, a different
20 section to go in and say; okay, we
21 can't make these rules. I am reading
22 these rules and it is telling me in
23 the absence of such provisions, in
24 the absence of such rules, this is
25 what happens how this reads. If we

1 make the rules and 7 Councilmembers
2 we can make these rules or not, but
3 we can make the rules controlling
4 this, that's our prerogative.

5 MR. MENCINI: Mr. Chairman.

6 MR. ASTORINO: Councilman
7 Mencini has the floor.

8 MR. MENCINI: Thank you,
9 Mr. Chairman. My feelings don't
10 weigh too heavy either way on this.
11 As my colleague, Councilman McCormick
12 says, I think there was a point we
13 were going on recess and we were close to
14 almost not having one. I can say
15 this, I don't want to deny my
16 colleagues if they have a meeting, we
17 can have it Saturday mornings,
18 Monday, Tuesday, Wednesday, I think
19 in my first term, we had them on
20 Friday. I am a Council person, if I
21 have to have a meeting I will have
22 it. My phone rings all the time, that
23 was the job I was I elected to. I
24 don't want to go against the Charter,
25 I don't like going against our law

1 department, that is kind of how I
2 feel on that. She is sitting here
3 and could be telling us for the next half
4 hour, if
5 you want to meet every Tuesday, if it
6 cuts our meetings down from 4 hours
7 to 2, I will meet. Thank you,
8 Mr. Chairman.

9 MR. ASTORINO: Mr. Mayor.

10 MAYOR COYNE: Let me explain
11 why the provisions of the Charter
12 Councilman Troyer stated is
13 absolutely incorrect.

14 It's to have a check on
15 irresponsible majority. What
16 it says, in the summer recess the
17 Mayor can call Council back, I am not sure
18 how many times it's ever happened. The
19 other provision is very important because
20 it provides if there is irresponsible
21 majority that the Council President can
22 call a meeting with his or her view if the
23 Council is not acting responsibly, to have
24 legislation at least heard, the Council
25 the President can call a meeting,

1 same with the Mayor
2 Members, in minority, we never would have
3 this legislation heard, we have a right
4 to call a meeting. That's why it
5 says shall. This is 2 separate and
6 distinct things in the Charter and
7 that is the reason it was provided
8 for in this Charter, so it's a check
9 and balance on the legislative
10 process. So the majority does
11 continue specifically and legislation
12 of the city is a provision that is
13 served very well. Council can make
14 the rules by majority, they can have
15 a recess, that's arbitrary. You can
16 make your rules to be arbitrary to
17 conduct the way you process things.
18 What is not arbitrary, the Charter's
19 rights for the Council President or 3 to
20 call a meeting, it's not arbitrary,
21 it's plain, it is as clear as it can
22 be. That's what it says, I can
23 assure that's what it means.

1 Thank you.

2 MR. ASTORINO: Councilman

3 McCormick.

4 MS. McCORMICK: Let's look at

5 section 4.05 part b, starting with

6 the in the absence of such provisions

7 Special meetings may be callby a vote

8 of Council taken at a Regular or

9 Special meeting thereof or shall be

10 called by the clerk upon request of

11 the Mayor, President of Council or 3

12 Councilmembers. Translated into

13 plain English, that would mean

14 without such Council rules, without

15 Council rules in place Special

16 meetings could be called in one of 3

17 ways, by a vote of Council or at the

18 request of the Mayor, President of

19 Council or 3 Members of Council, so

20 the emphasis is without these rules

21 in place there is 2 ways. So there

22 is 2 different ways it can be called

23 without the rules in place. We have

24 rules in place, h e is seeking to

25 amend those and I think that's fully

1 within our right to do so. I
2 understand the logic behind wanting
3 to make the changes as well. This
4 past summer, if you recall, we had
5 intermittent recess part of July,
6 part of August and there were several
7 instances in which 3 Councilmembers
8 would call a Special meeting when
9 they knew it was inconvenient for
10 other members. It was abused and I
11 think that's maybe the objective for
12 the proposed change to rule 4 is to
13 limit the abuse. But I do think,
14 that is something that we could
15 ask Councilmembers, try not to abuse
16 that, call a Special meeting only if
17 it needs to be called. We didn't
18 need to have that Special meeting to
19 discuss these rules, there is no
20 urgency for that, then other ones
21 that came up before, too, there was
22 no special emergency or urgency for
23 these to be called, it was just used
24 as a tool to cause inconvenience to others

1 That is all I have to say.

2 MR. ASTORINO: Councilman

3 Troyer.

4 MR. TROYER: Thank you,

5 Mr. Chairman. I am not going to make
6 the motion because there is probably
7 going to be more motions. I would
8 urge the Council to move this forward
9 when done discussing to the
10 next Caucus meeting; we need sometime
11 to digest and look at it. This could
12 be adjusted, changed, I just want to
13 say, and I hate to have to say this
14 again, if I learned one thing in the
15 last 2 and-a-half years plus, just
16 because the Mayor says it's so, it
17 isn't so. I disagree with the Mayor
18 on this, that is my job. To
19 state that I disagree, this doesn't
20 make me wrong, I could be proven
21 wrong. If I had the money I would
22 hire my own attorney, that's how
23 right I think I am on this. I think
24 Council has a right to make rules on
25 this as it states in the Charter to

1 adjust this or control how this
2 happens or again not have any. So I
3 think what we have to do is. Actually,
4 we have to change, we have to
5 actually change the Charter. So we
6 have a choice of making some rules
7 for this, making some rules that we
8 all agree on, all 7 of us agree on.
9 With some wording or not and it will
10 go back to what the Charter says.
11 But we have the ability to come up
12 with our own rules and control our
13 summer recess how we want. Like I
14 said, we can come up with like 6
15 votes to have a Special meeting
16 during summer recess, we can make it
17 5 votes, we can do everyone. It says
18 in the absence of such provisions, in
19 the absence of such rules.

20 I guess that's all I have to
21 say. I still think we should not
22 harp on this too much today, move
23 this to the next Caucus. I am not
24 making the motion because I want
25 discussion to continue if we want. We

1 should all come back and visit it
2 again in a couple of weeks.

3 MR. ASTORINO: Ms. Director.

4 MS. HORVATH: Thank you, Mr.
5 Chairman. Let me try to explain a
6 little bit further the law
7 department's opinion on this matter.
8 There is our Charter, it's number 1
9 in the hierarchy of the rules and
10 regulations, it is the equivalent of
11 our city's constitution. The electors
12 of our city got to votes on this
13 charter, they vote on the
14 provisions of the Charter. We
15 periodically review it and there are
16 changes made to it. Council rules
17 are procedural and discretionary,
18 they are voted on by 7 Members of
19 Council, not the entire city but by the
20 citizens of Brook Park. So by
21 attempting to make this rule change
22 you are in violation of the Charter
23 provisions, this is my official
24 position. I was elected to give
25 legal opinions for the city and every

1 one, of course, has opinions about
2 everything. I have an opinion about
3 whether or not someone maybe should
4 be quarterback for the Cleveland
5 Browns. This is not the same.

6 I am telling you as the Law
7 Director of the City of Brook Park,
8 if this is enacted it is in violation
9 of the Charter and for you not to
10 heed that warning is extraordinary.
11 You need to listen in to what the law
12 department is telling you.

13 There are 2 parts to this
14 Charter provision. You may change
15 the procedures in your rules as to
16 how these meetings are called, but
17 you cannot change the provision which
18 says that 3 members may call a
19 Special meeting or that the Council
20 President can call a Special meeting
21 and that is final. I am sorry if
22 people have other opinions, they
23 think I am right or I am wrong but it
24 doesn't matter, because the opinion
25 of the law director is such that I am

1 telling you if this is enacted you
2 are in violation of the Charter and
3 that should be sufficient reason for
4 not to enact this

5 MR. ASTORINO: We appreciate
6 the participation. I also wanted to
7 address the comment that was made
8 by Council Pro-Tem. He had concerns
9 about the rules in requesting the
10 months of July and August, he felt
11 that was requiring us to take the
12 recess. The way it is written it
13 requires, it says if we are in recess
14 that rule would apply. It doesn't
15 mandate that we recess.

16 Now, the other aspect, I can
17 appreciate the passion and the
18 commitments that the law director has
19 to her opinions, but if you look at
20 the history of Brook Park Council,
21 there have been times that Council
22 has followed the advice of the law
23 director, not this one, but prior



1 ones, faced litigation and lost the
2 litigation. I think Council people
3 are elected to be free-thinkers. We
4 take that advice because she serves
5 as a lawyer, she takes our advice.
6 If you read it in a manner without
7 certain things, it says in the
8 absence of such provisions, I will
9 take out the part of the vote of
10 Council taken at a Special meeting,
11 in the absence of such provision
12 Special meetings shall be called by
13 the Clerk of Council upon written
14 request, it's a 2 part sentences,
15 the second part says, shall be called
16 in the absence of such provision.
17 The law director seems to ignore the
18 Charter is a priority, then she
19 says our rules are procedural and we
20 can't do that. When the Charter
21 provides us the ability to do that
22 and references that we can create
23 rules, not all of our rules are
24 procedural. The Charter gives us the
25 power to develop rules, much like the

1 Constitution, not everything is
2 contained in the Constitution,
3 sometimes it needs to be clarified a
4 little bit and it just can't be in
5 conflict with it. So the fact she
6 thinks it's in conflict doesn't
7 necessarily mean all the 7 or 8 have
8 to shake our heads and say she is
9 right because she is the law
10 director. Law directors in this city
11 have been wrong before and they will
12 be wrong again. It does not provide
13 because she said it we have to do it.
14 We have a responsibility as Council
15 people to take a look at it.

16 The reason I was putting this
17 rule forward is simply to protect the
18 vote of Council. We heard the Mayor
19 say this might be an irresponsible
20 majority, he is coming up with excuses.

21 MAYOR COYNE: You mentioned
22 my name, can I respond?

23 MR. ASTORINO: When I am done.

24 MAYOR COYNE: Point of order.

1 MR. ASTORINO: You can follow
2 the proper decorum.

3 MAYOR COYNE: When you are
4 done can I respond? You mentioned my
5 name.

6 MR. ASTORINO: Yes,

7 MAYOR COYNE: Thank you.

8 So Council, I understand the
9 law director's opinion about this,
10 her position on this. I would
11 support Councilman Troyer's need to
12 push it to the next Caucus. Her
13 opinion was provided this afternoon,
14 it is not time for there to be
15 necessarily discussion amongst our
16 members, there is not time to do
17 anything. At the last minute she is
18 dropping it in our lap, here is my
19 opinion. The law director is providing
20 improper advice
21 and we shouldn't follow it. There was
22 a contract, they said it was okay to

1 impose a contract, that you have the
2 ability and the court says; no, we
3 don't. Why do we need to have all
4 that litigation when we clarify with
5 the rules, the intent of this
6 rule is to protect the vote of the
7 majority. If you want the minority
8 to disregard that vote, I think it's
9 irresponsible.

10 Now go ahead.

11 MAYOR COYNE: Thank you very
12 much. You are a hundred percent
13 wrong. It's not Council's duty to
14 protect the vote of anyone. The
15 purpose of this Charter, you leave
16 out the word or, it can this way with
17 the Council rules or it shall be done
18 by this way. It's a check and
19 balance. I heard you many times say
20 we should have checks and balances,
21 that's why the Charter is written, if
22 the majority of Council cannot get
23 this legislation they could call for
24 a Special meeting. If there is not
25 progress being made, the Council

1 President can go against the majority
2 or minority and call a meeting to
3 have the minority opinion heard.
4 That's the purpose of this Charter,
5 to have legislation, that's it
6 exacty. You don't have to listen to
7 the law director, I assure that's
8 what it says. That's what you are
9 really trying to do here is to
10 protect all the voices being heard.
11 That's what is really going on.
12 Anybody involved in the legislative
13 process of the city, and there has
14 never been a problem like we have
15 incurred or we have experienced since
16 you have been presiding over these
17 meetings. That's the real issue here.

18 MR. ASTORINO: Are you going
19 to follow the rules?

20 MAYOR COYNE: I am following
21 the rules.

22 MR. ASTORINO: You are not
23 following rule 8 or 9.

24 MAYOR COYNE: What is that?

25 MR. ASTORINO: Proper decorum.

1 You are impugning.

2 MAYOR COYNE: I am not, I am
3 stating a fact, I am not impugning
4 anything. It's a fact.

5 Mr. Troyer: Point of order.

6 Mayor Coyne: Thank you.

7 Mr. Troyer: Point of order.

8 Mr. Chairman, point of order. He
9 needs to keep his seat because when
10 he goes down here and talks --

11 MAYOR COYNE: I can leave any
12 time I want. Quite frankly, I can
13 leave whenever I want.

14 Mr. Troyer: I didn't say
15 anything about you leaving.

16 MAYOR COYNE: Are you going to
17 address me?

18 Mr. Troyer: No, I am addressing
19 the Council President.

20 Mrs. Powers: He is our guest and
21 when he gets out his chair and goes
22 down there and he is disrupting our
23 meeting. This is a Council meeting.

24 MAYOR COYNE: I have a seat on

1 Council, I am not your guest,
2 Councilwoman, never have been nor will
3 be. I have a seat here.

4 MR. ASTORINO: Your point of
5 order, I understand your point of
6 order. I don't think there is
7 anything in the rules other than
8 proper decorum, that some of us
9 define proper decorum in a different
10 manner. The Mayor feels he can talk
11 walking around. He feels he can do
12 all that. All of Council have to go
13 along with this idea.

14 MAYOR COYNE: Thank you,
15 Mr. Chairman.

16 MR. ASTORINO: Councilwoman
17 McCormick.

18 MS. MCCORMICK: I would like
19 to restate that I disagree with the
20 law director's opinion, she gave us a
21 legal opinion. An opinion means a
22 view or a judgement about something
23 that is not necessarily based on fact
24 or knowledge, that it is an opinion.
25 And I would agree with the

1 recommendation that this should be
2 moved to the next Caucus for further
3 discussion so Council has time to
4 process this and perhaps seek another
5 legal opinion, legal interpretation.
6 This was delivered to us by e-mail at
7 3:30, some people didn't see it until
8 they got here before the
9 meeting. If you are going to drop an
10 opinion an expect us to process it
11 that night, you should have given it
12 to us earlier.

13 MR. ASTORINO: Councilman, we
14 are under discussion. I would ask
15 you to hold off on the motion until
16 we have finished.

17 MS. MCCORMICK: I thought he
18 didn't make a motion.

19 MR. ASTORINO: We are still
20 under discussion, I didn't want you
21 to make a motion while I can see
22 other people want to talk, they will
23 simply be asking you to rescind your
24 motion, unless somebody calls for the

1 MR. ASTORINO: Councilman Scott.

2 MR. SCOTT: When I received
3 this Caucus package I was reading the
4 rules, as soon as I read this it
5 violates the Charter, I totally
6 concur with the law director, as soon
7 as I saw the statement in here right
8 off the bat, and I still believe
9 this violates the Charter. I believe
10 that the law director is 110
11 percent correct and I would make a
12 motion to discuss moving on.
13 I totally agree with the law
14 director, that was my opinion when I
15 first received this package.

16 MR. ASTORINO: Is there any
17 more discussion?

18 MR. BURGIO: Yes.

19 MR. ASTORINO: Councilman
20 Burgio.

21 MR. BURGIO: Thank you,
22 Mr. Chairman. I just have to say we

1 can disagree with what the law
2 director states, if we don't have
3 confidence in our law department we
4 have some real major problems. It's
5 okay to disagree, it seems we
6 disagree with our law department
7 continually. When we go phrase by
8 phrase, sentence by sentence to
9 see what the law director is saying
10 it's almost like practicing without a
11 license. We are allowed to have our
12 opinions, we have to respect our law
13 department, they are looking out for
14 us and the city. I would have to
15 side with the law department, that is
16 where I stand, it's okay to discuss
17 things and I think it's healthy, but
18 I think we really need to listen and
19 not be hasty in what we say and do
20 and take into consideration what the
21 law department tells us. It is for
22 the good of the city and Council, I
23 think she wouldn't do anything
24 otherwise to negatively impact our
25 city. So I have confidence in the

1 law department and anything that is
2 this close to going either way I have
3 to side with the law department.
4 That' all.

5 MR. ASTORINO: Any response to
6 Councilman Burgio? None.

7 We have done this before
8 where we just follow the direction of
9 the law department and the city has
10 wasted tens of thousands of dollars
11 in legal bills. They are not always
12 right. We are supposed to be free
13 thinkers. Again it was taken into
14 consideration, it came to us at 3:30
15 this afternoon, there hasn't been
16 enough time. The request was simply
17 to move this to the next Caucus
18 giving us time to respond to it and
19 address it.

20 MR. BURGIO: I understand we
21 shouldn't do anything very hastily.

22 MR. ASTORINO: Councilman
23 Troyer.

24 MR. TROYER: Thank you,
25 Mr. Chairman.

1 MR. ASTORINO: Under
2 discussion; right?

3 MR. TROYER: Yes. I have a
4 few questions for the law director
5 and not just one, it's a couple.
6 Through the chair to the law
7 director. Madam Law Director, the
8 first question I have, who requested
9 this ruling or is this opinion on these
10 matters, on these rule changes?

11 MS. HORVATH: No one
12 requested. I came in on Monday,
13 received my packet as to what is
14 listed for the Caucus to take a look,
15 obviously you make the argument that
16 the agenda is done improperly. The
17 other proposed rules are not listed,
18 however, they are in the packet. I
19 took a look at the rules, saw
20 problems with some of them, as is my
21 duty as law director I felt compelled
22 to inform Council you have a problem
23 with this rule change Because it
24 violates the Charter.

25 Now, I am very sorry that

1 people feel they haven't received the
2 opinion in a timely manner. To go
3 from Monday to today and produce
4 something is really the best that is
5 able to be done humanly. You have to
6 look at the fact that I didn't
7 receive this packet and take a look
8 at it really until I got home
9 yesterday. And I read it after I ate
10 my dinner. So I will tell you,
11 without question that everyone here
12 has a job. My job is to give legal
13 opinions based on my experience.
14 Council's job is to legislate and
15 appropriate. That's it. Council
16 does not get to render legal
17 opinions, only the law director
18 does. I am giving you a legal
19 opinion that I have 100%
20 confidence in. Really, this is a
21 very simple issue, there is case law
22 which I have taken a look at before I
23 wrote this opinion. It's quite clear
24 that you can't change this rule in
25 this manner because it violates the

1 Charter and I cannot imagine why
2 anyone would want to continue and
3 discuss and think about changing
4 rules once you are given an official
5 opinion that it violates the
6 Charter. Again, I understand maybe
7 certain Council people have different
8 opinions, I don;t know how I can make
9 it any clearer. The only opinion that
10 counts is the official opinion of the
11 law director of the City of Brook
12 Park.

13 MR. TROYER: Okay, so you are
14 saying -- that was a long answer.

15 MS. HORVATH: Sometimes there
16 is long questions, Councilman Troyer

17 MR. TROYER: You are stating
18 that no member of this Council asked
19 for this opinion?

20 MS. HORVATH: No, I generated
21 it myself because I did not want to
22 see Council run into a situation
23 where we have more litigation
24 because there is questions about our
25 Charter. It is very, very clear that

1 your rules are discretionary and
2 procedural and there is case law on
3 this. There is also case law that
4 says the Charter, excuse me for using
5 the term, trumps the Rules of
6 Council, Robert's Rules of Order. It
7 is first in line.

8 It is clear you take away the
9 ability of 3 Councilmembers or the
10 President of Council to call Special
11 meetings as prescribed in our Charter
12 you are violating the Charter.

13 MR. TROYER: Okay.

14 MS. HORVATH: I am sorry that
15 you do not respect the law department
16 as a separate independent branch of
17 government which is giving you its
18 official opinions.

19 MR. TROYER: I do respect that
20 and I wish that was the case. My
21 point here is that no member of
22 Council asked you for that opinion.

23 MS. HORVATH: So would you
24 prefer I sat here on my hands and
25 allowed you to go down the wrong path

1 in error?

2 MR. TROYER: I don't believe
3 this is the wrong path. The point
4 is, that nobody had any problem with
5 this until your memo came out.

6 MS. HORVATH: That's
7 incorrect.

8 MR. TROYER: Nobody contacted
9 you there was a problem and you just
10 stated that nobody asked you for an
11 opinion.

12 MR. SALVATORE: Point of order.

13 MR. ASTORINO: What's your
14 point of order?

15 MR. SALVATORE: He's insinuating
16 that nobody had any contact with her
17 about this. What are you accusing?

18 MR. ASTORINO: Councilman,
19 address the point of order to me,
20 please. What's your point of order?

21 MR. SALVATORE: The point of order
22 is that you are not disagreeing
23 with what he is saying, you are saying
24 he is violating a rule?

25 MR. ASTORINO: He is making an

1 accusation that somebody other than
2 law director

3 The law
4 director stated she had not heard
5 from any Council people about this.

6 Please, audience, we are
7 trying to have a meeting, we don't
8 need the banter out there.

9 The Councilman is pointing
10 out that's what the law director
11 said, she had never had any contact.

12 MR. SALVATORE: He clearly asked
13 the question.

14 MR. ASTORINO: So we are not
15 allowed? I don't see any rule being
16 violated, I am going to rule against
17 your point of order.

18 MR. TROYER: I am done.

19 MR. ASTORINO: Councilwoman
20 McCormick.

21 MS. MCCORMICK: We have 20
22 other items on our agenda, we are
23 going to be here past midnight. It's
24 clear at this point that nobody is
25 going to agree on anything on this.

1 We need to step back from this
2 particular rule, think about it. I
3 would like to make a motion, put it
4 on the 27th, put on the 27th so we
5 have time to think about it. We are
6 getting way far off and we need to
7 put an end to it.

8 I am making a motion to put
9 it on the September 27th Caucus agenda.

10 MR. TROYER: Point of order. The
11 Mayor just spoke into a Councilman's
12 ear.

13 MR. ASTORINO: That's not
14 inappropriate. It is true at the
15 meeting it would be improper. To do
16 so on occasion, that was actually
17 something that the law director
18 informed me about earlier in the
19 year, she had residents' questions,
20 whispering is not improper as long as
21 it's not done on a point of order
22 business.

23 MS. HORVATH: That is correct.

24 MR. ASTORINO: We can't --

25 MR. TROYER: I would like to

1 second the motion.

2 MR. ASTORINO: So there has
3 been a motion made to place this on
4 the September 27th Caucus meeting.
5 Is that correct?

6 MS. MCCORMICK: Yes.

7 MR. ASTORINO: I want to be
8 sure that's correct. Seeing no
9 discussion?

10 MR. TROYER: I would like to
11 have Council digest this, whether
12 it's voted down or whatever and
13 doesn't go any further from the 27th.
14 It is whatever Council wants. I
15 think we should take a week or 2
16 weeks and digest this and come back.
17 Everybody will have a clear head, I
18 won't speak on it, it will be
19 whatever Council wants. Thanks.

20 MR. ASTORINO: Any other
21 discussion? Seeing none, call the
22 roll.

23 THE CLERK: McCormick?

24 MS. MCCORMICK: Yes.

25 THE CLERK: Troyer?

1 MR. TROYER: Yes.
2 THE CLERK: Powers?
3 MRS. POWERS: Yes.
4 THE CLERK: Mencini?
5 MR. MENCINI: No.
6 THE CLERK: Scott?
7 MR. SCOTT: No.
8 THE CLERK: Burgio?
9 MR. BURGIO: No.
10 THE CLERK: Salvatore?
11 MR. SALVATORE: No.
12 THE CLERK: motion passed 3 to
13 4. MR. SCOTT: Motion rule number 4 has been
14 Discussed.
15 MR. SALVATORE: Support.
16 MR. ASTORINO: There has been
17 a motion that rule number 4 has been
18 discussed, properly supported. Please
19 call the roll.
20 THE CLERK: Scott?
21 MR. SCOTT: Yes.
22 THE CLERK: Salvatore?
23 MR. SALVATORE: Yes.
24 THE CLERK: Burgio?
25 MR. BURGIO: Yes.

1 THE CLERK: Mencini?
2 MR. MENCINI: Yes.
3 THE CLERK: McCormick?
4 MS. MCCORMICK: No.
5 THE CLERK: Powers?
6 MRS. POWERS: No.
7 THE CLERK: Troyer?
8 MR. TROYER: No.
9 MR. ASTORINO: Motion passes 4
10 to 3. Rule number 4 has been
11 discussed.
12 We move to rulee
13 number 12. The only thing that was
14 being done to rule 12, under section
15 A dealing with the introduction was
16 simply too add some language at the
17 end of it. Reading by title only on
18 the day of introduction, for
19 identification purposes only and
20 shall not be considered as a first
21 reading of the introduced
22 legislation. I am putting this as an
23 offered amendment simply to clear up
24 some confusion. Again, it's not
25 necessary, we are all aware what is

1 contained in the memo from the law
2 director, she had a memo earlier
3 about it. Her opinion on this, from
4 what I will put it in my happy
5 planters, her opinion about it, she
6 feels they are having first readings,
7 nor her opinion is actually contrary
8 to the decades of legislation
9 legislation we have. Her opinion is
10 changing it
11 through interpretation when you can
12 actually see is the last sentence.
13 Currently there is all ordinances and
14 resolutions shall be read by title
15 only on the day introduced and shall
16 be referred to committee by presiding
17 officer. It is talking about how we
18 identify the legislation on the day
19 it's introduced not to be considered
20 as a first reading as it hasn't
21 been. A good example would be the
22 last Council meeting, we had 11
23 pieces of legislation that were
24 introduced and they were never posted
25 prior to the meeting. Yes, there

1 were copies provided to Council, the
2 posting, provided for the
3 public they would review prior to the
4 meeting and have their notices.

5 I am simply trying to
6 clarify the language, I am offering
7 to simply clarify the way we
8 have been operating for decades and
9 get passed the differences.
10 Not a difference on the opinion but an
11 interpretation that is trying to
12 change our process.

13 Any discussion from Council?
14 Councilwoman McCormick.

15 MS. MCCORMICK: I would like
16 to make a motion to place it on the
17 next Council under verbal approval.

18 MR. TROYER: Support.

19 MR. ASTORINO: There is a
20 motion, she had her hands up, but
21 there is now a motion Councilwoman.
22 You do have a motion on the floor to
23 place this on the next Council agenda
24 for September 20th, under item J
25 under discussion. Seeing no

1 discussion, we will call the roll.
2 THE CLERK: McCormick?
3 MS. MCCORMICK: Yes.
4 THE CLERK: Troyer?
5 MR. TROYER: Yes.
6 THE CLERK: Powers?
7 MRS. POWERS: Yes.
8 THE CLERK: Mencini?
9 MR. MENCINI: No.
10 THE CLERK: Scott?
11 MR. SCOTT: No.
12 THE CLERK: Burgio?
13 MR. BURGIO: No.
14 THE CLERK: Salvatore?
15 MR. SALVATORE: No.
16 MR. ASTORINO: 3 to 4 the
17 motion passed.
18 Council, what's your
19 pleasure, I need a motion.
20 MR. SCOTT: It has been
21 discussed.
22 MR. BURGIO: Support.
23 MR. ASTORINO: Motion by
24 Councilman Scott, supported by
25 Mr. Burgio; is that correct? It's hard

1 to figure out. Seeing no discussion,
2 call the roll on the motion being
3 discussed.

4 THE CLERK: Scott?

5 MR. SCOTT: Yes.

6 THE CLERK: Burgio?

7 MR. BURGIO: Yes.

8 THE CLERK: Salvatore?

9 MR. SALVATORE: Yes.

10 THE CLERK: Troyer?

11 MR. TROYER: No.

12 THE CLERK: Powers?

13 MRS. POWERS: No.

14 THE CLERK: McCormick?

15 MS. MCCORMICK: No.

16 THE CLERK: Mencini?

17 MR. MENCINI: No.

18 MS. MCCORMICK? I would like
19 to make a motion to place that on the
20 next Caucus agenda for discussion.

21 MRS. POWERS: Support.

22 MR. SALVATORE: Mr. Chairman. Can I
23 get the roll call of the last
24 motion? The vote on the last motion,
25 4 to 3?

1 MR. ASTORINO: It was 3 yes, 4
2 no.

3 MR. SALVATORE: 3 yes.

4 MR. ASTORINO: The motion was
5 discussed, there was 3 yes and 4 no.

6 MR. SALVATORE: Are you going to
7 accept another motion to move it
8 over?

9 THE CLERK: That motion
10 failed.

11 MR. ASTORINO: It was accepted
12 by Council, it was discussed, there
13 is no action, it needed 4 yes' to
14 be discussed.

15 MR. SALVATORE: I thought you said
16 4 to 3.

17 MR. ASTORINO: It was 3 yes'
18 4 no.

19 MR. SALVATORE: So there was 4 no?

20 MR. ASTORINO: Yes, there was
21 4 nos.

22 MR. SALVATORE: Thank you for the
23 clarification.

24 MR. ASTORINO: Now there is a
25 motion to place it on the September

1 27th Caucus meeting.

2 MS. MCCORMICK: Yes.

3 MR. ASTORINO: Properly
4 supported. Seeing no discussion, call
5 the roll.

6 THE CLERK: McCormick?

7 MS. MCCORMICK: Yes.

8 THE CLERK: Powers?

9 MRS. POWERS: Yes.

10 THE CLERK: Scott?

11 MR. SCOTT: Yes.

12 THE CLERK: Troyer?

13 MR. TROYER: Yes.

14 THE CLERK: Burgio?

15 MR. BURGIO: Yes.

16 THE CLERK: Mencini?

17 MR. MENCINI: Yes.

18 THE CLERK: Salvatore:

19 MR. SALVATORE: Yes.

20 THE CLERK: The motion
21 carried.

22 MR. ASTORINO: The motion
23 carries 7 to zero that rule will be
24 moved to the September 27th Caucus.

25 The next rule is 12 C.

1 Simply talks about, in order
2 adequate time be given to the
3 preparation of legislation Members of
4 Council shall present requests in
5 writing to the law director not later
6 than 5 p.m. on the Tuesday presiding
7 the Wednesday. Legislation should be
8 introduced under suspension at least
9 one week to the introduction of
10 Council. The sentence at the end;
11 under no circumstances will the law
12 director fail to provide the
13 requested legislation within 30 days.

14 The intent of this that I am
15 suggesting and offering is that if
16 the Councilmember submits to the law
17 director for legislation to be
18 drafted that it would be provided at
19 least within 30 days. The way I read
20 the rule as it exists right now it
21 says if you present the request no
22 later than 5:00 p.m. on the preceding
23 meeting, it should be provided.
24 There we have had a difficulty with
25 the law department being responsive

1 to some of the legislation. I want to
2 extend it a little bit, one week
3 might be too fast to get the
4 legislation, any legislation should
5 be within 30 days, so Council can go
6 forward with what they want to offer
7 as changes.

8 Any discussion? Councilwoman
9 McCormick.

10 MS. MCCORMICK: I am in
11 support of this amendment, I think
12 its needed. Earlier this year,
13 working with the law department, I
14 may have wanted things a little
15 quicker than they could have been
16 provided and the law director
17 explained to me when this rule was
18 originally written we didn't have a
19 meeting every week so she might need
20 a little more time to get it done.
21 As time has gone on I have received
22 less responses, I can't get phone
23 calls answered a lot of times,
24 e-mails go unresponded, I even asked
25 if there are specific office hours

1 that the law director is in so I can
2 come in. I have requests, they are
3 still out from me, they have not been
4 fulfilled. It is unacceptable that
5 it should wait that long for
6 responses from the law department.
7 We have talked about the minority
8 suppressing the majority and the
9 majority suppressing the minority. We
10 have the law department suppressing
11 Council members bringing forth
12 legislation and that's not cool. So
13 I think this amendment is definitely
14 needed.

15 MR. ASTORINO: Councilman
16 Scott.

17 MR. SCOTT: Through the chair
18 to the law director. How many pieces
19 of legislation have you had this
20 year?

21 MS. HORVATH: That's an
22 interesting question. I had a
23 discussion with my assistant earlier
24 today, I will be quite frank, we
25 didn't have time to stop and count

1 them up. I think the last time we
2 took a count we had 88 pieces and
3 that was perhaps the end of June,
4 beginning of July. That exceeded all
5 of the legislation requests drafted
6 for the prior year.

7 MR. ASTORINO: You still have
8 the floor.

9 MR. SCOTT: How many opinions
10 have you given out?

11 MS. HORVATH: The most recent
12 opinion is number 16 or 17. Last
13 year for the total year there were 16
14 opinions. I would say roughly 60 to
15 65 percent of the opinions concerned
16 Council rules, conflicts over those
17 rules, and the other opinions may be
18 something with regard to human
19 resources or civil service and so
20 forth.

21 MR. SCOTT: So over 110 pieces
22 that you have had to work on?

23 MS. HORVATH: I would say
24 there were easily over a hundred. I
25 think we have 19 pieces on the agenda

1 tonight, 2 of them were drafted by my
2 predecessor, that brings me to 17
3 pieces that obviously have been
4 drafted since I have taken count.
5 That easily puts it over a hundred.

6 MR. SCOTT: Are you on vacation?

7 MS. HORVATH: Yes, I am. I am
8 an independent elected official. I
9 am not a Member of Council. I do not
10 believe that I would be subjected to
11 Council rules in the sense that
12 Members of Council are. I would also
13 point out that it is my job to run
14 the legal department and to do it in
15 the best fashion that I can. And I
16 will honestly and frankly state that I
17 run it and I will not allow Council
18 rules to dictate what tasks I do
19 when. I think it's a very bad idea.
20 I would hate to think that I have to
21 make a choice between answering
22 discovery in litigation versus trying
23 to make a 30 day deadline to submit
24 legislation. We have had a tremendous

1 amount of legislation that has been
2 prepared. We also have had a
3 tremendous amount of conflict over
4 rules that the law department has
5 had to deal with. I know it's hard
6 to believe that the law department
7 does have other things other than
8 preparing legislation to accomplish.

9 MR. SCOTT: Thank you.

10 MR. ASTORINO: Councilman
11 Mencini.

12 MR. MENCINI: Thank you,
13 Mr. Chairman. Through the chair to
14 our law director. Ms. Horvath, I am
15 going to kind of piggy back off my
16 colleague Mr. Scott. Let's go to how
17 many civil opinions and litigation
18 since January 1st have you dealt
19 with?

20 MS. HORVATH: Let's separate
21 the opinions and actual lawsuits. As
22 I said previously I have probably
23 written 16 or 17 opinions. When I
24 first took office we had about 8
25 lawsuits including the City of Brook

1 Park versus Community to Secure Our
2 Safety and Wohlgemuth versus the City of
3 Brook Park, which was a companion
4 case. Out of those 8 cases to date,
5 we have one pending case at this
6 point. So obviously my goal would be
7 to have zero pending cases.

8 MR. MENCINI: We have one
9 case?

10 MS. HORVATH: We have one case
11 that is still in court. We have one
12 case that was dismissed without
13 prejudice, which is the city snow plow
14 versus car. I think that is
15 probably going to go to mediation
16 rather than refiled. Basically we
17 just have one case that currently has
18 something pending in Common Pleas
19 Court.

20 MR. MENCINI: Thank you.
21 That's all I have, Mr. Chairman.

22 MR. ASTORINO: Councilwoman
23 McCormick.

24 MS. MCCORMICK: You said you
25 have had roughly 80 some requests for

1 legislation this year?

2 MS. HORVATH: No, I am saying
3 I prepared over 80 by the end of June
4 or July and I believe the total is
5 easily over 100 pieces prepared as of
6 today.

7 MS. MCCORMICK: So a hundred
8 some pieces. How do you keep track
9 of those?

10 MS. HORVATH: Obviously they
11 are in the computer. And we have
12 ways of keeping track of them by
13 laws.

14 MS. MCCORMICK: You are on
15 record in past meetings you keep a
16 logbook.

17 MS. HORVATH: I do.

18 MS. MCCORMICK: I requested a
19 copy of that logbook, I have not been
20 provided with a copy of this logbook,
21 instead I was sent a memo which I
22 haven't shared with many. It
23 says; Dear Julie, I am replying to
24 the memo of 7/14/16 which is the
25 records request for the logbook kept

1 in the legal department. What I was
2 given after my request for the
3 logbook was a copy of e-mail requests
4 for myself written by myself,
5 Councilwoman Powers and Councilman
6 Troyer, None of the other Members of
7 Council. There was something there
8 from the President. There was
9 something from other Members of
10 Council.

11 MS. HORVATH: I will be happy
12 to explain that.

13 MS. MCCORMICK: I am not done,
14 please don't interrupt. I wrote you
15 saying I didn't get a copy of the
16 logbook that I requested that is a
17 public record and public document.
18 Please give that to me. I got this
19 letter. Please be advised you have
20 received all documents contained in
21 this log. This log was started for my
22 use as I prefer looking at something
23 in print letter form, various e-mails
24 on line. I only keep track of letters
25 from Council sent from e-mail. I am

1 sure you are aware that to view my
2 e-mail I must be in the law
3 department at my desk, I cannot
4 access my e-mail off-site. They are
5 requests from Burgio, Salvatore,
6 Mencini and Scott, if they requested
7 legislation they did so verbally and
8 there are no written records
9 associated with them. I do not use
10 this logbook, which is in quotations
11 to keep track of requests from the
12 Mayor's office. I also asked for
13 requests from the Mayor's office.
14 That's what I got back when I
15 requested a copy of the logbook,
16 which again you said exists. There
17 were no written records with
18 Salvatore, Mencini, Burgio or Scott.
19 I contact our Council Clerk to ask
20 her if there were any written
21 requests that went to your department
22 from any of those 4 members. She
23 provided me with a list of those. So
24 you are either improperly responding
25 to public record requests or, as you

1 may have admitted tonight are not
2 properly providing the information to
3 public records requests. And the
4 reason that I had asked for that copy
5 of this logbook is because again I
6 will state, I have requests out there
7 from May that have gone unanswered.
8 One of them was information on
9 charitable contributions. This was
10 something we had all talked about,
11 Okay, I will pull it together in
12 writing, submit it to you in full
13 writing, all it needed was correcting
14 and signed off on. It wasn't as I
15 asked you to write it from scratch.
16 That's just an example of one of the
17 things. This is asked by Councilmembers
18 and it's drafted overnight and/or
19 within a week. I am still waiting on
20 stuff from May.

21 MS. HORVATH: Are you done?
22 Will I have an opportunity to
23 respond?

24 MS. MCCORMICK: I am not
25 done. And requests go through the

1 chair.

2 I would like to know when I
3 could be provided with a copy of that
4 logbook, and as far as legal opinions
5 I have also, I have asked for legal
6 opinions to be put together and those
7 have gone ignored as well. So
8 clearly there needs to be some kind
9 of rules put in place. And if you
10 look at our charter under section
11 6.02 it gives the Council the ability
12 to provide rules for the law
13 department, the director of law. Let
14 me find that, hold on one moment. He
15 shall perform all of the duties now
16 or hereafter imposed upon city
17 solicitors upon the general laws of
18 Ohio otherwise provided by Ordinances
19 or Resolutions by Council, perform
20 other provided by this Charter as the
21 Council as maybe required by this
22 Charter. That's the saem thing as the
23 Council or Mayor imposes upon him
24 consistent with this office. That
25 gives council the ability to make

1 rules for your job. Council is the
2 legislative branch of this government
3 and that's what Council is charged
4 with.

5 That is all I have to say.

6 MS. HORVATH: So we are done
7 with the litany.

8 MR. ASTORINO: Ms. Director,
9 please use proper decorum. You know
10 the proper decorum required.

11 MS. HORVATH: I absolutely do
12 and I relish the opportunity to
13 respond.

14 First of all, let's go to the
15 last item first, section 6.02. It
16 does read that the law director shall
17 perform other duties as maybe
18 required by this Charter as the
19 Council or the Mayor may impose upon
20 him consistent with this office.
21 There are no time lines incorporated
22 in this section. It doesn't say
23 whatever is assigned has to be done
24 within so many days or so many hours
25 or so many weeks.

1 My position, that I am an
2 independent elected official and I
3 have the right to run my department
4 as I see fit still stands.

5 Now let's go to the logbooks.
6 All right, as I explained to you I
7 mentioned that I had a logbook in a
8 Council meeting and you requested to
9 see it. I told you that it is for me
10 in the sense that I don't always get
11 an opportunity to go ahead and look
12 at my e-mail. So I keep the e-mail
13 so I can take the book back and forth
14 with me. It's for my use, I am more
15 than happy to give you copies of it.
16 You have received copies of
17 everything that is in it. After this
18 meeting if you want to go over to the
19 law department you can take a look at
20 it right after the meeting.

21 Now with regard to
22 legislation that you have requested.
23 Yes, you have requested legislation,
24 but the 2 pieces you are talking
25 about are somewhat problematic due to

1 the press of business and other
2 issues I haven't had an opportunity
3 to finish it. The anti-discrimination
4 legislation that you are talking
5 about probably at this point is a
6 draft --

7 MS. MCCORMICK: I am not
8 talking --

9 MR. ASTORINO: Let her talk.

10 MS. HORVATH: I believe there
11 are only 2 pieces of legislation that
12 you have requested that is still
13 pending, one is the anti-
14 discrimination legislation which
15 right now, which right now would
16 probably run 14 pages. It's not as
17 simple as saying; lets' just pass
18 this. All of the other ordinances
19 have to be looked at to see if they
20 need to be amended. So it's just not
21 a question of going ahead and
22 passing legislation, we have to look
23 at the fair housing legislation, does
24 that need to be amended. So we have
25 to look at the ordinances dealing

1 with intimidation, does that have to
2 be amended. You also have a process
3 within that legislation where you
4 want to create a board, and the board
5 would hear whatever complaint --

6 MS. MCCORMICK: Point of
7 order. This discussion of
8 legislation --

9 MS. HORVATH: You asked for an
10 explanation why it's taking so long.

11 MS. MCCORMICK: We are not
12 going into the details of
13 legislation.

14 MS. HORVATH: I also asked you
15 to poll Council, that's a lot of
16 work, if you have supports for this
17 legislation and you told me you
18 didn't want to know. I asked you to
19 poll Council with the charitable
20 contributions.

21 MS. MCCORMICK: It wasn't
22 brought up by Council.

23 MS. HORVATH: It was brought
24 up. I asked you to poll Council and
25 you said you didn't want to do that

1 either. There are some issues
2 surrounding that. You previously
3 requested legislation which I did not
4 complete. One was to change the
5 minimum wage for the entire City of
6 Brook Park, to increase it. I told
7 you that I felt the State of Ohio
8 preempted that. You again requested
9 after we had that discussion, in the
10 interim the Attorney General for the
11 State of Ohio came out with a 23 page
12 report with regard to issues that
13 came out in Hamilton County where he
14 said the State of Ohio was the only
15 authority that could set minimum
16 wage. That took care of that.

17 You also had a change made to
18 the Board of Control, you wanted to
19 add additional Councilmembers to the
20 Board of Control. I told you I didn't
21 think that was appropriate based upon
22 my reading of the Ohio Revised Code.
23 I would also note that you said I
24 don't communicate. You and I had a
25 telephone conversation probably

1 around 12 o'clock on Friday
2 discussing your medical marijuana
3 resolution I went ahead and signed as
4 legal correctness as we talked.

5 MS. MCCORMICK: Point of
6 order.

7 MS. HORVATH: Wait.

8 MR. ASTORINO: Point of order.

9 MS. HORVATH: I would like to
10 poll Council --

11 MS. MCCORMICK: The point of
12 order is that we are supposed to be
13 discussing just this one item, not
14 the entire history of the law
15 department since we took office. So
16 can we get back to the issue at
17 hand.

18 Audience outburst: You started it.

19 MS. MCCORMICK: Point of
20 order. The audience is not supposed
21 to yell things out.

22 MR. ASTORINO: I am going to
23 allow the law director, she has been
24 asked questions about this, I am
25 going to allow her to finish the

1 answer. I don't think she is -- I
2 will deny the point of order and
3 allow her to finish.

4 Mr. Salvatore: Mr. Chairman, would
5 you mind recognizing me? I would like
6 to make a motion for a 5 minutes
7 recess.

8 Mr. Mencini: Support.

9 Mr. Troyer: Point of order. The
10 law director still had the dais.

11 MR. ASTORINO: There is a
12 motion made for a 5 minute recess,
13 it's been properly seconded.
14 Discussion on the recess? Are we
15 going to discuss it?

16 Mr. Mencini: It's a tough little
17 meeting we are having, a lots of
18 things, I think we can use a little
19 break. I am all for it.

20 MR. ASTORINO: Any discussion
21 on the recess. Seeing none, we will
22 call the roll.

23 THE CLERK: Salvatore?

24 MR. SALVATORE: Yes.

25 THE CLERK: Mencini?

1 MR. MENCINI: Yes.
2 THE CLERK: McCormick?
3 MS. MCCORMICK: Yes.
4 THE CLERK: Powers?
5 MRS. POWERS: Yes.
6 THE CLERK: Troyer?
7 MR. TROYER: Yes.
8 THE CLERK: Burgio?
9 MR. BURGIO: Yes.
10 THE CLERK: Scott?
11 MR. SCOTT: Yes.
12 MR. ASTORINO: Motion carries.
13 It is 9:21, we will reconvene at
14 9:26.
15 (Recess had.)
16 MR. ASTORINO: Council, take
17 your seats, please. Okay, we have
18 completed the 5 minute recess, we
19 will be back in session now.
20 I think we are at the point
21 that the law director was still
22 providing her answer.
23 MS. HORVATH: Thank you,
24 Mr. Chairman. If may continue. I
25 left off saying that Councilwoman

1 McCormick had called on Friday or I
2 called her Friday around 12 this past
3 Friday. Then on Monday she sent me a
4 text message at 8:26 a.m. that says;
5 I just went into the Council office
6 and Michelle said she hasn't gotten
7 the revised resolution from your
8 office yet. Can this be e-mailed to
9 me or something. Now, Friday I did
10 not return to the city, I had other
11 matters that I had to deal with, some
12 of which involved filing some
13 demolition liens with the County
14 Recorder's office. I didn't return
15 until Monday later in the day. I
16 went around and signed the
17 legislation as to correctness and
18 sent it over to the Clerk of Council
19 so she would be able to process it. I
20 mention this because you had
21 indicated because I never communicate
22 with you, I never talk to you and
23 that is entirely incorrect. Now,
24 again my position is, yes, of course,
25 you may under the Charter assign

1 tasks to the law department, but you
2 can not dictate the order of those
3 tasks, as to when those tasks should
4 be done in conjunction with other
5 legal work, nor can you set a time as
6 to these tasks. I would further note
7 because of the constant conflict and
8 controversy that exists with this
9 Council with regard to rules and its
10 disrespect for the rule of law, as far
11 as rules that the legal departments
12 makes, it's been very difficult to
13 timely process items.

14 With that being said, I would
15 say at this point my comments are
16 done other than to invite
17 Councilwoman McCormick over to the
18 law office which she has been invited
19 over previously, if she wants to take
20 a look at the logbook as it exists
21 she is more than welcome to.

22 MR. ASTORINO: Councilwoman
23 McCormick.

24 MS. MCCORMICK: To the law
25 director, if you are saying we can't

1 impose a time limit on you, what
2 would you suggest to give us some
3 kind of assurance that our
4 legislation requests will be
5 processed in a timely manner? Are
6 there any suggested changes that you
7 would say that we can do?

8 MS. HORVATH: Yes, there are.
9 First of all, I will like to see the
10 conflict that exists deceased. I
11 would like everyone to figure out
12 what their rules are and proceed with
13 them. And I would like Council to
14 respect the law department's opinions
15 so I wouldn't have to keep writing on
16 the same issue over and over. I
17 think that would be helpful.

18 I think it would also be
19 helpful if perhaps if a Council
20 person wants this legislation done
21 just come on over and talk to me. To
22 a certain extent it's almost easier
23 to sit down in person than it is to
24 go back and forth with regards to
25 e-mail. As far as I am concerned

1 those would be my suggestions.

2 MS. MCCORMICK: It still
3 doesn't give like any assurance. I
4 was actually looking for some kind of
5 rule change that you can suggest over
6 this process.

7 MS. HORVATH: Maybe you don't
8 understand my position.

9 MS. MCCORMICK: You want to
10 fight about that.

11 MS. HORVATH: No, I want the
12 fighting to stop. You guys have, I'm
13 sorry for the colloquial term, you
14 have to figure out what rules you
15 want to follow. Once you have done
16 that I believe the appropriate thing
17 would be for you to ask what
18 particular things do want to do
19 legally, do we have the money for it
20 and is it in the best interest of
21 City of Brook Park. If all the
22 answers are, the majority votes it up
23 or down, this constant bickering back
24 and forth, questioning of people's
25 motives, the conflict which exists

1 with regard to rules, I think it's
2 very detrimental to Council. I think
3 it's detrimental to the legislative
4 process, it also involves a lot of
5 work for the legal department and
6 it's detrimental to the City of Brook
7 Park.

8 MR. ASTORINO: If I can
9 interject there. This rule, 12 C was
10 not changed since the beginning of
11 the year. It says; in order that
12 adequate time maybe given to the
13 preparation of legislation, Members
14 of Council shall present requests,
15 and it sets a deadline of 5 p.m.
16 Tuesday. If I wanted something for
17 next week's meeting I should have
18 given it to you by 5 today. Under
19 the rule that existed for a long time
20 that would be adequate. I think what
21 we are saying is not adequate time.
22 What is adequate time. I think you
23 said through June or something we had
24 88 pieces of legislation, you might
25 have done another 17. The

1 Councilwoman said she gave you one in
2 May. You have done numerous pieces
3 of legislation since July and August
4 and her's is sitting on the shelf
5 somewhere. I heard what you said,
6 problems with certain legislation. I
7 believe the process is, we give it to
8 you, you draft it in, it comes to her
9 and it gets into a committee and the
10 committee works out the problems. I
11 don't think legislation is supposed
12 to stall on your desk, it is supposed
13 to be something that we work out in
14 the process. The fact that you agree
15 or disagree with the legislation
16 isn't necessarily relevant to
17 somebody. You mentioned you asked
18 her to poll members to see if they
19 support it. That's not playing to
20 the minority, whether they pass it or
21 not. If she feels she wants to
22 introduce it, there is legislation
23 introduced down in Columbus, because
24 the individual wants to put it on the
25 floor, it doesn't go anywhere, the

1 community doesn't go forward with it.
2 They don't stop that person from
3 introducing it.

4 The rule that has been,
5 that's in effect, a week is adequate
6 time. Apparently that's not anymore,
7 it appears for certain legislation
8 that is adequate time. The question
9 is how do we get a fair and equal
10 treatment for all Members of Council
11 if they give you something to draft
12 it up, it gets drafted up, it doesn't
13 get drafted up ahead of something
14 that they gave you something a month
15 ago. Apparently that's what is
16 happening, you are picking and
17 choosing. I don't think that is your
18 job as the law director.

19 MS. HORVATH: If I may address
20 that?

21 MR. ASTORINO: Go ahead.

22 MS. HORVATH: The rule has
23 never changed, at the time the rule
24 existed we didn't have 4 council
25 meetings per month, there were only

1 2, there was a Caucus and a Council
2 meeting.

3 MR. ASTORINO: For
4 verification I didn't research this
5 rule, this rule has been in effect
6 for more than 5 years. There used to
7 be 4 meetings a month, they had first
8 and third Council and second and
9 fourth Caucus. It wasn't until 2010,
10 so you can't sit there and say it was
11 never 4 meetings. For the longest
12 time they had 4 meetings, it wasn't
13 until the resent Council changed to
14 reduce their workload. This is my
15 clarification to your comment.

16 MS. HORVATH: Perhaps there
17 are other senior members that can
18 address the history. I am looking at
19 perhaps what was in effect the 4
20 years before I was elected.
21 Obviously, you have twice as many
22 meetings as you did in 2015.

23 Now, I am certainly not
24 picking and choosing different
25 people's legislation, I have done a

1 lot of legislation, in fact I will be
2 curious to count up how many pieces
3 of legislation have been drafted for
4 Councilwoman McCormick.

5 As I indicated to you, I felt
6 there were legal problems for both of
7 those pieces of legislation and I
8 believe we even had a discussion
9 earlier before summer session where I
10 indicated we would try to get both of
11 those done in September. What I am
12 simply saying, if you want to know
13 what would be an appropriate rule in
14 my opinion, that the law director has
15 a reasonable time to present that
16 legislation. I think I have
17 certainly done my best to get every
18 piece of legislation possible
19 processed in Council. I mean, it's
20 over a hundred pieces, certainly you
21 have 17 pieces that were drafted on
22 tonight's agenda. If you are
23 suggesting that I am picking and
24 choosing, that's not the case. There
25 is legislation that is more difficult

1 to process. An example would be
2 Councilwoman Powers and I have
3 discussed bike lane legislation.
4 Obviously it is not done yet. We
5 have talked about it for awhile. We
6 took a ride and looked at different
7 bike lanes. Our next step is to
8 talk to Mr. Piatak and maybe have a
9 study done on it.

10 Again, I am trying to process
11 everybody's legislation fairly and in
12 an appropriate manner, and that is my
13 position, and I think that a
14 reasonable time with regard to
15 legislation differs from piece to
16 piece. It's very easy to process a
17 request to buy more salt. It's not as
18 easy to process a request to do an
19 anti-discrimination piece of
20 legislation.

21 So I hope that answers your
22 questions.

23 MR. ASTORINO: Councilman
24 Troyer.

25 MR. TROYER: Thank you,

1 Mr. Chairman. I want to go down a
2 slightly different road here because,
3 and through the chair, when I ask the
4 questions because I want to make
5 statements first to the law director
6 to reply. Councilwoman McCormick
7 alluded to this, but the question
8 was, and I agree, is what can we do
9 to alleviate this issue of the
10 feeling that things aren't getting
11 done. I have quite a few pieces
12 that I have asked you for verbally,
13 one was the drones, and we have
14 communicated back and forth on that,
15 you are working on that, you probably
16 just come to the point of reiterating
17 the Federal Law that we talked about
18 and a few other pieces. So I think
19 there has been many a month this has
20 been in there, none of them are that
21 important that they need to be that
22 timely, except for maybe the one
23 about identity theft and that kind of
24 stuff in our City being more secure
25 which we talked about.

1 So the question is, how do we
2 get from some people's feelings that
3 things are being held up? Do we pass
4 a rule and we can do this according
5 to 6.02, you know -- let me get my
6 glasses on here -- Council may, I
7 will put it in she shall perform such
8 other duties as maybe required by the
9 a Charter or as the Council or the
10 Mayor impose upon her with this
11 office. I changed him to her. So I
12 get it. I get that 30 days is going
13 to be too strict for some things. I
14 also get that months and months is
15 kind of too long. If you could, can
16 you come up with a rule for the next
17 Caucus meeting that may have, where
18 you can show -- one of the rules I
19 want, when you approve it to form
20 that it is dated. I have asked for
21 that before. I think that's a
22 Council rule that we can require you to
23 impose on, when the law department
24 signs the form that it's dated.
25 Again, and we can impose on you to

1 keep that logbook up to date. It was
2 talked about, a form was brought
3 forward months ago about how
4 everything should flow through you,
5 the law department and be seen and
6 dated. And if we did that, if we did
7 impose that requirement, that now you
8 could say; no, I got it here, this is
9 what happened, we had a conversation
10 to do that kind of thing. Now you
11 don't have any question, nobody is
12 right and nobody is wrong, whatever
13 it says in that logbook, whatever is
14 there, it's there in black and
15 white.

16 Now, a couple of Members have
17 talked about, you know, your, how
18 many pieces of legislation the law
19 department had to draw up. That just
20 goes to show you how much the Council
21 has accomplished this year. All of
22 this legislation, most of it has been
23 passed, probably 99 percent of it.
24 So Council has done a lot of work and
25 we got a lot of things done. We have

1 also spent a lot to time talking
2 about things like that. I think the
3 thing to do is make a couple of
4 changes and have a result or
5 something in there that notes the
6 flow when it is requested and there
7 is no question it was requested on
8 this date, this is where it's at. We
9 worked on this date or something like
10 that. Also, if the load is that
11 heavy maybe we look, need to look at
12 more help in the law department. I
13 have suggested that and some others
14 have. If the law department needs
15 help we need to address that. So I
16 am not going to make the motion,
17 there might be some more discussion,
18 we put this on the next caucus and
19 maybe you and I or some other members
20 can talk about a way to manage this
21 work. That's it.

22 MS. HORVATH: Can I respond?

23 MR. TROYER: Absolutely.

24 MS. HORVATH: Okay, good. I
25 do not interpret the Charter

1 provision as allowing to put any time
2 constraints or allowing Council to
3 run what task the legal department
4 would perform when. They may assign
5 duties. I do not see that you have
6 any right under the Charter to
7 determine when those things will be
8 completed. I am not an employee of
9 council, I am an independent elected
10 official and I will run the legal
11 department as best I know how using
12 my best judgment.

13 Okay. Now, you have had a
14 tremendous amount of pieces of
15 legislation that have been drafted,
16 some of them sat for quite awhile in
17 committees. That's fine, if that's
18 your choice. But what you have to
19 understand is the legal department
20 doesn't just serve Council, the legal
21 department has many other duties that
22 it has to perform. So if there were
23 discussions as to rules, I would say
24 that the rules should be changed that
25 the legal department a reasonable

1 time in order to get that legislation
2 in and that would vary depending from
3 piece to piece. As I have indicated
4 to you and other council members,
5 it's wonderful to have a legislative
6 idea, but sometimes it takes time for
7 it to develop. For example, you and
8 I talked about drones and I have
9 indicated to you, since we are within
10 5 miles from the airport, that FAA
11 regulations did not allow drones to
12 be flown, and I assume that piece of
13 air space would be within 5 miles of
14 the airports. We talked, the only
15 thing you could legislate was where
16 the drones takeoff and lands and
17 whether or not the police could
18 assist in investigating to make a
19 case for the FAA with regard to
20 whether or not the drones were
21 illegally flown. Of course, that
22 takes time. There are things that
23 have to be looked at and the law
24 department needs time. But, you
25 know, I think to say there is 2 or 3

1 pieces of legislation that aren't
2 done yet, after you look at the bulk
3 of legislation and therefore we need
4 to change that rule to in ensure that
5 to be done, I think that is
6 improper. As a law director I would
7 not agree that would be the case. I
8 would work with anyone, it is
9 certainly not a situation of
10 preferential treatment. I am
11 certainly not going to require a
12 logbook be kept, that was for my own
13 records. To take home e-mails to
14 study at home, I can't look at
15 e-mails when I sit at home on my
16 computer.

17 What I am saying to you, if
18 you really want to help the legal
19 department out, you need to reduce
20 the conflicts that exist here. And
21 that would help the legal department
22 tremendously, because we would not
23 have to spend time researching
24 opinions and writing opinions with
25 regard to council rules and then

1 rewriting the same opinion with
2 regard to the same dispute.

3 The other thing I think would
4 really help, if you would respect the
5 law department in the sense most
6 cities and most Councils do.

7 Some that is a long answer
8 basically from my perspective, we
9 need to work together, the legal
10 department is working very hard, I
11 can't even at this point in time make
12 a determination as to whether or not
13 there would be additional help
14 needed. I have only been the law
15 director for 8 months. I don't think
16 the city has ever seen the level of
17 legislation that has come in and I
18 would respectfully state that council
19 is probably over legislating at this
20 point with regard to lots of things.
21 So, again, do I make the choice, how
22 do I decide what to do, do I go down
23 to the recorder and file liens that
24 the City needs or do I take that
25 extra time to look at a piece of

1 legislation that maybe a resolution
2 or maybe something that takes some
3 additional time. Quite frankly, you
4 have to leave that to the legal
5 department, the law director is an
6 elected position and the law director
7 has a right to run the legal
8 department as she or he or she sees
9 fit and that is what I will do.

10 MR. ASTORINO: Councilman
11 Burgio.

12 MR. BURGIO: Thank you,
13 Mr. Chairman.

14 I personally don't want the
15 law department or law director to
16 rush through any legislation. I would
17 want to have accuracy. I would rather her be
18 careful with it. There is a
19 difference between ordering rock salt
20 and maybe honoring a student at
21 graduation. Detailed legislation,
22 obviously lawsuits or anything like
23 that I want her to be very careful
24 about that.

25 Also 30 days isn't 30 days

1 unless you want her to work on
2 weekends. It's 22 days. If there is
3 a holiday on that, that's a real
4 tight time frame and puts a lot of
5 pressure. The bottom line, I want
6 her to be careful, take her time and
7 do a good job

8 MR. ASTORINO: Yes, Councilman
9 Mencini.

10 MR. MENCINI: Thank you,
11 Mr. Chairman. With the law
12 department I would say I have had
13 pretty good success there in my first
14 term. Didn't always agree. My point
15 is, when you are in that office you
16 got to make sure every T is crossed
17 and I is dotted. That ain't no place
18 to play.

19 The aspect of needing more
20 help, I think we can send that help
21 somewhere else, another building
22 inspector, police department, the rec
23 center, things of that sort. To put
24 a law department on a time frame is a
25 tough task. There is a lot of that

1 comes here to her or comes to her
2 tomorrow or maybe Thursday or maybe
3 Friday. That's not a place to be
4 playing, and I use the term,
5 Washington, I see some of this on the
6 other end of it. It is the law
7 department. Councilman Astorino,
8 there are lawsuits most of them were,
9 I don't know if they were so much
10 pertaining to the council rules, we
11 have to be careful, we have to make
12 sure it is right. That's what I say
13 on this, that's all I have to say,
14 Mr. Chairman. Thank you.

15 MR. ASTORINO: Thank you.

16 Any more discussion?

17 Mr. Scott: I make a motion to
18 have this discussed.

19 Mr. Mencini: Support.

20 MR. ASTORINO: You are
21 welcome. There has been a motion,
22 this item has been discussed,
23 properly discussed. Any discussion?
24 Seeing none, we will call the roll.

25 THE CLERK: Scott?

1 MR. SCOTT: Yes.
2 THE CLERK: Mencini?
3 MR. MENCINI: Yes.
4 THE CLERK: McCormick?
5 MS. MCCORMICK: No.
6 THE CLERK: Powers?
7 MRS. POWERS: No.
8 THE CLERK: Troyer?
9 MR. TROYER: No.
10 THE CLERK: Salvatore?
11 MR. SALVATORE: Yes.
12 THE CLERK: Burgio?
13 MR. BURGIO: Yes.
14 THE CLERK: 4 to 3.
15 MR. ASTORINO: Rule 12 C
16 that's been discussed Council voted 4
17 to 3, 4 yes, 3 no.
18 Mr. Salvatore: I heard this count,
19 I didn't hear the last one. Are you
20 making fun of my hearing?
21 MR. ASTORINO: I am going to
22 get a little levity in here.
23 MR. SALVATORE: I will pass
24 the note.
25 MAYOR COYNE: We are sending

1 notes?

2 MR. ASTORINO: The next rule
3 is rule number 19, which I am
4 required to address Council. The rule
5 as it currently exists, just has that
6 support, it is reflected in our rules
7 already under rule 9 the standard
8 that we hold for people up here on
9 dais, the members, each citizen that
10 are called during a Regular or
11 Special Council meeting conduct
12 themselves. To the attending public,
13 they shall not permit attacks, they
14 shall comply with the rules of
15 council 2016 and 2017, the speaker
16 shall be limited to 5 minutes. In the
17 past there is people who have spoken
18 at the podium, I have tried to call
19 them to order, they basically ignore,
20 one of them said that the rules
21 couldn't apply to him, he is a
22 resident. If they come to speak at
23 the podium they follow the same
24 decorum we follow here. I think last
25 week we saw a good example of people

1 that came to the podium, they did not
2 adhere to that, their discussion had
3 nothing to do with the City business,
4 the audience participation was used
5 as a personal attack, and unless we
6 have a rule on this apparently before
7 some people that would come to podium
8 and feel they have totally liberty to
9 speak on any matter in any way.

10 I think we have the ability,
11 if you want to come to the podium and
12 discuss anything, it should be City
13 business related, it should be
14 related to the Council people, there
15 should be no personal attacks
16 involved. We should not allow people
17 to come to the podium and use that as
18 an opportunity to pick on a private
19 citizen, a neighbor or anyone else
20 like that. They should come here to
21 talk about problems they have with
22 the City business either commending
23 them for the work we are doing or
24 criticize us for work we are doing.
25 I don't think the rules should be

1 vague enough to say that the rules
2 don't apply to them. They should
3 follow the same rules and same
4 decorum that apply to us.

5 Councilman Mencini.

6 MR. MENCINI: Thank you,
7 Mr. Chairman. I have a strong
8 opinion on this. There is some of
9 this, 1 and-a-half, 2 years and 8
10 months here I think I have seen some
11 pretty rough things at that podium.
12 Again, also it is up to the chairman
13 also, there is times I thought maybe
14 the hammer would come down and it
15 didn't. Some people with a little
16 bit of a free realm. If I have to
17 come in, it was something that I
18 voted on or something that maybe
19 didn't get done, although I try to do
20 everything, I feel that if you are up
21 there you should be professional. I
22 have been to other council meetings
23 and I have seen most people go to
24 that microphone and be pretty
25 professional. Now, I am good at

1 not attacking, addressing something
2 that bothered them, there is enough
3 of that stuff on Facebook. When you
4 come to the microphone be somewhat
5 professional, I have no problem. For
6 somebody to step away from this mic
7 and kind of walk toward the stage and
8 things of that sort probably aren't
9 needed. It should come from our
10 example to them, that's probably not
11 the way we do it, we are trying to do
12 things businesslike up here. And
13 continue it that way. I don't have a
14 problem with people coming up here
15 with there opinions and thoughts. I
16 don't have no problem with that. Last
17 week can somebody used a derogatory
18 or foul remark, I don't know if he
19 meant it, but he did. You have to be
20 a little respectful, lashing out from
21 the audience, this ain't a sporting
22 event, it is not a sporting event, it
23 is not Face Book. Again, we have to
24 be leaders up here today. Again, it
25 is up to the Council President to

1 say; okay, that's enough.

2 I guess that is all I have to
3 say on that. Thank you,
4 Mr. Chairman.

5 MR. ASTORINO: Councilman
6 Burgio.

7 MR. BURGIO: Thank you,
8 Mr. Chairman. Nobody looks to be
9 verbally or physically attacked, it's
10 up to the officials, sometimes people
11 do have a right to voice an opinion.
12 I guess what I am saying, how do you
13 define you are being verbally
14 attacked. I don't know. You are not a
15 responsive Councilman, you are doing
16 a lousy job. I don't think, I don't
17 know that we can really define that
18 and I don't know how that can be
19 enforced.

20 MR. ASTORINO: To provide a
21 little clarification, it says; they
22 will not, they shall not personally
23 attack either physically or verbally
24 any Councilmembers or city
25 employees. Last week 2 people, they

1 talked about my wife and her behavior
2 as a private citizen and they were
3 doing that, telling me I needed to
4 control my wife. It has nothing to
5 do with my professional performance,
6 that's a personal attack. If you guys
7 want to continue to let that happen.
8 As the law director said, there seems
9 to be a lot of conflicts. The
10 conflicts I have experienced when I
11 tried to call them to order, they
12 don't have to follow that rule,
13 that's for you. Put the same rule we
14 have to follow. If you say something
15 about my wife, you call them to
16 order, I am not beating around the
17 bush on this, there has been
18 fostering for a long time. I have
19 has a discussion with councilman
20 Mencini, he said I should sit them
21 down. This rule says they need to
22 perform the same way we are
23 performing. Yes, it's very difficult,
24 what physically or verbally is. It's
25 not difficult to say whether it's a

1 personal attack or a professional
2 attack. What happened last week had
3 nothing to do with my performance, it
4 was an attack on a private resident.
5 If they want to get on Facebook, they
6 want to print up papers, when they
7 come to that podium they should be
8 talking about city business and
9 nothing else.

10 MR. TROYER: I understand your
11 feelings on this. I mentioned 8
12 months ago sometimes the audience, I
13 agree, sometimes this audience isn't
14 always civil. That's what happens.
15 You have to be thick skinned,
16 remember that, I was attacked for my
17 religious views, I didn't respond to
18 that.

19 MR. ASTORINO: I would not
20 have a problem if they attacked me,
21 they weren't attacking me.

22 Mr. Burgio: It's hard to define
23 that. I understand where you are
24 coming from. It's just difficult to
25 enforce that and define what is

1 verbal and what's not. In your case
2 I understand that is different.
3 Somebody could actually dispute the
4 way we do things and the way we act
5 on legislation, it could be very
6 upsetting. We can take it as being
7 verbally attacked.

8 MR. ASTORINO: If it's city
9 business they will have the ability
10 to do that. You are mixing the 2.
11 When they come they need to talk
12 about city business, if it's not city
13 business related it's not directed
14 toward Council people. If it's
15 directed toward private resident
16 that's not appropriate.

17 Mr. Burgio: Those are my views.

18 MR. ASTORINO: Councilwoman
19 Powers.

20 MRS. POWERS: Thank you,
21 Mr. Chairman.

22 First of all I want to go on
23 record from the time we discussed
24 this I agree with every single word
25 you have had to say. For my

1 colleagues to determine what is or is
2 not appropriate, there is afternoon
3 old saying, if you can't say
4 something good, don't say anything.
5 As far as last week went, I
6 have never ever been so embarrassed
7 and appalled with anyone as I was
8 with this audience last week. It was
9 totally uncalled for, it was totally
10 inappropriate. Before I saw this I
11 was, until we get this audience
12 straightened out, we need to bring in
13 a policeman to be ready to take
14 someone out when they refuse to
15 follow proper decorum. These
16 meetings are live streamed, that
17 means anybody in the world, not just
18 Brook Park, anybody in the world can
19 see us and see what is happening. We
20 are becoming the laughing stock not
21 only of Book Park but the entire
22 nation. If anybody went to their
23 friends across the country and say;
24 do you believe what is happening
25 here, it is a shame and it is

1 disgusting and it is a disgrace and
2 it has to stop today. Thank you,

3 MRS. MCCORMICK: Mr.
4 Chairman.

5 MR. ASTORINO: Councilwoman
6 McCormick.

7 MRS. MCCORMICK: Roberts Rules
8 of Orders which we follow, it is in
9 our rules that we follow that, we
10 don't have a rule otherwise that says
11 that decorum should be followed by
12 both the governing body as well as
13 the audience in attendance and we are
14 seeing that's not always happening.
15 You can note instances in the past
16 where my children have been brought
17 up at the podium, my parenting, my
18 personal relationships, none of that
19 has any business at a city council
20 meeting. I have thick skin, I can
21 take it. My children should never be
22 brought up. I don't think anyone
23 would agree that's right for children
24 to be brought up.

25 It's sad this even has to be

1 brought up to be put into the rules.
2 It should be common courtesy, common
3 knowledge, some things you don't
4 know, the lines have been crossed in
5 some instances and I do support
6 this. It seems like it's just not
7 clear enough, I think we need to be a
8 little more clear of what we expect
9 from the audience as well. We can't
10 perform our jobs to the best of our
11 ability when we are having constant
12 interruptions and misbehavior from
13 the audience.

14 That's all I have to say.

15 MR. ASTORINO: Councilman
16 Salvatore.

17 MR. SALVATORE: Thank you,
18 Mr. Chairman. As you read this there
19 isn't anything here that you can't
20 already do, you don't need a rule to
21 control the meeting. As far as
22 attacks on your wife, I wouldn't take
23 it either, that's separate from the
24 political arena and you have every
25 right to defend your wife in that

1 event or your children. That's what
2 you should do. I don't think we have
3 to make a rule.

4 I guess what I am trying to
5 get at, you can shut somebody down
6 from swearing, you can stop somebody
7 from taking a punch, that goes
8 without saying. What are you going
9 to do if they don't follow it? What's
10 next.

11 MR. ASTORINO: I need the rule
12 first.

13 MR. SALVATORE: You don't
14 need a rule.

15 MR. ASTORINO: I don't need
16 the rule?

17 MR, SALVATORE: You can shut
18 anyone down, that's common courtesy.

19 MR. ASTORINO: It's helpful to
20 have the rule for clarity but that
21 you are not required to follow. They
22 are going to follow the same decorum
23 we follow. There is no harm in having
24 that added to it as I see it.

25 MR. SALVATORE: I think you

1 have the ability to shut them down.

2 MR. ASTORINO: In the past
3 they ignored that.

4 MR. SALVATORE: If they ignore
5 it again, now what are you doing to
6 do?

7 MR. ASTORINO: They are
8 subject to our rules.

9 MR. SALVATORE: What are we
10 going to do?

11 MR. ASTORINO: If they won't
12 be quiet, if they won't pull
13 themselves together, we have to call
14 the police and order them removed
15 from the building.

16 MR. SALVATORE: Is that rule
17 going to allow you to do that?

18 MR. ASTORINO: I'm sorry?

19 MR. SALVATORE: Is this rule
20 change going to allow you to bring an
21 officer here to arrest one of our
22 residents?

23 MR. ASTORINO: Rule number 9
24 item 3; elected officials are
25 empowered to order his removal. If

1 it is understood the residents are
2 going to follow the same rules as we
3 do, they are empowered to follow his
4 or her rule.

5 MR. SALVATORE: Mr. Chairman,
6 I think you have the ability to do
7 that without a rule.

8 MR. ASTORINO: Do you think it
9 would be harmful to have this
10 language in there? How does it harm?

11 MR. SALVATORE: They should
12 comply with the Council rules 2016,
13 2017, 30 days from legislation by the
14 law department.

15 We are going
16 to give every resident 30 days to
17 learn this before you come to a
18 meeting. You can control it from the
19 chair. You don't need this. I think
20 you can do it now, that's my
21 opinion. I have seen other chairman
22 before you, certainly I will see
23 other chairman after you control the

1 meeting, stop anything that is
2 considered nonsense, abusive,
3 threatening from the podium. You
4 don't need a rule to do that. That's
5 my opinion, Mr. Chairman.

6 MR. ASTORINO: Thank you,
7 Councilman Mencini.

8 MR. MENCINI: Thank you,
9 Mr. Chairman. As far as last week
10 being the worse, I have seen a lot of
11 them. Let's go, I have been called a
12 buffoon when I walked out that door
13 from a friend that didn't like kind
14 of what I was doing. I have had a
15 little of what happens out there. I have
16 conferences with them. I have been
17 filmed. I can deal with that.
18 Again, as we talk about it, I believe
19 you have the authority, if it
20 were to go that bad, you have my
21 cell, 434-1234, make that phone call.
22 It's the nature of the beast. We
23 Have a lot of hotsy-totsy issues, we
24 have them now for the past 3 hours.
25 You have to take that authority. I

1 have only been here for you and
2 council president Heff. I have seen
3 them enough. I don't know if anybody
4 wants to get that crazy, get thrown
5 out so you have council meeting. If
6 they want to live with that, that's
7 up to them.

8 I believe also it could be up
9 to the council president, the decorum
10 out there be a little better, yes, it
11 could. Let's go back to the '80s and
12 stuff, it was crazy in here.

13 That's all I have,
14 Mr. Chairman. Thank you.

15 MR. ASTORINO: Councilwoman
16 Powers.

17 MRS. POWERS: Thank you,
18 Mr. Chairman. Councilman Mencini,
19 you started your conversation by
20 saying something happened outside of
21 this chamber, outside, so that does
22 not apply to what's happening in
23 here. Last week, Councilmen
24 Salvatore and Mencini, last week was
25 total chaos and, yes, the Council

1 President did call for order and he
2 was ignored and that's why I said
3 until we can teach this audience to
4 behave itself, we need a policeman in
5 here to take someone out and I don't
6 care if they are embarrassed or not.
7 With the mentality they are showing I
8 am not so sure they even know the
9 word embarrassment or what it means.
10 If they don't, it's time they learn.

11 Yes, I still stand by what I
12 said originally, I agree with that,
13 we know it's in the rules and it
14 doesn't take the law director and 800
15 pages of legalese to tell the
16 audience what's right here in 1, 2,
17 3, 4, council, 4 lines. 4 lines says
18 it's exactly the way it needs to be
19 said. So that's my opinion, I want
20 this in the record and I also want, I
21 want a policeman here. But I will
22 concede that if we chose not to have
23 a policeman here we should have the
24 ability to call one and have him here
25 in the time it takes to cross the

1 street.

2 Thank you, Mr. Chairman.

3 MR. ASTORINO: Councilman
4 Troyer.

5 MR. TROYER: Thank you,
6 Mr. Chairman. Council, I am a little
7 disappointed over this conversation.
8 Number 1, nobody is getting arrested
9 unless they don't comply with the
10 officer asking them to leave. That's
11 how it works. Officer comes, they
12 won't leave, he asks them to leave.
13 We are not getting anybody arrested.
14 It's the officer, it's his or her
15 call. I am disappointed because this
16 was just a simple reiteration of our
17 rules and our council rules, this is
18 a reiteration of our charter rules
19 word for word. So this is just a
20 simple, you know, reiteration as
21 councilman Salvatore said, what the
22 council president can already do and
23 it's an easy form for a resident to
24 get ahold of it, if they want to.
25 Maybe we can leave a list of our

1 rules in a bound folder in back. I
2 am just disappointed we can't do
3 this. It doesn't really change
4 anything, it supports something and
5 it makes everything more black and
6 white. I am just disappointed that
7 we can't get this done and move on to
8 the next one.

9 MR. ASTORINO: Councilwoman
10 McCormick.

11 MRS. MCCORMICK: In the
12 interest of moving things along and
13 dealing with more pressing matters we
14 have on the agenda, I think it was
15 probably an hour ago we still have 20
16 things on the agenda and we still
17 have 20 more things on the agenda, so
18 I would like to make a motion that
19 this be placed on the next Caucus
20 agenda for further discussion and
21 consideration

22 MRS. POWERS: Support.

23 MR. ASTORINO: Any discussion
24 on the motion? Seeing none, we will
25 call the roll on the motion to place

1 it on the September 27th caucus.

2 THE CLERK: McCormick?

3 MS. MCCORMICK: Yes.

4 THE CLERK: Powers?

5 MRS. POWERS: Yes.

6 THE CLERK: Troyer?

7 MR. TROYER: Yes.

8 THE CLERK: Mencini?

9 MR. MENCINI: Yes.

10 THE CLERK: Scott?

11 MR. SCOTT: Yes.

12 THE CLERK: Burgio?

13 MR. BURGIO: Yes.

14 THE CLERK: Salvatore?

15 MR. SALVATORE: Yes.

16 MR. ASTORINO: Rule number 19

17 will be moved to the September 27th

18 caucus.

19 The next rule is rule number

20 23, Suspension of rules. The

21 amendment is to change it from a vote

22 by the majority to a all of the

23 voting majority, by a majority plus

24 one of all voting or taking a vote of

25 4 to suspend the rules to a vote of 5

1 to change it rules. What we are
2 suggesting is the following,
3 according to Robert's Rules it was
4 supposed to take a 2 thirds vote.
5 Council has established a rule that
6 is less than which they have the
7 authority to do, to make it a simple
8 majority. This would be offered as a
9 compromise to make it, to change it
10 to a vote of 5. We can debate our
11 rules at length, hold it to simple
12 majority to suspend the rules. I
13 thought it would be better to have a
14 higher standard to have proper rules
15 so our rules have more meaning.
16 Discussion or motion?

17 Mr. Salvatore: I move to place it
18 on the next Caucus for further
19 discussion.

20 Mr. Troyer: Support.

21 MR. ASTORINO: Discussion on
22 the motion? Call the roll on the
23 motion to place it on the September
24 27th caucus.

25 THE CLERK: Salvatore?

1 MR. SALVATORE: Yes.
2 THE CLERK: Troyer?
3 MR. TROYER: Yes.
4 THE CLERK: Powers?
5 MRS. POWERS: Yes.
6 THE CLERK: McCormick?
7 MS. MCCORMICK: Yes.
8 THE CLERK: Mencini?
9 MR. MENCINI: Yes.
10 THE CLERK: Scott?
11 MR. SCOTT: Yes.
12 THE CLERK: Burgio?
13 MR. BURGIO: Yes.

14 MR. ASTORINO: Motion carries
15 7-zero. So it will be placed on the
16 September 27th agenda.

17 The next item is rule 25
18 Parliamentary Authority. The rule
19 shall, refer to Robert's rules of
20 Order 9th Edition, which was amended
21 adopted back in the year 2000. That
22 will be determined by referral to the
23 last revision of Robert's Rules of
24 Order. We would operate under the
25 most current version of Robert's

1 Rules of Order.

2 Councilwoman McCormick.

3 MS. MCCORMICK: I make a
4 motion to place it on the next Council
5 agenda under verbal approval.

6 Mrs. Powers: Support.

7 MR. ASTORINO: The motion has
8 been made, properly supported.
9 Discussion on the motion? Seeing
10 none, we will call the roll.

11 THE CLERK: McCormick?

12 MS. MCCORMICK: Yes.

13 THE CLERK: Powers?

14 MRS. POWERS: Yes.

15 THE CLERK: Troyer?

16 MR. TROYER: Yes.

17 THE CLERK: Mencini?

18 MR. MENCINI: Yes.

19 THE CLERK: Scott?

20 MR. SCOTT: Yes.

21 THE CLERK: Burgio?

22 MR. BURGIO: Yes.

23 THE CLERK: Salvatore?

24 MR. SALVATORE: Yes.

25 MR. ASTORINO: Rule 25 will be

1 placed on the next council agenda
2 under item J.

3 The last one on this sheet
4 deals with a new rule, it doesn't
5 have an assigned number yet, dealing
6 with time limits. Any legislation
7 introduced which is not passed or
8 defeated within 2 years of the date
9 that it was first introduced shall be
10 automatically removed from
11 consideration unless there a separate
12 vote by Council, by a majority vote
13 plus one, 5, to a date certain.

14 It is certainly meant to
15 establish a sunset on legislation.
16 An example, something could have been
17 introduced in the year 2014, we have
18 had an election, new Councilmembers,
19 there is items sitting in committee
20 that Council people actually
21 sponsored or introduced are no longer
22 sitting on Council. It's the
23 possibility to clear it from the
24 committee. Unless the council
25 members want to continue it.

1 Councilwoman McCormick.

2 MS. MCCORMICK: I support the
3 addition of this rule. I look at it
4 as a simple housekeeping. I know
5 specifically in my committee, the
6 finance committee, i have a number of
7 items from 2014, 2015. Let's not
8 waste our time by having these on the
9 Caucus and having to vote them down.
10 A 2-year provision I think it's more
11 than sufficient time to have
12 something disappear without any
13 action. So I would like a motion to
14 place this on the next Council agenda
15 under verbal approval.

16 Mr. Troyer: Support.

17 MR. ASTORINO: Motion has been
18 made, properly supported to place
19 this on the next council agenda, item
20 J. Please call the roll.

21 THE CLERK: Troyer?

22 MR. TROYER: Yes.

23 THE CLERK: Powers?

24 MRS. POWERS: Yes.

25 THE CLERK: Scott?

1 MR. SCOTT: No.

2 THE CLERK: Burgio?

3 MR. BURGIO: Yes.

4 THE CLERK: Salvatore?

5 MR. SALVATORE: No.

6 MR. ASTORINO: Motion carries
7 5 to 2, so this rule will be placed
8 under item J on the next council
9 agenda.

10 Council, you were provided
11 a copy of an e-mail and hard copy in
12 your mailbox about rule change number
13 9, elected officials at Council
14 meeting. I will allow the author of
15 this will rule to speak to it,
16 explain it.

17 Councilwoman McCormick.

18 MS. MCCORMICK: Rule number 9
19 is something we changes at the
20 beginning of year and has come up as
21 a point of contention multiple times,
22 and I think we need to clarify it a
23 little bit better so that the intent
24 that we discussed at our
25 organizational meeting is clear and

1 also allows for technology enough to
2 be up-to-date with the world. So the
3 change, I gave a copy to everybody, I
4 guess I can read it. As is currently
5 written it reads; electronic, this is
6 a specific part of the rule number 9,
7 electronic devices save all electric
8 shall be turned off or set on
9 airplane mode during City Council
10 meetings. And texting, talking
11 equipment is prohibited. It is to
12 move between members of the council
13 during City council meetings.
14 Prohibiting communication of this
15 type enables the Council to operate
16 with authority in engaging in
17 discussions or deliberations not open
18 to the public during City Council
19 meeting.

20 I have the proposal amendment
21 for clarification purposes and I will
22 read that. Electric devices
23 belonging to Council persons should
24 not be used for talking, texting or
25 e-mail or other forms of

1 communication during council meeting
2 except for emergency communications.
3 It is prohibited between members of
4 council and other persons during City
5 Council meetings. Electronic devices
6 such as laptop computers and
7 computers are permitted during City
8 Council meetings. All others in
9 attendance are also permitted to use
10 electronic devices except they should
11 not be used to communicate with other
12 members of council or others on the
13 dais and shall be silent and should
14 be taken else where not to disrupt
15 the meeting.

16 So is point of the amendment
17 would be to allow for the use of
18 electronic devices for City related
19 business only still prohibiting
20 communications between council
21 members or members of the public or
22 anybody else. And that is just to
23 clarify it, it has also come up some
24 members of the audience, there is a
25 sign outside the door no cell phones

1 or electronic devices. That's more
2 attended when the court is being held
3 in session. There is a number of
4 people right now using their phones
5 and stuff. I wouldn't want to
6 prohibit that, I think it's entirely
7 their right to use those. I just
8 don't want to interrupt the meeting,
9 that's why I put these things,
10 changes in an amendment for
11 consideration.

12 MR. SALVATORE: Mr. Chairman.

13 MR. ASTORINO: Councilman
14 Salvatore.

15 MR. SALVATORE: This rule was
16 not added to the agenda. There was no
17 other choice but to introduce at the
18 next Caucus meeting, otherwise it
19 will be introduced in a proper
20 fashion. So with all due respect I
21 would make a motion to place it at
22 some next Caucus meeting under
23 discussion as a new proposed rule
24 shall not be discussed at tonight's
25 meeting.

1 Mr. Mencini: Support.

2 MR. ASTORINO: The motion is
3 made to place it on the September
4 27th caucus meeting. Properly
5 supported. Discussion on the
6 motion? Seeing none, call the roll.

7 THE CLERK: Salvatore?

8 MR. SALVATORE: Yes.

9 THE CLERK: Mencini?

10 MR. MENCINI: Yes.

11 THE CLERK: McCormick?

12 MS. MCCORMICK: No.

13 THE CLERK: Powers?

14 MRS. POWERS: No.

15 THE CLERK: Troyer?

16 MR. TROYER: Yes.

17 THE CLERK: Scott?

18 Mr. Scott: Yes.

19 THE CLERK: Burgio?

20 MR. BURGIO: Yes.

21 MR. ASTORINO: So rule number
22 9 will be moved to the September 27th
23 Caucus meeting. That concludes the
24 items on item 2 on discussions.

25 We will move to item 3 on

1 discussion, which deals with nuisance
2 parties. A copy draft was provided
3 to Councilmembers to look at. I
4 have been working with the law
5 department on this trying to get
6 something drafted up. At the
7 conclusion of our last meeting on
8 Tuesday I had some discussion with
9 the law director, she had hoped to
10 get some legislation drafted so we
11 would able to have something in front
12 of you in proper form for tonight's
13 meeting. That wasn't able to be
14 accomplished. I at least wanted them
15 to see what the language was so you
16 can be able toll start looking at the
17 language. This deals with nuisance
18 parties. The language was taken from
19 some legislation of the City of --
20 and also the City of Athens has to
21 deal with some of their college
22 problems they have had over the past
23 several years. I would like to ask
24 the law director if she would like to
25 speak on this.

1 Ms. Horvath: Certainly,
2 Mr. Chairman. What I have drafted and
3 which is almost finished is a little
4 bit different. We have a number of
5 items which once it's shown that this
6 is taking place where the site of the
7 party an automatic shut down and I
8 have included those items in that it
9 would obviously be easier for the
10 police to shut down the party. An
11 example would be public urination. A
12 number of things which clearly no one
13 would want at a neighborhood party.
14 So the form of what you eventually
15 will receive will be a little bit
16 different and there will be a number
17 of behaviors that are listed in the
18 ordinance which are prohibited.

19 MR. ASTORINO: Would you
20 suggest moving this to the next
21 caucus agenda to provide the
22 Ordinance format for Council to look
23 at?

24 MS. HORVATH: That is fine.

25 MR. ASTORINO: This isn't that

1 time sensitive we have to rush that
2 through.

3 MS. HORVATH: I would agree
4 this is something you want to take
5 time with.

6 MR. ASTORINO: Councilman
7 Troyer.

8 MR. TROYER: Thank you,
9 Mr. Chairman. Through the chair to
10 the law director. I take it we have
11 talked to the police chief to make
12 sure they are doing what they need
13 given what they need to be able to
14 function and deal with this problem?

15 MS. HORVATH: I haven't
16 specifically talked about this with
17 Chief Foster. I feel based on
18 research that I have done the problem
19 is to list certain prohibited
20 activities.

21 MR. TROYER: I would agree.

22 MS. HORVATH: We do have
23 something on the books now which they
24 could enforce, you can make the
25 argument maybe what is on the books

1 is strong enough. I have been asked
2 to draft this and I have not
3 consulted with Chief Foster with
4 regard to it.

5 MR. TROYER: Okay, is that
6 maybe something you might want to do,
7 get their perspective on it so we are
8 all on the same page? I appreciate
9 you doing this, it's much needed.

10 MR. ASTORINO: Councilwoman
11 McCormick.

12 MS. MCCORMICK: Under the
13 direction of what we have been shown
14 so far, and I am very interested in
15 seeing a more final version, I think
16 this would help solve some issues
17 that have been brought to our
18 attention and help the police do
19 their job better and I would like to
20 make a motion to place it on the next
21 Caucus agenda for further discussion.

22 MR. TROYER: Support.

23 MR. ASTORINO: Discussion on
24 the motion? Councilman Salvatore.

25 MR. SALVATORE: Thank you,

1 Mr. Chairman. I would like to ask, is
2 new legislation being drafted to
3 discuss this?

4 MS. MCCORMICK: To discuss
5 this or whatever the law director has
6 we can put as a topic under
7 discussion.

8 MR. SALVATORE: The chairman
9 has the legislation?

10 MR. ASTORINO: We have been
11 hoping to have it ready for tonight's
12 meeting. That didn't happen. I
13 would think given 2 weeks we would be
14 ready for it, to place it on the next
15 caucus, it would just be the subject
16 if the law department is able. What
17 again we are looking for, let me
18 finish, I will explain. If she has
19 legislation completed by then, the
20 subject will be the nuisance party,
21 when she has the legislation
22 completed.

23 MS. HORVATH: It's almost
24 completed. It would have been
25 completed but for the writing of the

1 memo which was submitted today. I
2 suppose the issue, this particular
3 topic, what should we do, rather than
4 a piece of legislation which is not
5 over in the Council office and has
6 yet to be introduced. I think we have
7 2 different issues, what you want to
8 do with this topic is your issue
9 right now. There is legislation that
10 will be forth coming. I would assume
11 under your rules that legislation
12 would be introduced, so it seems to
13 me your decision is what to do with
14 this topic.

15 MR. ASTORINO: You have
16 legislation drafted you can bring to
17 the September 27th caucus and make a
18 motion at that time if we are
19 agreement with the legislation to
20 place it on the next council agenda
21 at that time.

22 MS. HORVATH: Correct. I
23 guess what I am saying is, also have
24 a discussion topic that's on this
25 agenda, I would imagine it has to go

1 somewhere.

2 MR. SALVATORE: Mr. Chairman.

3 MR. ASTORINO: Go ahead.

4 MR. SALVATORE: The
5 legislation will be ready by the next
6 Caucus meeting:

7 MS. HORVATH: I will make
8 every effort to make sure it is.

9 MR. SALVATORE: We introduce
10 it?

11 MS. HORVATH: That's correct.

12 Mayor Coyne: Mr. Chairman, if I
13 could just --

14 MR. ASTORINO: Just add a
15 clarification. These constant
16 referrals to these getting buried, I
17 would ask when a council person or
18 another person makes that such
19 comment, they should provide
20 supporting legislation. All the
21 legislation through June that we
22 passed we did within 30 days, the
23 vast majority we do within 2 weeks.
24 The constant innuendo that
25 legislation is being buried, it's not

1 supported by fact. It's much like the
2 argument on right to work, it's not
3 supported by any documents, it is not
4 supported by any fact. When we make
5 that as our argument, I would simply
6 says it is on borderline of violating
7 one of our rules because the innuendo
8 is impugning of the chairman.

9 MAYOR COYNE: Mr. Chairman.

10 Mr. Astorino: Mr. Mayor.

11 MAYOR COYNE: It's not
12 violating any rule of council and
13 there has been legislation that set
14 in committee longer than it should
15 have been and brought out of
16 legislative committee this evening.
17 Talk about legislation that's been
18 out for a couple of years, 2015. I
19 am trying to move legislation, not
20 hold it up. I am trying to get
21 legislation to the table as rapidly
22 as possible. That can be done by a
23 vote of council. I am not suggesting
24 that anybody is going to purposely
25 hold things, this is stuff that sat

1 in committee longer than it should
2 have. I brought to your attention on
3 more than one occasion, Mr. Chairman,
4 with the law director present and
5 Mr. Troyer was present, I am not
6 going to get into all of that, it was
7 awhile ago. I want to move
8 legislation, that's what we are
9 trying to do. I don't want to sit
10 here and debate, if you have
11 something, I want to move is as fast
12 as we can.

13 All I would ask is the Safety
14 Director and Chief of Police have not
15 seen this legislation until this
16 evening and we are looking at another
17 piece that would give the homeowner
18 some civil liability as well for
19 hosting events. So I have asked if
20 you would give us an additional week
21 to complete and the law department to
22 come up with a comprehensive piece of
23 legislation or maybe amend this to
24 existing legislation. I would ask
25 council if we are going to do this

1 here, we have to do it right. That
2 would be my request, to give us a
3 week to 10 days to get this sorted
4 out, we might make some
5 recommendations we haven't seen.

6 MR. ASTORINO: Councilwoman
7 McCormick.

8 MS. MCCORMICK: Can I clarify
9 my initial motion? The motion was to
10 place this on the next Caucus agenda
11 for discussion. That would be on our
12 agenda today under discussion. There
13 is not a specific amendment. If it
14 mayor needs, if the law department
15 needs more time, I think if there is
16 a possibility of something else being
17 introduced I think it is entirely
18 appropriate for it to be on the next
19 caucus as a discussion item and that
20 would give us the safety department
21 and what not time to review it as
22 well. I don't think there is any
23 problem in discussing it at a Caucus.

24 MAYOR COYNE: Mr. Chairman.

25 MR. ASTORINO: Mayor.

1 MAYOR COYNE: It seems you are
2 going to have a lot of things under
3 discussion at that next Caucus. This
4 evening it's 10:30 at night, we have
5 gotten through the rules of Council.
6 This is an important piece of
7 legislation for the City, taking that
8 extra time, this is going to have a
9 pretty good discussion, so we might
10 be able to take care of this before
11 it comes to the meeting so we have a
12 comprehensive piece that address all
13 of our concerns, the extra time is
14 worth it and believe me we want to
15 get it done as bad as anyone.

16 MR. ASTORINO: Councilwoman
17 McCormick:

18 MS. MCCORMICK: Our next
19 Caucus is 2 weeks, it is not next
20 week, that give you plenty of time.
21 I don't think there is any rush to
22 have it next week.

23 MR. ASTORINO: The motion is
24 to place this subject, nuisance
25 parties, on the September 27th Caucus

1 meeting.

2 Clerk, please call the roll.

3 THE CLERK: McCormick?

4 MS. MCCORMICK: Yes.

5 THE CLERK: Troyer?

6 MR. TROYER: Yes.

7 THE CLERK: Powers?

8 MRS. POWERS: Yes.

9 THE CLERK: Mencini?

10 MR. MENCINI: Yes.

11 THE CLERK: Scott?

12 MR. SCOTT: Yes.

13 THE CLERK: Burgio?

14 MR. BURGIO: No.

15 THE CLERK: Salvatore:

16 MR. SALVATORE: Yes.

17 MR. ASTORINO: The nuisance
18 party subject has been placed on the
19 September 27th Caucus agenda.

20 We will move to item 5 on the
21 agenda, Finance committee. Chairwoman
22 McCormick.

23 MS. MCCORMICK: Finance
24 committee, we have 3 items this
25 evening, all of them I am told are

1 time sensitive and basically
2 housekeeping issues. My original
3 intention was to have the finance
4 director explain each one. In the
5 interest of moving the meeting along
6 and getting things done I would like
7 to make a motion to just put these on
8 the next Council and have it
9 explained then. I think we will be
10 putting them on there anyway.

11 Mrs. Powers: SUPPORT

12 MR. ASTORINO: There is a
13 motion to take item numbers 1, 2 and
14 3 -- I'm sorry, chairwoman McCormick,
15 the motion is to put items 1, 2 and 3
16 from the finance committee on to next
17 week's council agenda for
18 consideration? And properly
19 supported. Any discussion?

20 Clerk, call the roll.

21 THE CLERK: McCormick?

22 MS. MCCORMICK: Yes.

23 THE CLERK: Powers?

24 MRS. Powers: Yes.

1 THE CLERK: Troyer?
2 MR. TROYER: Yes.
3 THE CLERK: Mencini?
4 MR. MENCINI: Yes.
5 THE CLERK: Scott?
6 MR. SCOTT: Yes.
7 THE CLERK: Burgio?
8 MR. BURGIO: Yes.
9 THE CLERK: Salvatore?
10 MR. SALVATORE: Yes.
11 MS. MCCORMICK: That concludes
12 everything I have on the Finance
13 committee, these 3 items will be on
14 next week's council agenda and I am
15 hoping that the finance director will
16 at that time be able to explain in a
17 little more depth for us. Thank
18 you.
19 MR. ASTORINO: Thank you.
20 Item number 6, we will move to the
21 Legisaltive committee. Chairman
22 Troyer.
23 I would like to entertain a
24 motion to take a 5 minute recess.
25 Mr. Burgio: Support. Someone

1 has to make the motion.

2 MS. MCCORMICK: Motion to take
3 a 5 minute recess.

4 Mr. Burgio: Support.

5 MR. TROYER: Can we call the
6 roll on taking the 5 minute recess.

7 THE CLERK: Troyer?

8 MR. TROYER: Yes.

9 THE CLERK: Burgio?

10 MR. BURGIO: Yes.

11 THE CLERK: Scott?

12 Mr. Scott: Yes.

13 THE CLERK: Salvatore?

14 MR. SALVATORE: Yes.

15 THE CLERK: Powers?

16 MRS. POWERS: Yes.

17 THE CLERK: McCormick?

18 MS. MCCORMICK: Yes.

19 THE CLERK: Mencini?

20 MR. MENCINI: Yes

22 MR. ASTORINO: Chairman

23 Troyer.

24 MR. TROYER: Thank you.

25 Getting back to the order of

1 business. Let's see. The Legislative
2 committee has 6 items. Item number 1
3 is a resolution honoring Samantha
4 Rocco, Miss Brook Park 2015 and
5 declaring an emergency. Introduced
6 by councilman Salvatore. Would you
7 like to speak on it?

8 MR. SALVATORE: Obviously the
9 resolution speaks for itself. I would
10 like to make an amendment, which she
11 is not currently employed. Under the
12 third Whereas, she attends Ohio State
13 University, Miss Rocco now attends
14 Ohio States University.

15 Mr. Burgio: Support.

16 MR. TROYER: Motion to
17 scratch; works for Standard Parking
18 at Cleveland Hopkins as a bookkeeper,
19 and adding; now attends --

20 MR. SALVATORE: Ohio State.

21 MR. TROYER: Ohio State.

22 MR. ASTORINO: The Ohio State
23 University. They are particular.

24 MR. SALVATORE: Pardon me?

25 MR. TROYER: Is it going to be

1 Ohio State University, or The Ohio
2 State?

3 Mr. Salvatore: We will make it The.

4 MR. TROYER: motion made,
5 properly seconded. Any discussion on
6 the motion? Seeing none, clerk,
7 please call the roll.

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 THE CLERK: Mencini?

15 MR. MENCINI: Yes.

16 THE CLERK: McCormick?

17 MS. MCCORMICK: Yes.

18 THE CLERK: Powers?

19 MRS. POWERS: Yes.

20 THE CLERK: Troyer?

21 MR. TROYER: Yes.

22 MR. SALVATORE: The 6th

23 Whereas where its says, plans to
24 attend The Ohio State, I would like
25 to read as is attending.

1 MR. TROYER: Do we have a
2 second?

3 Ms. McCormick Support.

4 MR. TROYER: In the 6th
5 Whereas we have a motion to change
6 the 6th Whereas from plans to attend
7 to is attending The Ohio State
8 University.

9 Okay. Motion made properly
10 second for that amendment. Any
11 discussion on that amendment? Clerk,
12 please call the roll on the
13 amendment.

14 THE CLERK: Salvatore?

15 MR. SALVATORE: Yes.

16 THE CLERK: McCormick?

17 MS. MCCORMICK: Yes.

18 THE CLERK: Powers

19 MRS. POWERS: Yes.

20 THE CLERK: Troyer?

21 MR. TROYER: Yes.

22 THE CLERK: Mencini?

23 MR. MENCINI: Yes.

24 THE CLERK: Scott?

25 MR. SCOTT: Yes.

1 THE CLERK: Burgio?

2 MR. BURGIO: Yes.

3 MR. SALVATORE: Mr. Chairman,
4 I would like to invite all the
5 Members of Council and the Mayor, as
6 a matter of fact, all legislation we
7 have in the committee coming up, I
8 would like to invite everybody to
9 co-sponsor all of them.

10 MR. TROYER: Councilman
11 Salvatore, I was going to do a mass
12 motion on 2, 3 and 4 for you. I
13 think this is seperate, let's go to
14 this one in this here form. Anybody
15 who wants to be a co-sponsor raise
16 your hands. All but one. I just
17 have a few questions about this. The
18 names, Samantha Rocco sounds
19 familiar, isn't her mom your Campaign
20 Finance Director or something?

21 MR. SALVATORE: That was the
22 last election.

23 MR. TROYER: Don't you work
24 for Standard Parking, isn't that
25 where you work?

1 MR. SALVATORE: You know I
2 do.

3 Mr. Troyer: Thank you. Any
4 comments on this, any questions or
5 anything on the legislation?

6 MR. SALVATORE: I will ask
7 you, do you got any questions?

8 MR. TROYER: I just got them
9 answered. I had 2.

10 MS. MCCORMICK: Motion to place this
11 on the next Council agenda.

12 Mr. Mencini: Support.

13 MR. TROYER: Motion made to
14 place on next Council agenda. That's
15 the regular Council?

16 THE CLERK: Yes, next week.

17 MR. TROYER: Properly
18 seconded. Any discussion on the
19 motion? Seeing none, clerk, please
20 call the roll.

21 THE CLERK: McCormick?

22 MS. MCCORMICK: Yes.

23 THE CLERK: Mencini?

24 MR. MENCINI: Yes.

25 THE CLERK: Powers?

1 MRS. POWERS: Yes.

2 THE CLERK: Troyer?

3 MR. TROYER: Yes.

4 THE CLERK: Salvatore?

5 MR. SALVATORE: Yes.

6 THE CLERK: Burgio?

7 MR. BURGIO: Yes.

8 THE CLERK: Scott?

9 MR. SCOTT: Yes.

10 MR. TROYER: Okay, that was
11 unanimous. That will appear on the
12 next Council meeting. Let my make my
13 notes.

14 Item number 2, what I would
15 like to do on items number 2, 3, 4 is
16 have a mass motion on those. They
17 are all resolutions and I will go
18 ahead and read them.

19 Item number 2, a Resolution
20 honoring Anna Marie Sulminski, Miss
21 Brook Park 2016 and declaring an
22 emergency Introduced by Councilman
23 Salvatore.

24 Item number 3, a Resolution
25 honoring Brooklyn Varga, Junior Miss

1 Brook Park 2016 and declaring an
2 emergency, Introduced by Councilman
3 Salvatore.

4 Number 4, honoring the
5 Cleveland Cavaliers, 2016 National
6 Basketball Championship, and
7 declaring an emergency, Introduced by
8 Councilman Salvatore.

9 Mr. Troyer: Mr. Mencini.

10 MR. MENCINI: Thank you,
11 Mr. Chairman. Councilman Salvatore, I would
12 like to co-sponsor.

13 MR. TROYER: We got the
14 co-sponsor thing out of the way.
15 Councilwoman on McCormick.

16 MS. MCCORMICK: I would like
17 to make a motion a to place 2, 3, 4
18 on next week's council agenda

19 Mr. Mencini: Support.

20 MR. TROYER: Motion to place
21 items 2, 3, 4 on the next regularly
22 scheduled Council meeting under
23 First Reading. Properly supported.
24 Clerk, please call the roll. Wait.

1 Any discussion on the motion? Seeing
2 none, Clerk, please 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: Yes.

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 Mr. Troyer: Those 3 items
18 will appear on the next Council
19 meeting agenda.

20 Item number 5, An Ordinance
21 authorizing the City to make a
22 distribution from the Mayor's Court
23 Fund to the Domestic Violence and
24 Child Advocacy Center. Introduced by
25 Councilmembers Salvatore and

1 Scott.

2 Councilman Salvatore, would you
3 would like to speak on this first.

4 MR. SALVATORE: Yes, I did
5 have someone from the organization
6 show up, they might have been here
7 and left because of the late
8 meeting. I could have them come back
9 and speak at the Council meeting if
10 Council elects to put this on. I
11 will refer to the law director, there
12 is assisting people that obviously
13 are in a bad way, domestic violence,
14 child abuse and all the things that
15 are out there today that really
16 require professional help. This will
17 help get some help for them and
18 through the Ordinance is restricted
19 to only people from Brook Park.
20 Obviously anybody in Brook Park will
21 use these services, our funds would
22 be earmarked for Brook Park
23 residents.

24 If I may, Mr. Chairman, I
25 would like to refer to the law

1 director for this additional savings,
2 they get involved in this particular
3 program, it alleviates some of the
4 legal involvement from her
5 department, it will help some of the
6 people in a professional way. I
7 would like to refer to this if I
8 can.

9 MR. TROYER: Whatever motion
10 is made to put this on the Caucus to
11 have the person show up again and
12 have more a question back and forth.
13 Go ahead law director.

14 MS. HORVATH: I will try to be
15 as brief as possible. This
16 organization deals with child abuse,
17 domestic violence and teen dating
18 violence, which is focusing on
19 domestic violence, they show up at
20 about 10 municipal courts throughout
21 the county, they speak with the
22 victim about their particular
23 situation, they explain to the victim
24 the court processes, they explain
25 options and they also try to develop

1 a safety plan for the victim, and
2 they also escort them to court and do
3 phone calls and support the victim
4 while they were going through
5 whatever court processes there are.

6 Obviously there is tremendous
7 value to the City prosecutor, because
8 someone else is providing these
9 services, he is supported also and he
10 doesn't have to do the things that
11 the victim advocate is doing.

12 For example, he doesn't have
13 to explain the court processes,
14 someone is doing that. This
15 particular entity had come to the
16 City and requested our support, and
17 that's a brief statement of the
18 things that they are doing and
19 hopefully will continue to do with
20 our support.

21 Mr. Salvatore: Mr. Chairman, I
22 just have a question to through the
23 chair to the law director.

24 Madam Law Director, in what
25 form, was it written, did they

1 request it from you or who did they
2 request it from?

3 MS. HORVATH: I believe their
4 director came in and spoke with
5 myself and the Mayor.

6 MRS. POWERS: Mr. Chairman.

7 MR. TROYER: Councilwoman
8 Powers.

9 MRS. POWERS: It says
10 distribution from the Mayor's Court
11 fund. The law director has explained
12 somewhat how that's happening there,
13 but how is the Mayor's Court fund
14 traditionally used? What is it used
15 for? Has it ever been a part of a
16 court fund before?

17 MR. TROYER: I think the
18 finance director could answer that.
19 You can't answer.

20 MAYOR COYNE: It's Mayor's
21 Court. I will explain. There are
22 designated expenditures, some portion
23 goes to the state victims of crime
24 all comes out of court costs. This
25 particular issue is nothing locally

1 that is assessed to provide for the
2 service, this is local money, it's
3 part of the court costs. We suggest
4 services for our people and these
5 folks are truly victims. There is
6 nobody there to advocate for them,
7 this is probably the wisest \$5,000
8 They came to us
9 because of a lack of ability to
10 provide these services. It lowers
11 the burden on our legal staff and it
12 provides help out of the Mayor's
13 Court directly to those folks which I
14 believe is a proper expenditure.

15 MR. TROYER: Mr. Finance
16 Director, where is this money
17 currently going to?

18 MR. CINGLE: The monies are
19 collected by the Mayor's Court, as
20 the Mayor stated they are collected on
21 monthly basis to the appropriate
22 parties and the state. Whatever is left
23 over then gets sent over to my
24 department. We deposit the, money it
25 goes in the General Fund under fines,

1 Court forfeitures, etc. The way this
2 would work, we would appropriate \$5,000
3 out of the Mayor's Court
4 and write the check out of our
5 General fund, sub fund 210.

6 MR. TROYER: Are we going to
7 have to address the appropriation
8 budget to do this?

9 MR. CINGLE: Yes, we will
10 have to appropriate it of the
11 appropriate fund.

12 MS. MCCORMICK: To the finance
13 director. How much money is going to
14 be allocated for this? So my
15 question is answered.

16 MR. TROYER: Councilwoman
17 McCormick.

18 MS. MCCORMICK: I would give
19 away my last dollar to help somebody
20 but I do have questions and
21 information that I would like to have
22 given before I can put my support
23 behind this officially. I would like
24 to know more information about the
25 organization. Similar information

1 has been requested about past
2 contributions, so I think it's fair
3 to ask for this. They are a
4 non-profit status, I would like proof
5 of that. I would like to know
6 information about how do they
7 normally get funding, how much
8 funding they have received. I would be
9 interested in seeing their basic
10 financials just to see what kind of
11 impact this would have. I think it
12 would be appropriate to put this to
13 the next Caucus for further
14 discussion so I can get this
15 information, so Councilman Salvatore
16 can have his representative do a
17 proper explanation and answer our
18 questions that we have. So I would
19 like to make a motion to put this on
20 the next Regular Caucus agenda for
21 further discussion.

22 **Mrs. Powers:** I second the motion.

23 MR. TROYER: The motion is to
24 place this on the next regular Caucus

1 agenda. Properly supported. Any
2 comments on the motion? Seeing none,
3 clerk, please call the roll.

4 THE CLERK: McCormick?

5 MS. MCCORMICK: Yes.

6 THE CLERK: Powers?

7 MRS. POWERS: Yes.

8 THE CLERK: Troyer?

9 MR. TROYER: Yes.

10 THE CLERK: Mencini?

11 MR. MENCINI: Yes.

12 THE CLERK: Scott?

13 MR. SCOTT: Yes.

14 THE CLERK: Burgio?

15 MR. BURGIO: Yes.

16 THE CLERK: Salvatore?

17 MR. SALVATORE: yes.

18 MR. TROYER: That will appear
19 on the next Caucus agenda. Give me a
20 second while I make my notes.

21 Item number 6, Resolution
22 Number 13-2016 Supporting Ohio House
23 Bill 523 to legalize Medical
24 Marijuana in the State of Ohio, and
25 Declaring an Emergency. Introduced by

1 Councilwoman McCormick.

2 Councilwoman McCormick, would
3 you like to speak on this?

4 MS. MCCORMICK: Yes. In your
5 packet you have the original
6 version. We didn't get the amendment
7 back in time to get this in your
8 packet, but I did provide everybody
9 in advance of the meeting with a copy
10 of my proposed amendment to it.
11 These were discussed at length last
12 week during the Council meeting.
13 This item was on third reading. We
14 sent it back to committee to make a
15 few changes that were suggested by
16 the Mayor and also the law director.
17 I have incorporated those into the
18 legislation. I have provided you with
19 2 copies of the proposed amendment,
20 one with all the strikeouts, which
21 would indicate what would be removed
22 and the underlying text indicating
23 what's being added.

24 The second piece is what I
25 got back from the law department

1 after sending my proposed amendment,
2 so I would like to do this as a mass
3 amendment to the whole thing, because
4 there is so many amendments to it.
5 And there are a couple of things
6 that I would like to change in
7 addition to what I have here. But I
8 don't want it confused, I would like
9 to do a mass amendment. Then a
10 couple of them very tiny minor
11 amendments.

12 MR. TROYER: Okay. You are
13 now the making those now; right?

14 Go ahead, Mr. Salvatore.

15 MR. SALVATORE: What I would
16 like to suggest, it's already been on
17 the agenda already. I would like to
18 make a motion to put it back on the
19 Council agenda to defeat this and
20 introduce the new piece at that
21 time. The amendments are going to
22 change the intent of the original
23 legislation including the title
24 would be different. This should be
25 removed totally. We got to deal with

1 it and introduce a new one in a new
2 form, that would solve all of our
3 problems.

4 MR. TROYER: Councilman
5 Salvatore, we did broach that, we
6 discussed that and I believe, correct
7 me if I am wrong, Mayor, you felt
8 this was a little bit time sensitive
9 to get this done.

10 MAYOR COYNE: I have nothing
11 I didn't make that statement.
12 I am not making any determination. I
13 am not going to suggest any changes.

14 Mr. Troyer: go ahead.

15 MS. MCCORMICK: The intent of
16 the changes is to put into place some
17 actions so we can proceed to deal
18 with the medical marijuana issue.
19 Last week Mayor Coyne suggested some
20 changes and I made those changes,
21 specifically He asked for, it was
22 section 9, it is now section 6 where
23 he lays out how you will have public
24 hearings so we can get experts in the

1 field to talk about it, also get
2 community feedback, and last week he
3 expressed that he thought this Here
4 was a subject that should be fast
5 tracked. I think in the interest,
6 this is time sensitive, I don't think
7 it is something we should let sit out
8 there. We have a responsibility as a
9 City to figure out how we are going
10 to respond to the legalization of
11 medical marijuana. I don't think
12 it's something we want to sit on. It
13 was Councilman Salvatore's suggestion
14 last week to put this on Caucus, he
15 made the motion so I can make the
16 amendments. I showed them to the law
17 director. She had some minor edit
18 changing around the profile or
19 something. The Mayor also looked at
20 it, he was good with it, he liked the
21 corrections. I would really like to
22 see this on Council so we can plan to
23 move ahead, putting these public
24 hearings together. That's going to be
25 some work coordinating the presenters

1 and what not. I would like Council
2 to consider the amendment that I am
3 presenting and make a motion to
4 amend.

5 MR. SALVATORE: Before you
6 start that.

7 MR. TROYER: Go ahead,
8 Mr. Salvatore.

9 MR. SALVATORE: You made a
10 comment that I suggested and I did,
11 thinking you only had 1 or 2
12 amendments. You are actually
13 changing the title. This is a whole
14 new piece. This speaks in support of
15 523 to legalize medical marijuana.
16 There is an amendment to provide for
17 a process for the implementation.
18 This is not the same thing.

19 MS. MCCORMICK: Can I respond?

20 MR. TROYER: Go ahead.

21 MS. MCCORMICK: Last week you
22 were given a similar amendment, the
23 only thing changed is section 6, it
24 laid out an advisory panel. I also
25 added a small little part, when I

1 presented the amendment to you guys
2 last week it showed the title being
3 changed. It showed many of these
4 amendments and nobody expressed any
5 problems with it at that time. So I
6 think in the interest of saving time
7 and moving this issue along, I would
8 like the amendments to be considered.

9 MR. TROYER: Council President
10 Astorino.

11 MR. ASTORINO: Mr. Chairman,
12 I understand what Councilman
13 Salvatore is saying. I don't have my
14 notes in front of me, I really don't
15 remember, I thought at a recent
16 meeting when we were given the
17 Travelodge and those items that at
18 the one meeting we made a lot of
19 amendments to revert it back to a
20 certain way that was changed. We did
21 that at the last Council meeting,
22 that was what we are looking to do
23 here today. It was written up a
24 certain way, motions were made to
25 change the title, motions were made

1 to go back to certain legislation,
2 from what I remember, there was
3 nothing inappropriate in doing that,
4 if anything it speeds up the
5 process. I have to apologize, I
6 don't remember. There were 3 sets of
7 ordinances and we made changes that
8 went back, changed the title,
9 changed a couple of things.

10 MR. TROYER: It'S back to me.
11 We did do that and I agree. I just
12 want to remind Council that these
13 amendments were all approved by the
14 law department as legal too. I would
15 like to go to the law director,
16 actually would you like to speak.

17 MS. HORVATH: I certainly can
18 speak on the topic if you would
19 like.

20 My recollection, we had an
21 Ordinance, actually 2 Ordinances
22 during those Special meetings and we
23 needed to basically do was we
24 killed those Ordinances and

1 substituted language for 2 other
2 Ordinances for reasons pertaining to
3 whether or not they were posted and
4 notice was given to the 2 original
5 Ordinances pursuant to the Sunshine
6 Law. I don't believe it's the exact
7 same procedure we are talking about
8 now. In other words, those 2 pieces
9 of legislation, to the best of my
10 recollection, were killed and we took
11 them and did 2 other pieces of
12 legislation, so I think it's a little
13 bit different. You know, I certainly
14 understand Councilwoman McCormick's
15 feeling this should be processed as
16 soon as possible and she did a nice
17 job with regard to it. Very few
18 changes were made other than the
19 expectation that I asked her to
20 include some language with
21 affirmative details in it. There is
22 merit to Mr. Salvatore's suggestion
23 because it is so changed that it
24 maybe better just to go ahead and
25 substitute the current version

1 instead of trying to amend this
2 version. In stating that, I guess I
3 will yield the floor to whomever else
4 would like to speak on this topic.

5 MR. TROYER: I can do that.
6 In fact, I remember having a
7 conversation with you about whether
8 we needed to make changes on this
9 piece of legislation. What we did,
10 it was introduced as a new piece and
11 we basically, including the title, we
12 amended to what the original piece
13 said including a major amendment in
14 the title. We did do this. I do
15 remember it. I think we can do this,
16 unless people just aren't for this
17 and against it and want to hold it
18 up. I don't see why we wouldn't do
19 it.

20 Go ahead, Mr. Mayor.

21 MAYOR COYNE: Subject to 2
22 different things, I support this
23 piece of legislation with the
24 changes. We talked at the Council
25 meeting, the Council can check the

1 record, it has my scribbles, I will
2 give them to you which I did at
3 Councilman Salvatore's suggestion,
4 the resolution that deals with
5 supporting it should be killed
6 tonight and this should be submitted
7 as a new subject. We can change the
8 wording in the title as long as the
9 subject is the same. The speed at
10 which you do this is up to council to
11 deliver. It's 2 different things,
12 it's the subject of the legislation.
13 Do you follow me, Mr. Chairman?

14 MR. TROYER: I actually do
15 follow you.

16 MAYOR COYNE: Good, that's
17 what you can do.

18 MR. TROYER: Then we need to
19 look at what we have done in the
20 past.

21 MAYOR COYNE: You have never
22 done that, you can not change the
23 subject.

24 MR. TROYER: I would like to
25 see this passed. It is really up to

1 the Council to decide, obviously the
2 majority vote rules here.

3 I will entertain any motion
4 that's made appropriately.

5 MR. SALVATORE: Mr. Chairman,
6 I make a motion to put the original
7 13-2016 back on the Council agenda
8 for the third reading.

9 Mr. Scott: Supported.

10 MR. TROYER: The motion is
11 made to put this, resolution 13-2016
12 back on the regularly scheduled
13 Council meeting, correct?

14 Mr. Salvatore: Correct.

15 MR. TROYER: Properly
16 seconded. Any discussion on the
17 motion? Hearing none, clerk call the
18 roll?

19 THE CLERK: Salvatore?

20 MR. SALVATORE: Yes.

21 THE CLERK: Scott?

22 MR. SCOTT: Yes.

23 THE CLERK: Burgio?

24 MR. BURGIO: Yes.

25 THE CLERK: Mencini?

1 MR. MENCINI: Yes.

2 THE CLERK: McCormick?

3 MS. MCCORMICK: Yes.

4 THE CLERK: Powers?

5 MRS. POWERS: Yes.

6 THE CLERK: Troyer?

7 MR. TROYER: Yes.

8 MR. SALVATORE Mr. Chairman.

9 MAYOR COYNE: If I may

10 continue when your committee is
11 complete and the motion can be made
12 to add this new piece to tonight's
13 agenda under discussion then it can
14 be moved to the Council meeting.

15 MR. SALVATORE: My motion was
16 to add this to the agenda.

17 MR. TROYER: You are talking
18 about the new piece, the amended
19 piece?

20 MR. SALVATORE: Correct.

21 MR. TROYER: Go ahead. Go
22 ahead, Councilwoman McCormick.

23 MS. MCCORMICK: Can I poll
24 Council if the law department were
25 to, I guess, remove the resolution

1 number on this amendment that I am
2 offering and allow me to introduce it
3 next week under the introduction of
4 new items, is there support for
5 putting it on that evening's agenda?
6 Is there support for actually passing
7 it?

8 MR. TROYER: The reason being,
9 there is many amendments, Council,
10 there is many amendments, then there
11 is also some things that have been
12 found that need to be adjusted in
13 it. Instead of bringing this forward
14 now and having to make the
15 amendments, right now it's not on the
16 agenda per se, we are keeping this as
17 this one, what we can not put on the
18 agenda, bring it back to the law
19 department, make a couple of changes,
20 bring it back and introduce it at the
21 next Council meeting. That's what
22 Councilwoman McCormick is getting
23 at. So I think what we should do is
24 leave it right at this and hopefully
25 we can get this done.

1 MS. MCCORMICK: I don't
2 understand if you want to move the
3 legislation why you wouldn't take
4 Councilman Salvatore's suggestion.

5 MR. SALVATORE: You need a
6 motion.

7 Ms. McCormick: Right.

8 MR. TROYER: We don't have a
9 motion.

10 MR. SALVATORE: It was a
11 suggestion. Call it my suggestion,
12 whatever you want.

13 MR. TROYER: We can do it that
14 way, then we have to amend it.

15 MS. MCCORMICK: Can I ask a
16 question?

17 MR. SALVATORE: It's 6 of one
18 half a dozen of the other.

19 MS. MCCORMICK: Are we able to
20 introduce legislation and move to
21 Council at the First Reading under the
22 Caucus, under our rules?

23 MS. HORVATH: You are looking
24 at me, I assume is you are asking me
25 the question. Let's say you

1 introduce it, I guess at the Council
2 meeting, I don't see any reason if
3 the majority vote says you don't want
4 it in committee, why you can't place
5 it on the agenda for First Reading.
6 It depends on how you want to handle
7 things.

8 MS. MCCORMICK: I am asking,
9 I think our Charter allows you to
10 introduce legislation on the floor at
11 any time at a regular meeting. Could
12 I do that now, introduce this as a
13 new piece?

14 MS. Horvath: I think that's
15 what Councilman Salvatore was
16 suggesting.

17 MS. MCCORMICK: So could I, I
18 could introduce this as a new piece
19 right now, the revised version?

20 MS. HORVATH: Here is the
21 problem that occurs to me. In this
22 packet do we have the revised
23 version?

24 Mr. Salvatore: No.

25 MS. MCCORMICK: There is a

1 rule in the Charter, nobody --

2 MS. HORVATH: Nobody has had
3 the ability to look at the new
4 material.

5 MS. MCCORMICK: Everybody here
6 has.

7 MS. HORVATH: I don't think
8 the public has.

9 MS. MCCORMICK: This is the
10 reading.

11 MR. TROYER: One moment,
12 everybody. Mr. Salvatore, go ahead.

13 MR. SALVATORE: You mentioned
14 if this is in its final version

15 MR. TROYER: We found some
16 issues.

17 MR. SALVATORE: Why don't you
18 move it to the next Council meeting
19 and introduce it.

20 MR. TROYER: Which is what I
21 was saying.

22 Ms. McCormick: I was asking
23 that, too.

24 MR. SALVATORE: Put it on the

1 agenda.

2 MS. MCCORMICK: Is there
3 support for it?

4 MR. TROYER: I believe so.

5 MS. MCCORMICK: Can I poll
6 Council making an amendment if you
7 are going to change your mind?

8 MR. TROYER: Councilwoman
9 McCormick, go ahead and ask your
10 question to Council.

11 MR. SALVATORE: You have to do
12 it through the chair.

13 MR. TROYER: I am the chair.
14 I will go ahead and do it.

15 Council, if this piece is
16 brought forward with a few amendments
17 that really don't change but make it
18 clearer, would you be willing to have
19 the first reading on the next scheduled
20 Council meeting?

21 MR. SALVATORE: I would
22 certainly be willing to look
23 at it, whether I may not vote to pass it, I
24 would put it on the agenda to discuss

1 it. I would need to read it.

2 MR. TROYER: Anybody?

3 so we don't have to do
4 anything. Anybody else want to
5 discuss anything in the legislative
6 committee? I just want to mention something
7 about one of the pieces in my committee tonight
8 anybody that wants something brought out, of
9 the Legislative committee, or even Planning
10 for that matter but mostly Legislative
11 committee, send me an e-mail or something
12 in writing and I will relay
13 that I got it. One of the pieces
14 here, I tried it and it said earlier,
15 stuff stuck in committee and I didn't
16 bring it out, I bring something out,
17 the sponsor, the person that

1 introduced the legislation after I
2 got it on the agenda is that he didn't
3 want it out, so I put it back in
4 committee. Just so there is no
5 misunderstanding, what I am looking
6 to do is e-mail me or send me
7 something in writing that you want
8 it. I will reply that I will bring it,
9 you can go through the clerk, that's
10 fine, just to have no problem again,
11 no question as to how the process
12 went. That's what I appreciate.

13 That's it for the legislative
14 committee. Back to you, Council
15 President.

16 MR. ASTORINO: Okay, that
17 concludes those items. We will move
18 to item number 7 under the service
19 committee. Mr. Chairman.

20 MR. BURGIO: I have 10 items
21 in my committee.

22 MAYOR COYNE: The
23 administration requests that Council
24 put that on the next Caucus agenda
25 meeting. There is no way we are going

1 to give this adequate time.

2 MR. BURGIO: All of the
3 items?

4 MAYOR COYNE: All of them.

5 MR. BURGIO: 9 and 10 was the
6 clean up.

7 Mr. Astorino: I believe you
8 got 40 minutes. You can clean up
9 2 items.

10 Mayor Coyne: Mr. Chairman it's 11:30 at
11 night, the administration is
12 not going to make a presentation,
13 there isn't enough time for our
14 proposals and anything else to our
15 presentation. Thank you,
16 Mr. Chairman. It's my birthday.

17 Mr. Troyer: Happy birthday
18 Mr. Mayor.

19 Mr. Salvatore: Motion to place entire
20 Service committee items on the next
21 Caucus agenda.

22 MR. BURGIO: There is a
23 motion to place all items on the next
24 Caucus September 27th meeting.

25 Mr. Scott: Support.

1 Mr. Burgio: All in favor. AYES: No NAYS.

2 That concludes my
3 committee.

4 MR. ASTORINO: We are back up
5 to the chair here and we have
6 completed all the business that is
7 before us on our agenda, so I would
8 declare this meeting adjourned at
9 11:21 p.m. Thank you.

10 MR. BURGIO: Motion to
11 adjourn.

14 - - - - -

15 (Meeting adjourned.)

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C E R T I F I C A T E

I, Joseph S. Corsillo, Court Reporter
in and for the State of Ohio, do hereby
certify that the above and foregoing is a
true and accurate transcript of the
proceedings herein.

Joseph S. Corsillo,
Court Reporter

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INSTRUCTION TO INSERT NAME OF THE SPEAKER OR A VOICE.



Michelle Blazak
Clerk of Council

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