

REVISED BY THE CLERK OF COUNCIL AS INTSTRUCTED BY CITY COUNCIL

IN RE: 10/11/2016

TAPE RECORDED CAUCUS MEETING

CITY OF BROOK PARK

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TRANSCRIBED BY: ANGELA WACHSMAN

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1 COUNCIL PRESIDENT - MR. ASTORINO
2 COUNCILWOMAN MCCORMICK
3 COUNCILMAN TROYER
4 COUNCILMAN MENCINI
5 COUNCILWOMAN POWERS
6 COUNCILMAN SCOTT
7 COUNCILMAN BURGIO
8 COUNCILMAN SALVATORE
9 MAYOR COYNE
10 ECONOMIC DEVELOPMENT COMMISSIONER - MR. DOLAN
11 LAW DIRECTOR - MRS. HORVATH
12 FINANCE DIRECTOR - MR. CINGLE
13 CITY ENGINEER - MR. PIATAK
14 SERVICE DIRECTOR - MR. CAYET
15 CLERK - MICHELLE BLAZAK

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1 P R O C E E D I N G S

2 THE CLERK: Testing, testing.

3 Today is Tuesday, October 11th. We have a
4 Caucus meeting at 7:00. Sounds good.

5 COUNCIL PRESIDENT **Astorino**: Good evening,
6 everyone. Welcome to the October 11th,
7 2016 Regular Caucus Meeting for the City
8 of Brook Park. I'll ask the Clerk to
10 please call the role.

11 THE CLERK: Scott?

12 MR. SCOTT: Here.

13 THE CLERK: Burgio?

14 MR. BURGIO: Here.

15 THE CLERK: Salvatore?

16 MR. SALVATORE: Here.

17 THE CLERK: Troyer?

18 MR. TROYER: Here.

19 THE CLERK: Powers?

20 MS. POWERS: Here.

21 THE CLERK: McCormick?

22 MS. MCCORMICK: Here.

23 THE CLERK: Salvatore?

24 MR. SALVATORE: Here.

1 THE CLERK: I called --

2 COUNCIL PRESIDENT: Everyone
3 please stand and join --

4 THE CLERK: -- Salvatore, instead
5 of Mencini, twice.

6 COUNCIL PRESIDENT **Astorino**:-- Pledge of
7 Allegiance.

8 MR. SALVATORE: What is the
9 difference?

10 (Pledge of Allegiance recited.)

11 COUNCIL PRESIDENT: Okay. Thank
12 you.

13 MR. SALVATORE: Mr. Chairman?

14 COUNCIL PRESIDENT **Astorino**: We have no
15 items under number three, so we'll move to
16 four, under Discussion.

17 Councilman Salvatore?

18 MR. SALVATORE: Yes. I'd like to
19 make a motion to go out of regular order
20 of business and go right to Item 3.

21 MR. MENCINI: Support.

22 COUNCIL PRESIDENT **Astorino**:Okay. We have
23 a motion to go out of the regular order of
24 business to address Item No. 3, under

1 Discussion, because we have Mr. Lavelle
2 here, who is the owner of the company.
3 There's support. Seeing no discussion,
4 call the role, please?

5 THE CLERK: Salvatore.

6 MR. SALVATORE: Yes.

7 THE CLERK: Mencini?

8 MR. MENCINI: Yes.

9 THE CLERK: McCormick?

10 MS. MCCORMICK: Yes.

11 THE CLERK: Powers?

12 MS. POWERS: Yes.

13 THE CLERK: Troyer?

14 MR. TROYER: Yes.

15 THE CLERK: Burgio?

16 MR. BURGIO: Yes.

17 THE CLERK: Scott?

18 MR. SCOTT: Yes.

19 COUNCIL PRESIDENT **Astorino**: Okay. We're
20 on Item No. 3, under Discussion, which is
21 a Request for a conditional use permit and
22 project approval to construct and operate
23 a new 12,000 square-foot multi-tenant
24 building located at 16110 Brookpark Road
25 in the U7-B and U7-E District. It was

1 received from the Planning Commission on
2 October 4th, 2016. Mr. Lavelle, the owner
3 is here. I would ask him if he would come
4 to the podium and give us a brief
5 introduction.

6 MR. LAVELLE: Hello. My name is
7 Tom Lavelle. My address, 13320 Enterprise
8 Avenue, Cleveland, Ohio 44135.

9 COUNCIL PRESIDENT **Astorino**: Good evening,
10 Mr. Lavelle.

11 MR. LAVELLE: Hi.

12 COUNCIL PRESIDENT **Astorino**: If you could,
13 just give us a brief overview of your
14 company, what you're looking to do here so
15 that Council is aware of it and also give
16 some information for the public, too.

17 MR. LAVELLE: R.L. Wurz Company is
18 a construction supply company. We supply
19 sealants, waterproofing, architectural
20 panels and everything required for the
21 construction industry and the chemistry
22 side of the equation. We're located on
23 the east side -- or the west side of
24 Cleveland off West 130th Street. We
25 expanded once into a location and we are

1 looking to expand to a larger facility.

2 Our business is, I believe,
3 strong. We have very good practices that
4 keep the business sustainable. We pay a
5 good wage. We take care of our community,
6 and about every single project in Greater
7 Cleveland has material on it from our
8 company. So we have a chemist on staff,
9 we have an architectural panel expert. So
10 we're pretty strong in the construction
11 industry and that's what we do.

12 COUNCIL PRESIDENT **Astorino**: Okay. Thank
13 you.

14 Council, do you have any questions
15 of Mr. Lavelle?

16 Councilman Troyer?

17 MR. TROYER: Thank you,
18 Mr. Chairman. I just want to say a few
19 things. Thank you for coming.

20 Council this went through
21 through Planning last week. It
22 passed unanimously. Some of the
23 stipulations were, "Applicant must submit

1 final billing to details, i.e, landscape,
2 signage, parking, to the Planning
3 Commission for proper review" -- for final
4 review, actually.

5 What they're going to do also on
6 this, there are a couple different parcels
7 owned differently. So they're going to
8 combine it to one parcel, and then
9 hopefully he'll rezone it to meet the
10 proper zoning so they both match. That's
11 another thing that's going to happen out
12 of the three items.

13 So that's all the things that are
14 really going to make this gentleman move
15 here, bring his company, build two new
16 buildings and tear down that ugly Quonset
17 hut. So that's what this is about.

18 That's it for me. Thank you.

19 COUNCIL PRESIDENT **Astorino**: Anyone else
20 from Council? Mr. Mayor?

21 MAYOR COYNE: Thank you,
22 Mr. Chairman. Mr. Dolan is here, who
23 handled this investment through the
24 economic development process and he can
25 maybe relate to Council some of the issues

1 that still may be involved after they
2 approve the conditional use permit.

3 So Mr. Dolan is here this evening,
4 if any Members of Council want to hear
5 from him or have any questions from him.

6 COUNCIL PRESIDENT **Astorino**: Mr. Dolan,
7 would you like to come to the podium?

8 MR. DOLAN: Sure. Good evening.
9 I'm here to answer any questions on this.
10 Mr. Wurz -- Mr. Lavelle is bringing his
11 company, the Wurz Company, into Brook Park
12 and Cleveland. He has about 12
13 employees now, but it will be up to --
14 what is it, Tom, 16, 17 --

15 MR. LAVELLE: 16.

16 MR. DOLAN: in there. Payroll
17 is about a **\$1** million-and-a-half to **\$2**
18 million and hopefully growing in the new
19 facility when he can have a higher
20 inventory. He's already relocated the
21 caboose, the lovely caboose, and donated
22 that to the railroad museum. He's going
23 to put a building on the lot, a starter
24 building, to keep his tenants, Two Men and
25 a Truck, present on the lot, and then

1 we're going to get rid of the Quonset hut
2 and he's going to build a much larger
3 building along the front of the lot and
4 landscape on Brookpark Road, with a nice
5 suitable design so that it maintains the
6 improved look at the dealerships and other
7 healthy businesses on Brookpark.

8 What is going to happen on the lot
9 is there are several parcels that are
10 there. There are two different zonings on
11 the lot. One is industrial commercial,
12 and then there is a small chunk that was
13 left as an adult zoning. We're going to
14 rezone the lot. We're going to submit
15 legislation to rezone the lot so that it's
16 all industrial commercial and eliminate
17 the small portion of the lot that is adult
18 entertainment. We're also going to do a
19 plat map and consolidation of the several
20 parcels so that when you look at the tax
21 map in the Recorder's Office, it will be
22 one large contiguous parcel for
23 Mr. Lavelle. The buildings will cross
24 parcel lines. So once consolidation is
25 done, the building will be in one

1 permanent parcel lot. And because the
2 buildings cross multiple parcels lines
3 now, the Building Department and the
4 Planning Commission have required
5 consolidation so that you didn't have one
6 building over two and three lots.

7 So we hope to pull this all off
8 and get the Quonset Hut down in 2016. We
9 wanted to do it sooner, but Tom has been
10 working hard to get it done and he's now
11 just getting free to clear his calendar
12 and start the building, get his builder in
13 line and try to get the Quonset Hut down
14 in 2016. Council has previously given a
15 grant for the demolition of that building
16 as well.

17 So if anybody has any questions, I
18 can answer them.

19 COUNCIL PRESIDENT **Astorino**: Councilman
20 Burgio?

21 MR. BURGIO: Thank you,
22 Mr. Chairman. Mike, how many tenants are
23 in that Quonset hut, besides the Two Men
24 and A Truck? Anybody else there, beside
25 them? Just them?

1 MR. LAVELLE: I have one other.
2 The old owner has old furniture there.

3 MR. BURGIO: You have to go over
4 to the microphone, if you're going to
5 speak, so the clerk can pick it up.

6 MR. DOLAN: The old owner has
7 furniture in the building, but I don't
8 believe he's a paying tenant. There is
9 only one-paying tenant there and its Two
10 Men and a Truck. Mr. Lavelle needs the
11 keep them in order to make the larger
12 project more viable.

13 MR. BURGIO: So what's the
14 timetable on finishing that project?

15 MR. DOLAN: Well, we wanted to
16 build the building, start the building now
17 as soon as the permit issues or in the
18 immediate future. When that building is
19 done and Two Men and a Truck can occupy
20 it, we'll be tearing down the Quonset hut
21 and starting the construction on the
22 remaining portions of the building.

23 MR. BURGIO: Okay. That's all I
24 have, Mr. Chairman.

25 COUNCIL PRESIDENT **Astorino**: Okay. Thank

1 you. Council any other questions? Okay.
2 Thank you -- Mr. Mayor?

3 MAYOR COYNE: This is not a
4 question, just a comment. This is an area
5 of Brookpark Road we've been trying to get
6 changes made there, particularly for curb
7 appeal, and Mr. Lavelle is committed to
8 all those things. And I have to tell you
9 while it was enjoyable to have the caboose
10 there for a while, I'm glad that it's gone
11 and I'm glad to hear because of all the
12 contentions from the beginning, so will the
13 Quonset hut. So I'm glad that's going to
14 be gone as well. And again, it's a
15 continual transformation of an area of the
16 city that we need to keep getting people.
17 So Mr. Lavelle's investment there is
18 welcome, and we'd ask Council to pass this
19 ordinance this evening and subsequently
20 we'll work out the zoning issues and bring
21 those to you as well. But this is a long
22 awaited improvement in the area of the
23 city that was really needed.

24 MR. DOLAN: To the Mayor, there is
25 also the property immediately to the east

1 of Mr. Lavelle, which is now BlueLine
2 Rental, and there is a big, empty
3 abandoned auto lot there. That is going
4 to be part of another project that's
5 coming forward soon and part of the
6 project is BlueLine is expanding, all the
7 fences are coming down and being put back
8 in there and the landscape is going to be
9 redone. So that huge chunk of Brook Park
10 Road is no longer going to look like -- I
11 don't know what you want to call it. It
12 will look new and fresh and be consistent
13 with the Sunbelt and the United Rental,
14 and then you'll have Mr. Lavelle. So that
15 whole stretch is going to start to take on
16 a whole different look and feel and
17 hopefully between Mr. Lavelle and 150th
18 Street have a concerted effort to clean up
19 some of those other abandoned or old
20 properties as well.

21 COUNCIL PRESIDENT **Astorino**: Okay. Thank
22 you, Mr. Lavelle. Thank you Mr. Dolan.

23 MR. DOLAN: You're welcome.

24 COUNCIL PRESIDENT **Astorino** Council, what
25 I would need, then, is -- if you so wish,

1 we need a motion to draft up a resolution
2 for consolidation.

3 MR. BURGIO: So made,
4 Mr. Chairman.

5 MR. TROYER: Support.

6 MR. SALVATORE: It will be so
7 placed on the next Council agenda.

8 MR. BURGIO: Placed on this
9 Council agenda additionally?

10 MR. MENCINI: Support.

11 COUNCIL PRESIDENT **Astorino**: Yes, if it
12 can be drafted that soon. Madam Director, do
13 you feel it could be drafted?

14 MS. HORVATH: Yes. It should be
15 fine.

16 COUNCIL PRESIDENT **Astorino**: All right. S
17 So the motion is to the draft up a resolution
18 to be placed on the next Council agenda,
19 properly supported. Seeing no discussion,
20 Clerk, please call the role.

21 THE CLERK: Burgio?

22 MR. BURGIO: Yes.

23 THE CLERK: Troyer?

24 MR. TROYER: Yes.

1 THE CLERK: Powers?
2 MS. POWERS: Yes.
3 THE CLERK: McCormick?
4 MS. MCCORMICK: Yes.
5 THE CLERK: Scott?
6 MR. SCOTT: Yes.
7 THE CLERK: Salvatore?
8 MR. SALVATORE: Yes.
9 THE CLERK: Mencini?
10 MR. MENCINI: Yes.
11 THE CLERK: I keep forgetting you
12 tonight.
13 COUNCIL PRESIDENT **Astorino**: You need to
14 sit up in your chair, Mr. Mencini.
15 MR. MENCINI: My bad.
16 COUNCIL PRESIDENT **Astorino**: She can't see
17 you.
18 Okay. So that disposes of Item
20 No. 3.
21 MR. SALVATORE: Mr. Chairman?
22 COUNCIL PRESIDENT **Astorino**: Councilman
23 Salvatore?
24 MR. SALVATORE: I'd like to
25 continue through our agenda to the following

1 three, and then go back to our rules at
2 the end of the meeting. If we could take
3 care of the business portion of our Caucus
4 and then move to our rules at the end.

5 MR. MENCINI: I'll support that.

6 COUNCIL PRESIDENT **Astorino**: So you want
7 To continue with Item No. 4, then?

8 MR. SALVATORE: Yes, sir.

9 COUNCIL PRESIDENT: Okay. So
10 there is a motion to continue -- to stay
11 on this order of business and continue
12 with Item No. 4. It has been properly
13 supported. Clerk, please call the role.

14 THE CLERK: Salvatore?

15 MR. SALVATORE: Yes.

16 THE CLERK: Mencini?

17 MR. MENCINI: Yes.

18 THE CLERK: McCormick?

19 MS. MCCORMICK: Yes.

20 THE CLERK: Powers?

21 MS. POWERS: Yes.

22 THE CLERK: Troyer?

23 MR. TROYER: Yes.

24 THE CLERK: Burgio?

25 MR. BURGIO: Yes.

1 THE CLERK: Scott?

2 MR. SCOTT: Yes.

3 COUNCIL PRESIDENT **Astorino**: Okay. We're

4 on Item No. 4, under Discussion, which is
5 a multitude of Me Too clauses. Before we
6 open it up for discussion to everybody, I
7 wanted to take the opportunity to present
8 the situation as I perceive it because
9 there has been some discussion over the
10 last month or so about how this
11 legislation should be handled. So I kind
12 of wanted to go over the items with
13 Council members and give an idea of how I
14 see it.

15 So what I'd like to do is, as he
16 -- what I've done is I've prepared some
17 documents here so as I'm talking, you can
18 follow along with it.

19 Okay. Everyone has one.

1 COUNCIL PRESIDENT **Astorino**: Okay.

2 Everyone has one now. As I said, there
3 are some documents here. Just as I give
4 an explanation, I'm going to go through
5 it. You can see on the bottom of the
6 right-hand corner -- I've numbered them,
7 I've numbered the pages. But the front
8 page area you can see is a timeline that
9 I've put together. It kind of gives an
10 idea that just kind of -- I'm not going to
11 go through each individual item, but it
12 kind of shows that at the end of March we
13 passed the appropriation ordinance. Then
14 it kind of shows when the different labor
15 contracts were signed in either March and
16 April and how in the beginning of May,
17 there were four ordinances that were
18 introduced, four ordinances that were
19 passed to accept those. In June, we then
20 had the dispatch contract that we dealt
21 with plus also the fact-finding
22 recommendation for the fire contract and
23 how we've accepted -- we have the
24 ordinances passed for dispatch and also

1 the fact-finding recommendation was
2 accepted in June. And then in July
3 through August there were different
4 amendments that were entered into with all
5 the different agreements that dealt with
6 the fact-finding recommendation to
7 increase the vacation leave, and then as
8 far as when the contract amendments were
9 received, they received the memo on
10 September 14th and how Council Clerk
11 contacted the Law Department for
12 legislation to be drafted for the
13 amendments. The 16th, we received a
14 request -- acknowledging the receipt of
15 the request for legislation and reporting
16 about the receipt from the Mayor also
17 requesting legislation, and then on
18 September 22nd, there was a second request
19 that I put in for legislation for the
20 contract amendments.

21 And then on the second page, which
22 you can see is there's different
23 provisions of the Charter that I think are
24 relevant to the processing of these Me Too
25 Clauses. Section 4.01 of the Charter

1 Article 4 deals with Council. You can see
2 that 4.01 states, "All legislative powers
3 of the City, except as otherwise provided
4 by this Charter, and by the Constitution
5 and general laws of the State of Ohio
6 shall be vested in a Council of eight
7 members, four of whom shall be elected
8 from the -- (Inaudible), three of whom
9 shall be elected at large, and one who
10 shall be elected at large as president
11 council." The reason I feel that this is
12 relevant is because, as we've heard last
13 week and over the previous weeks before,
14 the Mayor has stated that he's put in a
15 request that we do verbal approval and
16 that he felt that I was obstructing and
17 interfering with his rights by Charter.
18 But as you can see, the Charter clearly
19 says that the legislative powers of the
20 City are vested in Council except as
21 otherwise provided by this Charter and the
22 Charter provides the Mayor the ability to
23 recommend and introduce legislation. Now
24 it's key there that if that's what he's
25 looking to do, you can see, then, that

1 Section 4.08 talks about form of
2 legislative action. And the first line
3 talks -- it says, "All legislative action
4 by Council shall be by ordinance or
5 resolution introduced in written or
6 printed form except when otherwise
7 required by the Constitution or the laws
8 of the State of Ohio."

9 So the way I looked at it was when
10 the request came over for the contract
11 amendments, if it was legislation that was
12 being introduced, then the legislation had
13 to be either by an ordinance or
14 resolution, according to our Charter.
15 However, the next Section 4.10 that I've
16 pointed out, talks -- it's a language that
17 says, "The Council shall make provisions
18 by ordinance for the advertising and
19 awarding of contracts and the alterations
20 or modifications of contracts. So -- and
21 then the last item there this is a section
22 of the Revised code that talks about
23 action by legislative authority that's not
24 required by law to be by ordinance or
25 resolution may be taken by motion approved

1 by at least a majority vote of the
2 members. This would be the section that
3 allows verbal approval, but you can see
4 that it says it's not required by law to
5 be by ordinance, and yet I felt that the
6 Charter required us to do that by
7 ordinance.

8 And then pages three through seven
9 deal with the fact-finding report, and the
10 section that deals with the vacation
11 article is found on page four of the
12 report, which is page seven of this
13 packet. And, basically, it was reported
14 last week by the finance director that the
15 fact-finding recommendation, which we
16 accepted, basically it added -- reduced
17 the five-week vacation down to 15 years,
18 and then at 20 years of service, it added
19 in an additional week of vacation.

20 However, the fact-finding report, what it
21 didn't deal with is how that was going to
22 be handled. And then so what I've
23 provided to you also in pages eight
24 through 13 is the vacation language that
25 existed in the May contracts that we've

1 passed, because there have been statements
2 made that when we passed these contracts
3 in May, it was accepted that we knew that
4 this extra vacation would be there. So it
5 was going to be something that was going
6 to be taken care of through the Me Too.
7 However, you can see that the language on
8 pages eight through 13, these are the old
9 languages. I will mention that next to
10 the article, I would write down in
11 parentheses which contract that each one
12 of those are from, whether it be dispatch,
13 FOP, OPDA and such, so that you had a copy
14 at least of what the language was that was
15 wrote in May because you do have the
16 contract amendments in your packet for
17 today's Council.

18 I will also point out that on page
19 14 and on page 15, it talks about this is
20 language that's found in all the contracts
21 that deal with the authority of the
22 Arbitrator. Four of the contracts have
23 one type of language, two of the contracts
24 have another. But the main point in the
25 language, it talks about the Arbitrator

1 during a grievance procedure shall have no
2 power or authority to add to or subtract
3 from or modify in any way the provisions
4 of this agreement or to make an award in
5 conflict with the law. So that if there
6 was a grievance that was filed because the
7 Me Too wasn't put in, it couldn't be
8 handled through the grievance procedure.
9 Because part of what I'm trying to get
10 through to the administration and to the
11 Law Director was that when the Mayor sat
12 down with the Unions in July and August
13 and came to an agreement on how we were
14 going to implement The Me Too and add the
15 additional week or add the payout, that
16 was not something that was addressed by
17 the fact-finders. So it was a revision to
18 the contracts that we accepted in May and
19 so it required legislative activity. It
20 required some sort of legislation being
21 passed by Council to accept it.

22 Now, I also portrayed to the Law
23 Director at that time that I didn't think
24 there would be any problem for Council to
25 accept it. It was just a matter of how we

1 were going to process through this.

2 Now, last week when the finance
3 director was queried by one of the Council
4 members about it, he went through the
5 explanation similar to what I just
6 explained, but he also summed it up saying
7 words to the effect that says, "So that
8 being said, his opinion was," and he
9 talked with the Law Director about it and
10 she agreed that there had to be some type
11 of legislation action taken to grant these
12 employees pay for not taking the time off,
13 the vacation pay. That was the comments
14 that he reported to Council last week.

15 Prior to that, he had also
16 announced and gave an estimate that this
17 was going to cost the City an additional
18 \$150,000. So it was my feeling that
19 legislation needed to be drafted for us to
20 accept the contract amendments and for us
21 to also deal with the changes and the
22 additional cost, because this wasn't
23 something that we dealt with back in May
24 because it was obvious, because in July
25 and August, the contracts needed to be

1 renegotiated as far as how that payment
2 was going to be done and how it was going
3 to be handled.

4 Now, I also wanted to point out to
5 you, before, as I try to wrap this up
6 quickly enough for you, is that we
7 received a clarification on October 7th
8 from the Law Director. It was dated
9 October 7th, but it was received actually
10 at the Council office on October 10th,
11 trying to explain the verbal approval
12 aspect of the Me too clauses, and she
13 cited Ohio Revised Code 4117.10b, which
14 deals with the collective bargaining law,
15 and she put in emphasis and bolded the
16 fact that, "The legislative body must
17 approve or reject this submission as a
18 whole," and then she bolded and said, "And
19 the submission is deemed approved if the
20 legislative body fails to act within 30
21 days after the public employer submits the
22 agreement." That's what she bolded on
23 that page. And on the next page, she
24 said, "The Safety Director's question is
25 as follows: Are the Me Too clauses deemed

1 accepted because the legislative body
2 failed to approve or disapprove them by
3 September 8th." And she said, "After
4 review of the ORC section, the answer is
5 that they are deemed to be approved by
6 operation of the statute," and she felt
7 that since the request was made on August
8 8th, that the time limit designated in the
9 ORC would expire on September 8th. So she
10 feels the issue of approval is moot.

11 I think this memo is a good
12 indication of why sometimes it takes us to
13 operate independently and look at it,
14 because one of the key factors that's not
15 explained in here is although the memo was
16 dated August 8th, it was not provided to
17 Council office until September 14th. So
18 her explanation that we had until
19 September 8th to act on it would have been
20 impossible for us to do because the
21 request was never put to us. And that
22 wasn't never necessarily the fault of
23 anybody, because actually if you go back
24 to her citation on the first page, you'll
25 see language -- early on in that

1 paragraph, it talks about it will be
2 handed to the legislative body within 14
3 days of the date on which the parties
4 finalize agreement unless otherwise
5 specified. But if the appropriate
6 legislative body is not in session at the
7 time, then within 14 days after it
8 convenes. If you remember in the middle
9 of August. We took recess in July and
10 August, so we were actually were not in
11 session at that time. So we did not
12 receive it until September 14th.

13 So the fact that this memo says
14 that it's moot, we should be doing it
15 anyway is actually inaccurate because we
16 didn't receive it until September 14th.

17 The bottom line gets down to this,
18 that on September 15th, I requested
19 legislation to be drafted to accept these
20 contract amendments. I made a second
21 request on September 22nd. I am not aware
22 of anything in the Charter that would
23 allow the Law Director not to honor my
24 request for legislation. So as far as
25 there being any obstruction or

1 interference, I found it kind of that I
2 was actually being obstructed and
3 interfering -- there was interference on
4 my abilities to process legislation the
5 way that I thought. And I didn't think
6 that I was exceeding any authority of
7 Council because there is nothing in the
8 Charter that allows the administrative
9 office, the Mayor, to introduce something
10 under verbal approval; that anything that
11 he's going to recommend and introduce by
12 the Charter must be legislation, which
13 would then require either a resolution or
14 ordinance.

15 So the concerns that I expressed
16 over the last month were more along the
17 lines that we needed to follow the
18 Charter. And any time I asked a question,
19 I said if you could please cite if there
20 is legal authority that overrides either
21 4.01, 4.08 or 4.10 of the Charter, please
22 provide that. That was never provided.
23 The argument is simply because they're
24 saying it's so, we're supposed to believe
25 it's so.

1 We heard arguments that there is
2 nothing that precludes the Mayor from
3 doing certain things. However, it's not a
4 matter of -- 4.01 is not stated in a
5 manner that it has to be procluded. It
6 has to be provided. So unless it
7 specifically states that, which it does
8 not -- again, from the very beginning, I
9 relayed the information that I was not
10 opposed to processing this through. I
11 just felt that if it's going to be
12 legislative action, which it needed to be
13 legislative action, it has to be done
14 through the proper procedure and that
15 procedure was denied. It became simply a
16 -- I did find it rather interesting that
17 the comment that she makes in this one
18 statement talks about please approve it --
19 well, she didn't say please approve. A
20 verbal approval is rapidly and with as
21 little controversy as possible with the
22 understanding that they already approved.
23 Well, first off, they are not already
24 approved. We still have the 30 days that
25 we could operate within. But if

1 legislation would have been provided
2 either on the 15th or the 22nd, as I
3 requested, this Council would have had the
4 opportunity to pass it, which the words
5 that were stated last week that it didn't
6 matter whether we did it by verbal
7 approval or by ordinance, it just needed
8 to get done. But it was a matter of doing
9 it outside the confines of the Charter and
10 I was opposed to that.

11 So I would ask that Council please
12 consider listening to my objections about
13 it being under verbal approval because
14 I've stated obvious reasons that we would
15 not be in compliance with the Charter and
16 it's very important that we stay within
17 compliance of the Charter.

18 MAYOR COYNE: Mr. Chairman, can I
19 ask a couple questions, please?

20 COUNCIL PRESIDENT **Astorino**: Certainly,
21 Mayor. Go ahead.

22 MAYOR COYNE: Thank you. How's
23 the fact-finders report approved?

24 COUNCIL PRESIDENT **Astorino**: The
25 fact-finders report is approved through

1 verbal approval.

2 MAYOR COYNE: Thank you. All
3 right. So, therefore the implementation
4 of that fact-finders report lies with the
5 parties to the contract; is that correct?

6 COUNCIL PRESIDENT **Astorino**: I'm not sure
7 what you mean by that.

8 MAYOR COYNE: Okay. In other
9 words, the implementation of the
10 fact-finders report are left back to the
11 parties to provide language that would
12 honor and enforce the fact-finders
13 report; is that not correct?

14 COUNCIL PRESIDENT **Astorino**: The parties
15 would have to -- after the fact-finders
16 report is accepted by both parties, the
17 parties have to draft up a contract.

18 MAYOR COYNE: They agree to
19 language that provides for the enforcement
20 of the fact-finders report; is that
21 correct?

22 COUNCIL PRESIDENT **Astorino**: No, that's
23 Not correct.

24 MAYOR COYNE: Okay. Well, then
25 that's fundamentally flawed.

1 COUNCIL PRESIDENT **Astorino**: No, because

2 MAYOR COYNE: Well, I asked you --
3 I let you continue on. I listened.

4 COUNCIL PRESIDENT **Astorino**: I can explain.

5 MAYOR COYNE: I listened to you.
6 You answered. We agree --

7 COUNCIL PRESIDENT **Astorino**: It's
8 not correct --

9 MAYOR COYNE: We agree --

10 COUNCIL PRESIDENT **Astorino**: It's not
11 correct, because the language that was
12 agreed to was different than what the
13 fact-finder did.

14 MAYOR COYNE: And that's the point
15 that I'm --

16 COUNCIL PRESIDENT **Astorino**: So there were
17 negotiations that went on.

18 MAYOR COYNE: That is correct. So
19 the implementation going back again -- the
20 fact-finders report was verbally approved
21 by Council?

COUNCIL PRESIDENT **Astorino**: Correct --

23 MAYOR COYNE: Okay.

24 COUNCIL PRESIDENT **Astorino**: -- because
25 it's an administrative action.

1 MAYOR COYNE: Okay. Hold on. No.
2 You answered my question. Okay. You
3 answered my question.

4 Now, so when the fact-finders make
5 a report, to implement that you sit down
6 with the partiesolved, the city, in
7 this case it was the firefighters unit,
8 how are we going to provide language that
9 provides for the implementation of the
10 fact-finder; is that correct?

11 COUNCIL PRESIDENT **Astorino:**
12 Technically no,

13 MAYOR COYNE: Okay. Let's move on
14 to The next thing.

15 COUNCIL PRESIDENT: Because the
16 fact-finders --

17 MAYOR COYNE: Hold on. Let's move
18 on to the next thing.

1 MR. BURGIO: Not completely.

2 COUNCIL PRESIDENT **Astorino**: -- completely.

3 MAYOR COYNE: You answered my
4 question. You said, "Technically, no."
5 COUNCIL PRESIDENT **Astorino**: Technically,
6 no.

7 MAYOR COYNE: That's a good enough
8 answer for me.

9 COUNCIL PRESIDENT **Astorino**: Because --

10 MAYOR COYNE: Let me move on to
11 the next thing.

12 COUNCIL PRESIDENT **Astorino**: Because the
13 schedule was changed from 15 years -- from
14 18 years for five weeks, to 15 years for
15 five weeks --

16 MAYOR COYNE: Who did that?

17 COUNCIL PRESIDENT: -- and from 20
18 years to six weeks.

19 MAYOR COYNE: Who did that?

20 COUNCIL PRESIDENT **Astorino**: The fact
21 finders recommended that.

22 MAYOR COYNE: Thank you. Can I
23 move on to my -- you said, "Technically,
24 no." Factually, that's correct. There
25 has to be language provided that

1 implements that fact-finders report.

2 Now, let me explain to Council the
3 reality of what we have, perception and
4 reality. Now, so, therefore verbal
5 approval, Council passed the contract with
6 all the provisions of the contracts by
7 legislative action with the Me Too
8 provisions in every single one. They may
9 be a little bit different but basically
10 the same. The fact finder awarded the
11 five and six-week provision. So when you
12 go back and you implement with the price,
13 how are we going to do this? There were
14 two problems with the implementation of
15 the fact-finders report. One was the time
16 of the year where folks couldn't use all
17 their vacations, they didn't want to use
18 their vacations. They would put the city
19 in a position, particularly with the
20 firefighters, to have time-and-a-half and
21 essentially paying time-and-a-half for a
22 vacation.

23 So the parties sat down and came
24 up with the language that provided for an
25 option for them, which, therefore,

1 implemented the fact-finders report, which
2 was adopted by verbal approval. So,
3 therefore, according to the contracts, we
4 must offer the same thing to every Union.
5 They could have told us no. They could
6 have said, "We'll just accept the
7 fact-finders you put." They agreed to the
8 same implementation of that report under
9 their Me Too clauses, every single
10 Union -- unit agreed to that okay.

11 Okay. Now, so I in my view, under
12 the existing collective bargaining bill,
13 that was approved -- the bargaining unit
14 contracts approved by ordinance by this
15 City Council with all the provisions in it
16 are all that is necessary. And they all
17 read that to be appropriate or to be
18 appropriated, whether it's another week of
19 vacation or a paid bonus for not taking
20 it, it has to be enacted by changing the
21 appropriation. So through this process
22 the Finance Director came to me and he's
23 like, "I feel I need clarification of
24 this," and I did that and I submitted to
25 this Council verbal approval on numerous

1 occasions. You're just talking August
2 8th, but on numerous occasions to act on
3 this, even though in my view, it's not
4 necessary because, again, you enacted the
5 contract, you approved the fact-finders
6 report. So, therefore, I said to Greg,
7 "Fine" -- because we had a great dispute
8 about this over there. So to move the
9 process forward, I said, "Fine, we'll send
10 it over for verbal approval."

11 On numerous occasions, you denied
12 me the opportunity to have the discussion
13 that we're having right now, including
14 your perception, at several meetings. You
15 determined -- and you have no process in
16 the collective bargaining bill for this
17 City, other than presiding over the menial
18 Council votes, to interfere in that. You
19 could disagree. You could have presented
20 your arguments and maybe in my frustration
21 to try to get this done, I may agree to
22 your process, but it's not required.

23 So, in fact, you denied me.
24 Whatever your rights with the Law
25 Director, that's a different issue. But

1 you denied my ability to make my
2 presentation to City Council. You may
3 have convinced them of what they had to
4 do. But you denied me that on several
5 occasions. And matter of fact, Council
6 was reminiscing their duties to me as
7 well. Because in my memorandums to them,
8 I asked them several times to put this on
9 for verbal approval.

10 So, therefore, where we're at this
11 evening is this, okay -- and you can
12 recommend and it can be your perception
13 and we can interpret the Charter all you
14 want. Is this a proper fashion in doing
15 it? I believe that it is a proper fashion
16 of doing this. To bridge a collective
17 bargaining bill takes over, which you
18 should know better than anyone, after a
19 certain period of time. Okay. So,
20 therefore, I don't really care how you --
21 in my view, it's already implemented, it's
22 already been acted upon, and I believe the
23 Finance Department has sufficient
24 legislative action that was taken, the
25 ruling from the Law Director to move

1 forward with what we talked about. I
2 believe that they have sufficient -- it's
3 sufficient to go forward.

4 So my issue with you,
5 Mr. President, is not your perception or
6 your interpretation, and I'm repeating
7 this. You continue to interfere. I have
8 a right to have my issues presented to
9 this body. And like this evening, we can
10 have a discussion about that openly before
11 the people of the City, but for some
12 reason, you can't do that. Right. If you
13 request something to be done, it should be
14 heard. I don't have any problems with
15 that. But you're denying my right to do
16 that and, quite frankly, City Council is
17 sitting back and allowing you to do it.
18 You have no right to deny me a discussion
19 at a meeting. You can disagree, the whole
20 Council could disagree. They can clarify
21 what I brought up is insane. But I still
22 have the right to present that and so does
23 every other elected official in this City.

24 So that's what my problem is. I
25 totally disagree with your perception. Is

1 one fashion doing it legislatively? Sure.
2 But this has been the accepted practice of
3 this City and the fact -- the driving
4 impetus for this was the fact-finders
5 report that was approved by verbal
6 approval of Council for a contract that
7 was voted on by the City Council with the
8 provisions that gives me the authority to
9 negotiate with the various Union's for
10 these provisions. So how you do it, I
11 don't really care. But I believe at this
12 point in time it is a moot point.

13 So my suggestions and the only
14 request I have of you is when I ask to
15 have something presented, it should be
16 presented. If it's determined at a later
17 date, it should be in different form, I've
18 been corrected many times. Not many, not
19 too many, but many.

20 All right. So that's my personal
21 opinion and my review of this particular
22 situation. Thank you.

23 COUNCIL PRESIDENT **Astorino**: Again, in
24 response, Mayor, I would just say that I
25 know you put the request in. You have the

1 perception that I was trying to obstruct
2 it. When I was -- after reviewing the
3 Charter and seeing how it had to be done,
4 that's what I tried to do. We received
5 your request on the 14th. On the 15th, we
6 put in a request for legislation to be
7 drafted so that we could meet your request
8 and bring it before Council. Because the
9 Charter does not give you the ability to
10 request something under verbal approval.
11 The Charter says that you can recommend
12 and introduce legislation. So when I
13 looked at that, I said, "Okay. He's
14 recommending that we do something with
15 this. He's recommending the legislation."
16 So that's a legislative action. The
17 legislative action that we have to take by
18 Charter is either a resolution or
19 ordinance. And so I took your request and
20 fit it into our process with using the
21 Charter to do -- as a guideline, because
22 it is the guideline we're supposed to do.
23 And any time that I've asked for any legal
24 authority that varies from that, I've been
25 presented with nothing, other than we can

1 do, you should do it this way. There's no
2 mention of verbal approval in the Charter.
3 It's a revised code section that exists
4 for something that's outside of the
5 Charter --

6 MAYOR COYNE: Mr. Chairman?

7 COUNCIL PRESIDENT **Astorino**:-- and so
8 we're going to move to other questions.

9 MAYOR COYNE: No. Mr. Chairman,
10 before you leave -- you made a
11 statement -- you made a statement and I
12 want -- you, in your own words, said, "The
13 Mayor has a right to recommend." I don't
14 hear any place in the Charter where you
15 have the right to deny that recommendation
16 for being heard.

17 COUNCIL PRESIDENT **Astorino**: Recommend --

18 MAYOR COYNE: Wait a minute. Wait
19 a minute.

20 COUNCIL PRESIDENT **Astorino**:No. Recommend

21 MAYOR COYNE: No, I have -- do I

22 COUNCIL PRESIDENT **Astorino**: No, no, I'm
23 Taking it back.

24 MAYOR COYNE: No, I have -- do I

1 MAYOR COYNE: You're taking it
2 away from me because I'm making a point
3 that you don't like.

4 COUNCIL PRESIDENT **Astorino**: No.

5 MAYOR COYNE: You have no right to
6 interfere.

7 COUNCIL PRESIDENT **Astorino**: I'm fact
8 checking you.

9 MAYOR COYNE: No.

10 COUNCIL PRESIDENT **Astorino**: I'm fact
11 checking you, Mayor.

12 MAYOR COYNE: No. You don't fact
13 check me, sir.

14 COUNCIL PRESIDENT **Astorino**: I'm
15 recommending legislation.

16 MAYOR COYNE: You don't fact check
17 me. I asked for a discussion of verbal
18 approval. That's what I asked for.

19 COUNCIL PRESIDENT **Astorino**: There is
20 nothing in the --

21 MAYOR COYNE: You are wrong. You
22 have no authority, sir, to deny me that
23 opportunity of discussion. We could have
24 had this discussion two months ago. You
25 have no right to deny me that. You don't

1 have that authority. You have authority
2 to preside over a meeting. You don't have
3 supreme authority to deny me my ability to
4 have my recommendations heard. And if you
5 disagree with them and ask for a ruling,
6 and Council has another way of dealing
7 with them, you certainly have the right to
8 ask that. But you have no authority
9 whatsoever to interfere with that process,
10 sir. And by your own words --

11 COUNCIL PRESIDENT **Astorino**: By my own
12 words --

13 MAYOR COYNE: By your own words
14 you did.

15 COUNCIL PRESIDENT **Astorino**: By my own
16 words --

17 MAYOR COYNE: By your own
18 words you did.

19 COUNCIL PRESIDENT **Astorino**: By my own
20 words, I followed --

21 MAYOR COYNE: By your own words
22 you interfered with me.

23 COUNCIL PRESIDENT **Astorino**: -- the fact
24 that if you're recommending legislation --

25 MAYOR COYNE: You have no

1 authority to make that determination, sir.

2 COUNCIL PRESIDENT **Astorino**: If you're
3 making recommendation legislation --

4 MAYOR COYNE: You have no
5 authority to make that determination.
6 Show me where it says that. You have no
7 authority.

8 COUNCIL PRESIDENT **Astorino**: 4.01 of the
9 Charter.

10 MAYOR COYNE: 4.01. Okay.

11 COUNCIL PRESIDENT **Astorino**: "All
12 legislative powers of the City, except as
13 otherwise provided by this Charter and by
14 the Constitution and laws of the State of
15 Ohio shall be vested in a Council."

16 MAYOR COYNE: And what does it say
17 about the Mayor --

18 COUNCIL PRESIDENT **Astorino**: Mayor, we're
19 moving on. You're done, Mayor, for now.

20 MAYOR COYNE: Thank you. You're
21 done.

22 COUNCIL PRESIDENT **Astorino**: You can get
23 back in later on.

24 MAYOR COYNE: That will take days.

25 COUNCIL PRESIDENT **Astorino**: Councilwoman

1 McCormick?

2 MS. MCCORMICK: I was not here
3 last week for the conversation that was
4 had then. I was ill. But just listening
5 to so far tonight, this evening, my
6 questions are why are the Mayor and the
7 Law Director so resistant to drafting a
8 legislation as requested to approve a the
9 contracts? I know that I -- and I assume
10 no other Members of Council have any
11 desire to hold this up or stall on it and
12 I know that if it was presented to us in a
13 proper format in the legislative form that
14 we requested, that we would suspend the
15 rules and pass it that evening. I mean,
16 we wouldn't be sitting here talking about
17 this if that legislation was drafted as
18 requested. It would be done. We would
19 not be sitting here arguing childishly
20 over something that shouldn't be dragging
21 on this long.

22 And as Council, we all took an
23 oath to uphold the Charter. The Charter
24 says that this kind of process must be
25 done legislatively. It has to be done

1 through a Resolution or an Ordinance, and
2 to stray from that, we would not be
3 upholding the oaths that we took and we
4 would be letting down the residents of our
5 city.

6 And furthermore, the Mayor does
7 not determine the legislative process or
8 procedure. That is outlined by the
9 Charter and it's pretty clear what we need
10 to do. I don't understand why we can't
11 just have this drafted, put it on next
12 week's Council, we'll approve it. I'm
13 sure everybody here would. Why can we not
14 just do that? End the fighting and just
15 get it done. There is no point in arguing
16 over this. That's all I have to say.

17 COUNCIL PRESIDENT **Astorino**: I'm going to
18 go to Council people first and then I'll
19 get to you Director, okay?

20 MS. HORVATH: That's fine.

21 COUNCIL PRESIDENT **Astorino**: Councilman
22 Salvatore?

23 MR. SALVATORE: Thank you,
24 Mr. Chairman. It's my belief that if
25 Council does nothing in a timely fashion,

1 then it automatically goes into effect
2 anyway. At least that's how it has been
3 over all the years that I've sat on
4 Council. And there has been a couple
5 occasions where Council did nothing and
6 the contract was accepted as prepared and
7 written and negotiated.

8 So I see this being no different
9 than that. Council did not take action,
10 it has been settled, and all the employees
11 are involved in the Me Too Clauses are
12 going to get their vacation. I was under
13 the impression that the only reason we
14 were only going to look at the possibility
15 of giving verbal approval was at the
16 request of the Finance Director who said
17 he felt comfortable, more comfortable
18 having something in writing, something
19 where Council took automatic action to
20 provide the documentation in the event of
21 an audit. Am I correct in saying that,
22 Mr. Cingle?

23 So having heard all that I really
24 do believe that it's done, the process has
25 been completed, the agreements are signed,

1 sealed and delivered. But I would go
2 along with giving verbal approval in the
3 event it makes the Finance Director feel
4 more comfort thinking he needs to have the
5 documentation for down the road in the
6 event of an audit, somewhere down the
7 road, a year, two years, five years from
8 now, that there is something on file, that
9 it was approved because it is an
10 expenditure.

11 So by any other discussion, I'd
12 make a motion to replace this on our next
13 Council agenda for verbal approval.

14 MR. TROYER: Support.

15 COUNCIL PRESIDENT **Astorino**: We're on the
16 discussion. I'll entertain your motion
17 later. I don't want you to be able to
18 finish up people's comments. I think you
19 understand why.

20 Councilman Troyer?

21 MR. TROYER: Thank you,
22 Mr. Chairman. Through the Chair to the Law
23 Director. Madam Law Director, on these Me
24 Too Clauses, would we be taking
25 legislative action?

1 MS. HORVATH: I've sent Council
2 two opinions on this issue. If you look
3 at my opinion of October 4th, you will see
4 that I discussed two issues. The first
5 is, is this an alteration or modification
6 of the contract, which under the Charter
7 then would need Council approval. And
8 after looking at it, I've come to the
9 legal conclusion that it is not. It is a
10 Me Too Clause just as we passed the
11 fact-finders report with regard to the
12 firefighters vacation time by verbal
13 approval. In the same fashion, we would
14 be able to pass this by verbal approval
15 because it's not an alteration or a
16 modification of the original Union
17 contract for each of these various Unions.
18 They all have Me Too provisions in that
19 contract, which Council has already passed.
20 So under, I believe, it's 4.10 of the
21 Charter, it's not necessary. I also
22 concluded that you do not need to take
23 legislative action in this matter.
24 Instead, verbal approval is fine. Just as
25 verbal approval was fine for the original

1 fact-finders report, it's also appropriate
2 for all of these Me Too Clauses.

3 Now, in each report -- opinion
4 that I've sent you, both the October 4th
5 and the October 7th report, I also
6 suggested that you modify or amend the
7 appropriations ordinance, which will be
8 before you shortly, to reflect the
9 difference that the city will have to
10 spend in the event that it needs to pay
11 out additional weeks of vacation rather
12 than letting employees take the vacation.
13 I believe that some of the Me Too Clauses
14 indicated that perhaps there would be a
15 week payout rather than an actual week of
16 vacation taken because we're so late in
17 the year. Neither legal opinion has
18 deviated from that position. I believe
19 that is a correct position, and I
20 understand certain Members of Council have
21 a sincere desire to make sure that the
22 Charter is followed and that we do
23 everything properly and appropriately.

24 But let me say this not so much in
25 answer to your question, but by way of

1 comment. I had an opportunity to watch
2 the Indians game last night and I noticed
3 that they did not allow the pitcher to
4 call balls and strikes, nor did they allow
5 the second baseman to run out in right
6 field and attempt to catch a ball. So
7 that leads me to conclude that we all have
8 our jobs and we all have certain
9 boundaries that are contained in those
10 jobs, and I've given two legal opinions
11 today, which have indicated that it is
12 appropriate for verbal approval for these
13 Me Too Clauses to be passed via verbal
14 approval. It is not necessary to draft
15 legislation. I do recommend that it be
16 included in the Appropriations Ordinance.
17 I would further note per this discussion
18 today that obviously four Council members
19 have seen fit to place this on the agenda
20 for discussion for verbal approval, and by
21 preventing this particular item from
22 appearing for verbal approval, I think it
23 has the effect of almost like a pocket
24 veto, where we have members of Council.
25 It's their job to look at legislation or

1 verbal approval or whatever comes before
2 them and vote by a majority, up or down,
3 whatever the issue is. And if something
4 isn't put on the agenda, then that
5 frustrates all Council people's ability to
6 look at an issue and to determine whether
7 to vote it up or down.

8 So I guess what I'm trying to say
9 perhaps in a longer way than I should is
10 it's perfectly appropriate to do this by
11 verbal approval. It's on your agenda now.
12 I'm unsure of exactly what date that
13 Council may have received the Mayor's
14 request to place it on the agenda for
15 verbal approval. My understanding was
16 that that was August 8th. If it was
17 later, then that's fine. But I think this
18 needs to be taken care of and concluded.
19 I've indicated in two opinions the way
20 that it should be done. And, again, know
21 if I call the balls and strikes while
22 someone else pitches, that's the way our
23 system works and I would expect Council to
24 respect that.

25 COUNCIL PRESIDENT **Astorino**: Councilman

1 Troyer?

2 MR. TROYER: Yes, through the
3 Chair to the Law Director. Madam Law
4 Director, to continue, so verbal approval
5 is not legislative action?

6 MS. HORVATH: You don't need
7 legislative action because this is not a
8 modification or an alteration of the
9 contract, each of these individual
10 contracts. You're simply acknowledging,
11 pursuant to this statute that, yes, you
12 know, this is in the Me Too clause. I do
13 not believe that you need legislative
14 action. You don't need an ordinance in
15 order to do this. That's my opinion.

16 MR. TROYER: Okay. Mr. Chairman,
17 can I make --

18 COUNCIL PRESIDENT **Astorino**: Actually I'm
19 going to interrupt with a need for
20 clarification here because it's needed
21 because she said it several times.

22 Law Director, you stated that this
23 is not an alteration or modification of
24 the contract. If I could refer you to
25 page eight of my packet, which is the

1 dispatch language for the vacations, and
2 then also if you would, for the Council
3 packet that's set on the Caucus agenda
4 tonight, has the language for the dispatch
5 vacation Me Too Clause. It's one that's
6 dated July 19th of 2016.

7 MS. HORVATH: I'm sorry. I'm
8 looking at -- you're talking about the
9 handwritten numbers?

10 COUNCIL PRESIDENT **Astorino**: Page eight
11 of that package. And then do you have the
12 Caucus packet also, what is on the agenda
13 tonight? Keep that with you. You have to
14 put them next to each other. It's the one
15 immediately after the firefighters Me Too
16 Agreement.

17 MS. HORVATH: Why don't you tell
18 me how many pages in after --

19 COUNCIL PRESIDENT **Astorino**: It's the one
20 immediately after the firefighters one.
21 It's dated July 19th at the bottom.

22 MS. HORVATH: That's signed by
23 Lucy DeNardo?

24 COUNCIL PRESIDENT **Astorino**: Yes.

25 MS. HORVATH: Okay.

1 COUNCIL PRESIDENT **Astorino**: So if you look
2 at that one and you look at the one that
3 was provided by myself tonight, the page
4 eight one, you can see the page eight one
5 was the one that was passed in June, when
6 we accepted the dispatch contract and it
7 has a Section 10.1. This one that we're
8 looking at tonight has not only a 10.1,
9 but a 10.1A and a 10.1B, which would be
10 the new language that's in the contract.

11 So if that language -- if we
12 accept that or if we don't act within 30
13 days, it becomes -- how's that not an
14 alteration or modification of the contract
15 if you now have two additional subsections
16 to the 10.1? You can say that it's not an
17 alteration or modification of the
18 contract, but the new contract will look
19 different because it will have new
20 language inserted in it. It's a
21 modification or alteration of the
22 contract. How could you say that does not
23 modify the contract?

24 MAYOR COYNE: It doesn't.

25 MS. HORVATH: Let me explain what

1 my position is on that. Is it different
2 from the firefighters' contract? Yes,
3 absolutely it is. But remember that
4 Council adopted by ordinance each of these
5 various Union contracts. There are
6 individual ordinances for each one. So,
7 yes, of course, it is different from the
8 firefighters.

9 COUNCIL PRESIDENT **Astorino**: No, no, no.
10 The two that you're looking at are both
11 dispatch language.

12 MAYOR COYNE: Carol --

13 COUNCIL PRESIDENT **Astorino**: The 10.1 by
14 itself was --

15 MAYOR COYNE: -- (inaudible) --

16 COUNCIL PRESIDENT **Astorino**: -- a dispatch
17 language we passed in June --

18 MAYOR COYNE: -- effectuates the
19 change.

20 COUNCIL PRESIDENT **Astorino**: -- the one
21 that's before us today --

22 MAYOR COYNE: He knows that.

23 COUNCIL PRESIDENT **Astorino**: -- has 10.1,
24 10.1A and 10.1B. It looks different. It
25 looks like we have modified 10.1.

1 So this has nothing to do with the
2 firefighters' contract. I'm having you
3 compare the dispatch contract that we
4 passed in June to the one that we are now
5 looking to pass that will change it. It's
6 a modification. It's an amendment that's
7 being made to the contract.

8 MS. HORVATH: The Me Too, this
9 change is effectuated by the Me Too. It
10 is not anything that is going to negotiate
11 a modification, alteration or in the sense
12 that the original contracts were so based
13 on that, I do not believe that it is
14 necessary that this be legislative action
15 by ordinance. I believe that it is enough
16 to do this by verbal approval. Is it
17 exactly the same as the other? No, but
18 it's effectuated by the Me Too clause in
19 the contract, which was approved by
20 Council in the original contract.

21 COUNCIL PRESIDENT **Astorino**: Which was
22 approved in May and June that did not
23 contain anything. And the fact-finding
24 award only changed the vacation schedule
25 from five weeks at 15 years to 20 weeks --

1 to 20 years, six weeks. And as the
2 Finance Director reported to us last week,
3 that after the fact-finding award came
4 out, the Mayor sat down with all the
5 Unions and negotiated a new agreement to
6 deal with how that's going to be
7 implemented. It's a new agreement. It's
8 a modification. It is not what the fact
9 finder recommended. The fact finder
10 recommended simply a change to the
11 vacation schedule. After that point it
12 was negotiated to be different than what
13 the fact finder recommended, which is what
14 the collective bargaining allows to happen
15 after a recommendation is done. The
16 parties can sit down and negotiate to
17 modify things, but that modification then
18 requires legislative action to be
19 accepted --

20 MAYOR COYNE: No, it doesn't.

21 COUNCIL PRESIDENT **Astorino**: -- because
22 Council accepted the five weeks at 15
23 years and the six weeks at 20 years. When
24 we accepted the fact-finding report in
25 June, we did not accept the agreements

1 that didn't even exist at that time.
2 Because after we accepted it, that's when
3 the Mayor had already negotiated with
4 dispatch. But then in July and August
5 after we did it, he sat down and came to
6 agreements on how on what modified the
7 agreement.

8 So I don't see -- you can continue
9 to say it's not a modification, but
10 looking at the page, it's got two sections
11 there that are different and they're going
12 to be different in the contract. We are
13 modifying all of the contracts regardless
14 of you saying that it's not a
15 modification.

16 MS. HORVATH: Okay. If I can
17 address that?

18 MAYOR COYNE: Move the question.
19 Jesus, Mary and Joseph.

20 MS. HORVATH: Obviously when you
21 passed the original contracts, the Me Too,
22 clause was in all of those original
23 contracts. No one anticipated what the
24 fact finder would do with regard to the
25 firefighters' contract. It gave them

1 additional weeks of vacation. That kicks
2 for each of the other Union's in the Me
3 Too Clause, which effectuates the exact
4 same type of provision for them.

5 So it is my legal opinion that
6 this can be done by verbal approval. We do
7 not need to have an ordinance for each one
8 of these contracts. I believe that that
9 is sufficient, and that coupled with the
10 fact that you're going to amend the
11 appropriations ordinance should be
12 sufficient. And I understand your
13 continued zeal to make sure that we do
14 this correctly. Once again, I'm reminding
15 you that that's the official opinion of
16 the Law Director. I would further note
17 while I appreciate the fact that you want
18 to make sure that this is done correctly,
19 I'm giving you my opinion that it is being
20 done correctly by verbal approval. I
21 would also note that the firefighters'
22 contract expired in 2016, and all the
23 other contracts here expired at a later
24 date. So what I would ask, I guess, at
25 this point, I don't know how much other

1 discussion we can or cannot have, but I
2 would note that Council, at least four
3 members of Council, have put this on the
4 agenda today to be considered for verbal
5 approval, and I think it might be
6 appropriate at this point to call the
7 question.

8 MR. BURGIO Mr. Chairman?

9 COUNCIL PRESIDENT **Astorino**: Councilman
10 Mencini:

11 MR. MENCINI: Thank you,
12 Mr. Chairman, for recognizing me.

13 MR. BURGIO: Point of order.

14 COUNCIL PRESIDENT **Astorino**: Hold on Mister
15 -- what's the --

16 MR. BURGIO: Mr. Chairman, I had
17 the floor and you asked to take it, but I
18 wasn't finished with my questioning when I
19 had the floor.

20 COUNCIL PRESIDENT **Astorino**: Okay.

21 MR. BURGIO: Thank you,
22 Mr. Chairman. Through the Chair to the
23 Finance Director. Mr. Cingle, do you feel
24 that, per your audit requirements -- first
25 of all, do you think -- do you need

1 legislative action? Do you feel that
2 legislative action is something you need
3 and, moreover, would it be better for your
4 audit if you had an unanimous support for
5 whatever action was taken?

6 MR. CINGLE: Through the Chair to
7 Councilman Burgio, my position is that
8 Council should approve the contract
9 amendments that are outlined in the
10 memorandum to Michelle Blazak, Clerk of
11 Council from the Mayor, dated August 8th,
12 2016. I discussed this with the Mayor.
13 We had a spirited discussion about this
14 earlier this afternoon. I spoke with the
15 Law Director as well.

16 So from an audit standpoint, I
17 believe that Council should approve these
18 amendments. Whether it's in the form of
19 verbal approval or an Ordinance, I'll
20 defer to the Law Director to make that
21 ruling. But I do believe that Council
22 needs to approve these contract
23 amendments.

24 MR. BURGIO: Okay. Thank you.
25 That's it, Mr. Chairman.

1 COUNCIL PRESIDENT **Astorino:** Councilman
2 Mencini?

3 MR. MENCINI: Thank you,
4 Mr. Chairman. This has been long. I
5 think we've got to get this settled. So
6 I'm going to ask a couple questions
7 through the Chair to the Law Director, if
8 I may.

9 On advertising, awarding contracts
10 through alterations, modifications, what
11 you're really saying is that we voted to
12 vote for the contract's verbal approval,
13 the fact-finders' verbal approval. Are
14 you just basically saying this is
15 basically an extension of that --

16 MS. HORVATH: Yes, it's very
17 similar.

18 MR. MENCINI: -- which you just
19 said previously, Councilman's Troyer's
20 first question? That's what you're
21 saying. Okay.

22 Now, when you say -- and I was in
23 1099, down at the service garage with
24 previous Mr. Apathy.
25 Sometimes things pop up through the course

1 of the contract, okay, and that would be
2 maybe -- like we have a little Union
3 meeting just say in the middle of June
4 through next year, through the middle of
5 that contract, and let's say we're going
6 to vote on seniority, who goes on nights,
7 or, you know, who is going to get what
8 job. Okay. So we make that vote. All
9 right. Maybe -- let's go to another one.
10 We'll go to the police. Say they have a
11 little Union meeting and they say, well,
12 we're going to vote to go possibly from
13 back from 12 hours back to eight hours.
14 Does that have to come back before -- if
15 they're considered alterations,
16 modifications, would they have to come
17 back through to Council for approval?

18 MS. HORVATH: I think what you're
19 talking about is a situation that's a
20 little bit different than the Me Too
21 Clause, and I want to limit this to the Me
22 Too Clause because clearly that's what
23 we're discussing. The whole idea is the city
24 has a variety of unions. One union
25 receives an additional benefit, which

1 looks like a pretty basic benefit,
2 concerning their employment, in this case
3 vacation time.

4 MR. MENCINI: I get that. But --

5 MS. HORVATH: Right. So --

6 MR. MENCINI: -- I'm looking at
7 alterations and modifications and I've got
8 to think they're --

9 MS. HORVATH: Let's say there was
10 some sort of alteration in a contract,
11 let's say it's about a work role. Your
12 example is everybody is working eight
13 hours instead of twelve hours or whatever.
14 Okay. That clearly wouldn't be something
15 that would be pursuant to a Me Too Clause.
16 That would be something different. The
17 whole idea is Council has already passed
18 these contracts. They happen to include
19 Me Too Clauses in. By giving the verbal
20 approval, you're helping to effectuate the
21 clauses that you've already passed. You
22 told each union if somebody else gets a
23 benefit, then you're going to get the same
24 benefit also automatically. Hence the
25 term "Me Too."

1 MR. MENCINI: Okay.

2 MS. HORVATH: So I would limit
3 this opinion simply to the Me Too Clauses,
4 and I feel for that reason that verbal
5 approval is appropriate.

6 MR. MENCINI: Okay. And if I
7 may -- thank you, Madam Law Director.

8 If I may, through the Chair to
9 Greg Cingle, our Finance Director. Greg,
10 when this audit does get done, is that
11 what they're going to look at, what we
12 voted? Are they going to look at whether
13 we voted verbal? Are they going to look
14 at whether we went through an ordinance or
15 a resolution? Are they going to call you
16 up and say, "Hey, you did that wrong,"
17 through your experience?

18 MR. CINGLE: Through the Chair to
19 Councilman Mencini, they're going to look
20 to see that it was approved by City
21 Council. If there was a question on if
22 the approved process was verbal, that
23 question will be to the Law Director and
24 they'll review the Law Director's opinion
25 and make the determination from there.

1 MR. MENCINI: Thank you, Greg.

2 That's all I have, Mr. Chairman.

3 Thank you.

4 COUNCIL PRESIDENT **Astorino**: Councilman
5 McCormick?

6 MS. MCCORMICK: First, we have the
7 Law Director telling us that we do not
8 need to take any action, via her memo,
9 because according to her, it's already
10 gone into effect by default. Yet we have
11 another elected official, our Finance
12 Director, telling us that official
13 legislative action needs to be taken.
14 That being said, I think this whole entire
15 conversation has been a waste of time of
16 the elected and appointed officials here,
17 of our residents, of everybody, there are
18 far more pressing issues that we should be
19 talking about. We are wasting way too
20 much time on this.

21 With that being said, I do enjoy a
22 good debate as everybody does here, but
23 this is not an issue that needs to be
24 debated like this. Why not out of an
25 abundance of caution just draft the

1 legislation, we'll suspend it and pass it?
2 Can we just set our egos aside and our
3 opinions and just, you know, be extra
4 cautious? Do it that way. It will get
5 done. I don't understand what the issue
6 is. This is really not a controversial
7 thing. I don't think there is any of us
8 here that are going to vote against
9 approving these. And that being said, if
10 this does go to a verbal approval, that's
11 what the majority of Council decides, I
12 will be abstaining from the vote, because
13 participating in the vote, I think I am
14 not upholding my oath to uphold the
15 Charter, which 4.10 says that an amendment
16 to a contract must be --

17 MAYOR COYNE: Oh, God.

18 MS. MCCORMICK: -- done through
19 legislative action.

20 So I would like to make a motion
21 that legislation be drafted for these --

22 MR. SALVATORE: Point of order,
23 Mr. Chairman.

24 MS. MCCORMICK: -- two provisions.

25 COUNCIL PRESIDENT **Astorino**: Councilwoman,

1 I asked Councilman Mr. Salvatore to hold
2 off on his motion pending the conclusion
3 --

4 MS. MCCORMICK: Okay.

5 COUNCIL PRESIDENT **Astorino**: -- of everyone
6 having the opportunity to discuss. So I
7 can't let you make a motion.

8 MS. MCCORMICK: Okay. Then that's
9 all I have to say.

10 COUNCIL PRESIDENT **Astorino**: Seeing no
11 other discussion, Councilman
12 Mr. Salvatore?

13 MR. SALVATORE: I'd like to
14 restate my motion to place on next Council
15 agenda under verbal approval.

16 **Mr. Scott**: Support.

17 COUNCIL PRESIDENT **Astorino**: Any
18 discussion?

19 MAYOR COYNE: We discussed it for
20 two hours.

21 COUNCIL PRESIDENT **Astorino**: Councilwoman
22 McCormick?

23 MS. MCCORMICK: I would like to
24 reiterate that by putting this under
25 verbal approval, you're not upholding your

1 oath to uphold the Charter of the City of
2 Brook Park. And should this be put on
3 verbal approval, I will be abstaining from
4 voting.

5 MAYOR COYNE: Good.

6 COUNCIL PRESIDENT **Astorino**: Okay. Seeing
7 no other discussion, we'll call the role.

8 THE CLERK: Salvatore?

9 MR. SALVATORE: Yes.

10 THE CLERK: Scott?

11 MR. SCOTT: Yes.

12 THE CLERK: Burgio?

13 MR. BURGIO: Yes.

14 THE CLERK: Troyer?

15 MR. TROYER: No.

16 THE CLERK: Powers?

17 MR. POWERS: No.

18 THE CLERK: McCormick?

19 MS. MCCORMICK: No.

20 THE CLERK: Mencini?

21 MR. MENCINI? Yes.

22 THE CLERK: Four to three.

23 COUNCIL PRESIDENT: Four to three.

24 The motion passes. It will be placed on
25 the next Council agenda under verbal

1 approval.

2 We will move to Item No. 5, the
3 Finance Committee. Chairwoman McCormick?

4 MS. MCCORMICK: Okay. We have one
5 item under Finance Committee --

6 and that is an ordinance

7 authorizing the renewal of the Brook Park
8 Home Maintenance Assistance Grant Program,

9 HMAP, for 2017, introduced by Council

10 Members McCormick, Troyer, Powers and

11 Council President Astorino. This was

12 placed in Committee on September 20th, a

13 copy of the legislation drafted is in

14 everybody's packet. Basically, it's just

15 appropriating the same \$100,000 that was

16 appropriated for 2016 for the 2017 year,

17 and then in the wording, it also says we

18 would -- I guess, under Section 1, it

19 says, "Accounts for the City of Brook Park

20 hereby authorizes a renewal of the Home

21 Maintenance and Assistance Grant Program

22 for 2017, and authorizes the Mayor and

23 Finance Director to issue grants and

24 loans, under the previously agreed upon

25 terms and conditions that were set forth

1 in Ordinance Numbers 9993-2015 and
2 9999-2016.

3 We approved the original ordinance
4 that put this program into effect in
5 January. It was carried over from the
6 previous Council. This would just set
7 aside money for next year. The program
8 has gotten a lot of good feedback from the
9 residents. I think we should continue it
10 for next year and I think it would be in
11 our best interests to get this moving now
12 so when with we start making our temporary
13 appropriations for the first three months
14 of 2017, this is already in there. We
15 don't need to make changes down the road.
16 Get it done now. If anybody has any
17 discussion -- Mayor?

18 MAYOR COYNE: If I may, I don't
19 know, you know, the form of the
20 legislation -- and believe me, I support
21 it, except I just think we need an
22 Appropriation Ordinance. I don't think we
23 Have to renew the program since it already
24 Exists You'd have to repeal it
25 to renew it.

1 So my suggestion would be at the
2 appropriate time we do the appropriations,
3 it's clear that we'll put it in there and
4 I think that's where your legislative
5 action should take place.

6 MS. MCCORMICK: Law Director?

7 MAYOR COYNE: But I don't object
8 to it.

9 MS. MCCORMICK: Law Director?

10 MS. HORVATH: I would note that
11 this particular piece was not submitted to
12 the Law Department. I don't believe it
13 has my signature on it. But I would tend
14 to agree with the Mayor's position. I
15 think you can simply appropriate it and be
16 done. Again, I think it has been a very
17 successful program and I can certainly
18 understand why Council would want to renew
19 it, but I think you can just appropriate
20 it and go from there.

21 MS. MCORMICK: Just to clarify
22 this, this was introduced on the floor as
23 an emergency measure -- well, not as an
24 emergency, but introduced on the floor on
25 September 20th at the Council meeting, and

1 then it was placed into Committee, Finance
2 Committee. The Law
3 Director previously approached me and
4 suggested that I may wish to sponsor
5 legislation renewing the Home Maintenance
6 Assistance Grant Program, which is why I
7 went ahead and got that started and wrote
8 something up, myself, and that's why I
9 introduced it the way I did. This has
10 been in the Law Director's hands for three
11 weeks. When it was introduced, we were
12 told that it would be looked at and
13 eventually signed off on.

14 So three weeks have gone by and I
15 haven't heard anything from the Law
16 Department about it. I haven't heard
17 anything from the Council office regarding
18 anything sent about it. But that's the
19 back story on it. This was suggested to
20 me to be an ordinance.

21 Carol?

22 MS. HORVATH: You're correct. We
23 did have a conversation after we discussed
24 the charitable giving program and I had
25 suggested to you that charity begins at

1 home and maybe we should look at the money
2 instead going to some homeowners, which is
3 I think is a great idea and it certainly
4 is an excellent suggestion. But this
5 particular piece of legislation was never
6 submitted to the Law Department. So,
7 therefore, I was unaware that you were
8 considering doing it via ordinance. I
9 would note that it was placed in Committee
10 on 9-20. I was not at that Council
11 meeting. I was out of town and
12 Mr. Sackett was filling in for me that
13 day.

14 So while I certainly think it's an
15 excellent idea, I'm simply saying that I
16 think that you could simply appropriate
17 the funds. I'm not of the opinion that
18 you need to do another ordinance with
19 regards to it. I'm sorry we didn't have a
20 further conversation on that. That might
21 have cleared up some things. But, again,
22 this was never originally submitted to me
23 in any form and it went through when I was
24 not present at the Council meeting.

25 MS. MCCOMRICK: Mr. Mencini?

1 MR. MENCINI: Thank you,
2 Mrs. Chairwoman.

3 The only question I want to ask
4 because I know it has been a great little
5 program we've had. I get called on it a
6 lot. Unfortunately, some people don't
7 qualify. But I believe in my ward two or
8 three did this year. My only question is:
9 Would we be maybe -- because you're right,
10 it was a big success. And I know not in
11 the beginning when we first proposed this,
12 it was early or late maybe 2014, I'm not
13 sure, but not everybody was full boat
14 being on this. But it ended up working
15 out very well.

16 Were we maybe looking to put more
17 funds into this? I mean, I don't know. I
18 mean, I'm just asking before we go ahead
19 with it. Because it was a big success and
20 I don't know how many people -- and
21 Mr. Dolan was here, actually I don't see
22 him now. But I don't know how many people
23 applied or are going to apply this year
24 for next year. I mean, those are my

1 questions that I have. So thank you.

2 MS. MCCORMICK: It was expressed
3 to me that there was a lot of interest in
4 this by the Law Director. She told me
5 that they were nearing using up all the
6 funds for this year and they had people
7 lining up for next year already. So
8 that's why I wanted to set aside another
9 \$100,000 for next year.

10 After introducing this, I had
11 further discussions with other Members of
12 Council who also suggested that, so that
13 we can help the most amount of people,
14 that we possibly put in an amendment in
15 here to also give priority to people who
16 did not receive it this year so we don't
17 have the same people applying again.

18 MAYOR COYNE: I have no problems
19 appropriating the money. What I might
20 suggest is to have Mr. Dolan come here and
21 you'll hear the sad stories of the needs for
22 this, without question. And we're finding
23 like \$5,000 a person we had a situation
24 where we had to kind of beat up a
25 contractor, that was around \$6,100, because

1 the woman needed multiple and
2 needed a portion of her roof fixed and she
3 couldn't do both.

4 So what I might suggest -- and I'm
5 very pleased that Council wants to
6 appropriate money next year -- is have
7 Mr. Dolan come in, give a report of what
8 the experience was, tell the story about
9 what people needed. And as part of
10 appropriations -- I don't disagree with
11 what you're doing at all. I do not. But
12 I think, as we might find, when I said
13 before when we talked about the charitable
14 giving, you might find this is a more
15 effective use of our \$50,000 than putting
16 it someplace else. I think you're
17 assessment, Councilwoman, is right. There
18 is a tremendous need. If we had \$500,000
19 we'd been able to give it away to
20 people coming in.

21 So my only suggestion would be
22 that Mr. Dolan come in, let him give a
23 report. You can ask questions about what
24 happened with the program and make an
25 appropriation from there. That's my only

1 suggestion.

2 MS. MCCORMICK: I would like to --

3 MR. TROYER: Madam Chairman?

4 MS. MCCORMICK: Hold on one
5 second. After that. I would like to just
6 suggest that we perhaps consider putting
7 this on our next Caucus again and invite
8 Mr. Dolan, because there were some changes
9 to the program that were suggested by
10 other Members of Council. I'm not
11 bringing up everything, but I thought I'd
12 let them do that themselves.

13 But, yes. So that would be my
14 suggestion, to put it on next Caucus and
15 then even invite Mr. Dolan to speak there.

16 MS. MCCORMICK: Councilman Troyer?

17 MR. TROYER: Thank you, Madam
18 Chairman. I would just like to say,
19 whether this exact legislation is passed
20 or not or is needed, definitely some
21 modifications are needed.

22 But we were told time and time
23 again when this was passed, in January,
24 that we'd get reports and we'd get
25 information. In fact, Section 1, No. 1 in

1 the current legislation says, "The city
2 shall maintain committee records of all
3 grants and loans, under the HMAP program.

4 MS. MCCORMICK: Okay.

5 MR. TROYER: So I don't really
6 need anybody to come down here. That
7 would be nice and everything, but what I
8 need is written reports on how much was
9 given to who for what projects, when,
10 everything. All that information needs to
11 be given to all the Council members so we
12 can have an idea in our heads what we want
13 to do with this, how much we might need
14 and that sort of thing. But we should get
15 that information written, in written form,
16 and that's what I'm asking for right now,
17 including who got it, the addresses what
18 the project was, what it was used for, how
19 much money, that kind of thing, and yes --
20 and then we can look at this how to modify
21 it, how to make it better. Thank you.

22 MAYOR COYNE: Madame Chairwoman?

23 MS. MCCORMICK: One moment. Just
24 a point of clarification. Council has
25 received information about who has

1 received these. These come through the
2 Board of Control --

3 MAYOR COYNE: Thank you.

4 MC. MCCORMICK: -- we have to
5 approve them --

6 MAYOR COYNE: That's exactly I was
7 going to say.

8 MS. MCCORMICK: -- and we don't
9 have essential lists, which would be
10 helpful. So I do think that's a good idea
11 if from those a more essential list is
12 being made.

13 MR. TROYER: All the board of
14 control says is the person's name and the
15 amount. I want to know what the project
16 was. I want to know more than just that,
17 whether it was a loan, whether it was a grant,
18 when it was a loan, everything. That's
19 what we need.

20 MS. MCCORMICK: Specify grant or
21 loan.

22 MAYOR COYNE: It's on there.
23 Madam Chairwoman, if I may.

24 MS. MCCORMICK: Mayor?

25 MAYOR COYNE: I was going to say

1 exactly what you just said. It's on
2 there. He will be forthcoming. You can
3 see he's a little busy working on these
4 projects. He will be in here very soon,
5 maybe your next Caucus meeting, and give
6 you a report about this and everything
7 else.

8 MR. TROYER: Written?

9 MAYOR COYNE: You get a written
10 report, Councilman. If that's what you
11 require, that's what you shall have. But
12 you get, as they're you approved, through
13 the finance chairman that gives you
14 copies, and I believe it notes on there
15 "roof" or something like. If it doesn't,
16 we'll make sure that it does. But you'll
17 get reports so that you can read it.

18 Thank you, Madam Chairwoman.

19 MS. MCCORMICK: Any further
20 discussion? Councilman Salvatore?

21 MR. SALVATORE: Motion to place it
22 on our next Caucus and invite Mr. Dolan.

23 **Mr. Burgio:** Support.

24 MS. MCCORMICK: Any discussion on

1 the motion? Clerk, can you call the role?

2 THE CLERK: Salvatore?

3 MR. SALVATORE: Yes.

4 THE CLERK: Burgio?

5 MR. BURGIO: Yes.

6 THE CLERK: Scott?

7 MR. SCOTT: Yes.

8 THE CLERK: Mencini?

9 MR. MENCINI: Yes.

10 THE CLERK: McCormick?

11 MS. MCCORMICK: Yes.

12 THE CLERK: Powers?

13 MS. POWERS: Yes.

14 THE CLERK: Troyer?

15 MR. TROYER: Yes.

16 MS. MCCORMICK: Okay. Motion has
17 passed to place the item on the next
18 Caucus agenda and to invite Mr. Dolan to
19 give us further information of the
20 program, and that concludes everything in
21 the Finance Committee.

22 COUNCIL PRESIDENT **Astorino**: Thank you,
23 Councilwoman.

24 We'll move to Item No. 6 on the
25 agenda, which is Legislative Committee.

1 Chairman Troyer?

2 MR. TROYER: Thank you,
3 Mr. Chairman. The Legislative Committee
4 has one item on tonight's agenda. Number
5 one is "An Ordinance enacting Section
6 509.15 of the Brook Park Codified
7 Ordinances entitled 'Prohibiting Nuisance
8 Parties' and declaring an emergency.
9 Introduced by Council President Astorino.
10 And I'll -- Mr. Council President, go
11 ahead. This is your baby.

12 COUNCIL PRESIDENT **Astorino**: Thank you.
13 Thank you, Mr. Chairman.

14 This item came up as an item of
15 interest after this past summer when we
16 had a couple incidents on the west end to
17 deal with, and in discussion with the
18 Police Department and the Law Department,
19 I kind of asked if they could offer their
20 advice or their direction as to what might
21 be helpful in this. What they came up
22 with, mainly from the Law Director, I
23 received a copy of a couple pieces of
24 legislation that dealt with Kent, Ohio and
25 also it was Athens, Ohio. So working with

1 her, we kind of came up with this kind of
2 a draft that would deal with parties and
3 it would give a little bit of more
4 authority. I will point out, I think, if
5 you see, on number three under 509.15A, I
6 think there is a misspelling. I think
7 that it's not supposed to be defection. I
8 think it's supposed to be defecation. So,
9 I mean, I suggest we make that change.

10 MS. HORVATH: Certainly.

11 COUNCIL PRESIDENT **Astorino**: Yes, other
12 than that, I don't know if you want to
13 talk. I see the Police Chief in the
14 audience. I like to put him on the spot
15 any time I can. If he had any involvement
16 and would like to speak to this Ordinance
17 or if the Law Director would like to
18 speak. I mean, I talked to all with the
19 police department when all those incidents
20 were going on, asked them for some input
21 and I don't know if they provided that to
22 the Law Director, but I dealt directly
23 with her on it and this is kind of what we
24 drafted up that would give them some sort
25 of authority to deal with situations like

1 this.

2 Thank you, Mr. Chair.

3 MR. TROYER: Okay. Anybody else?
4 Any other discussion? Councilwoman
5 Powers? Go ahead.

6 MRS. POWERS: Thank you,
7 Mr. Chairman.

8 I just had a couple of things. It
9 says, "loud parties," and it doesn't take
10 a whole lot of people to have a loud
11 party. You can have one or two people and
12 they can make enough noise to disturb
13 their neighbors four houses down the
14 block. So I think we need to clarify
15 that, that it is any unlawfully loud noise
16 which is in here. Unlawfully loud noise
17 does not specify that it has to be a
18 party.

19 And then the penalties, I think
20 it's a good idea, and, yes, those
21 penalties should be immediately because if
22 you don't make them feel it, then there's
23 no incentive for them to stop, you know.
24 The parties will just go on if you just go
25 out and say, "Everybody go home." It'll

1 just go on. But if the homeowner or the
2 person who's the party has to pay \$500 to a
3 \$1,000 in fines, they'll think before they
4 have another party like that. So that's
5 just some of the things that I wanted to
6 make clear.

7 Thank you, Mr. Chairman.

8 MR. TROYER: Mr. Mencini, go
9 ahead.

10 MR. MENCINI: Thank you,
11 Mr. Chairman Troyer. On this, let's be
12 honest with ourselves. Our houses in
13 Brook Park are, basically, right on top of
14 each other. So I'll go to the one
15 Councilwoman was at, number nine. When
16 you say, "unlawfully loud noise," and
17 maybe the police Chief may wants to make a
18 comment on that, I don't know. But your
19 neighbor, it could be him and his wife
20 over there playing some music at 9:30 on a
21 Saturday night. Where do you draw the
22 line at? I mean, being a Council
23 person -- and I know you also get them
24 calls, especially in the summer,
25 graduations, what-have-you, birthday

1 parties, and, you know, I've got a
2 neighbor that they like to have little
3 parties, their class parties, this or
4 that. But if I didn't like them, I could
5 say, "Man, that's kind of loud. Maybe
6 I'll give the police a call." I don't
7 want to do that.

8 And with this piece, I don't want
9 that to be either. I think this is a
10 great piece, though. I do. I compliment
11 Council President Astorino drawing this
12 up. He got it, I would believe, from
13 college campus towns; do I stand
14 corrected?

15 COUNCIL PRESIDENT **Astorino**: That's --

16 MR. MENCINI: My point on it is,
17 again, we're in municipalities with homes
18 an arm's-length distance from one another.
19 And I think on that unlawfully loud noise,
20 that could be people just having a good
21 time, some music, somebody starting a
22 couple cars a little late. So I just kind
23 wonder where that line might get drawn.
24 That's all I have. I appreciate the
25 feedback.

1 MR. TROYER: Councilman Mencini, I
2 can probably answer that. The Chief can
3 shake his head if he agrees. Most of
4 these items, through ten, are based on our
5 current laws. Chief, you haven't even see
6 it, so you don't know. He doesn't know.
7 Maybe the Law Director can -- on this item
8 509.15A and then one through ten are,
9 basically, all based on our current laws.
10 So it's just saying that if you break --
11 it just basically lists all our current
12 laws. The Law Director is conferring with
13 me. So that's what that is. The noise
14 would be the levels of what our current
15 law says. So nothing is changing there.
16 It's just making us be able to call it a
17 nuisance party if they're breaking our
18 current laws, correct? I'll go to the Law
19 Director. Go ahead.

20 MS. HORVATH: Thank you. Yes.
21 Obviously we do have a noise ordinance,
22 you know. This would be in reference to
23 that. There wouldn't be any changes.

24 I just wanted to say that our
25 police did a superb job with these

1 situations on the west end. They did a
2 great job. And it would be my hope that
3 maybe with this give them some other items
4 in their toolbox to help them, you know,
5 enforce future situations. They did a
6 fantastic job and hopefully in enumerating
7 some of these things, it will just make it
8 easier to look at the list and say, "Yes,
9 this is what the ordinance says and now
10 we're going to enforce what we need to
11 enforce."

12 MR. TROYER: Thank you. I guess
13 I'll make a comment. Yes, that's a good
14 analogy, a toolbox, because my
15 understanding is when we had this, it
16 appears first time ever, what some people
17 called the rave out there with three to
18 400 people, we found out the toolbox was a
19 little light. So that's exactly what this
20 is. It adds to the toolbox so that the
21 police have more tools to do what they
22 need to do to enact, have more tools to be
23 able to control the situation better
24 because it was pretty bad out there. Some
25 have you weren't out there, but I was out

1 there. I wasn't even out there for the
2 bad one.

3 Would anybody else like to speak
4 on this? Councilwoman McCormick?

5 MS. MCCORMICK: Earlier this
6 summer, all of Council was contacted about
7 a series of ongoing parties, which have
8 already been brought up, where hundreds of
9 people take over a neighborhood, and I
10 remember asking the Law Director, the
11 Safety Director if there was anything that
12 we could do to help the police deal with
13 these situations better, and I think
14 ordinance is, like the Law Director said,
15 a good tool for our police officers to
16 better handle these situations. And I
17 would be in support of this legislation
18 and if the author of it is accepting
19 cosponsors, I'd like to cosponsor. And
20 that's all I have.

21 MR. TROYER: Okay. That being
22 said, who would like to cosponsor this?
23 Just us three here?

24 MS. MCCORMICK: I guess so.

25 MR. TROYER: Okay. Anybody else

1 -- (inaudible.) Councilman Powers, go
2 ahead.

3 MRS. POWERS: Thank you,
4 Mr. Chairman. I thought that this west
5 end party, ongoing, was the motivation for
6 this piece of legislation. But I have
7 about three or four families in my ward
8 that have complained about loud parties
9 and ongoing loud parties that happen on a
10 regular basis and that's what this gives
11 us --

12 MR. TROYER: Jan, you have to talk
13 up.

14 MRS. POWERS: -- some --

15 MR. TROYER: She's got to talk up.

16 MRS. POWERS: -- that gives us
17 some handle on -- thank you. Being able
18 to have this piece of legislation drawn up
19 not only brings it to those repetitive
20 loud parties, whether it's two or three
21 people or four or five other people.

22 And no to Councilman Mencini.
23 There are exceptions to every rule and if
24 it's a graduation party or, you know, once
25 in a blue moon party, and it gets a little

1 noisy, you probably could just be a good
2 neighbor and go over and say, "Can you
3 hold it down a little," or the police
4 could go out and say hold it down a
5 little. But it's for the repetitive
6 problem people that we need an ordinance
7 like this.

8 So thank you, Mr. Chairman.

9 MAYOR SALVATORE: Mr. Chairman?

10 MR. TROYER: You've already gone
11 there. Mr. Salvatore, go ahead.

12 MR. SALVATORE: Hey, Mr. Chairman.
13 I guess I'd like to ask the sponsor -- at
14 least I don't think it is anyway. I don't
15 think it's his intent to put a restriction
16 on a party of two. I think this is
17 regarding the incident that occurred this
18 past couple of months or a month ago. So
19 you're talking about if somebody has a
20 small gathering or a small party in their
21 home and you want to put restrictions on
22 people using their own property in their
23 own home for entertainment purposes. I
24 think the case of the situation that
25 erupted, there is no comparison. We're

1 not comparing apples to apples at all in
2 this particular case. And I don't know if
3 you want to answer, that's fine, if you
4 don't you have to, but I think that's what
5 you were going.

6 COUNCIL PRESIDENT: Well -- and --

7 MR. TROYER: Yes.

8 MR. SALVATORE: Anyway --

9 MR. TROYER: Yeah, um --

10 MR. SALVATORE: Point of order.

11 Do I have the floor? Can I finish? Do I
12 have the floor?

13 MR. TROYER: You have the floor.

14 Go ahead.

15 MR. SALVATORE: If you come over
16 on this side of the room, let us talk.

17 MR. TROYER: Go ahead,

18 Mr. Salvatore.

19 MR. SALVATORE: I do believe that
20 you have more than one ordinance in your
21 committee that pertain to the same
22 subject?

23 MR. TROYER: Yes, but it's
24 different. It's very much -- it's a
25 different angle on it, yes.

1 MR. SALVATORE: Different angle?

2 MR. TROYER: Yes. And I haven't
3 been asked by the author of that, I
4 haven't been asked to bring it out yet.
5 Like I said, I'm just asking if he wants
6 something brought out, just let me know
7 you want it brought out and I'll bring it
8 out.

9 MR. SALVATORE: I think before we
10 moved forward I'd like to see the other
11 angle and just both of them at the same
12 time.

13 MR. TROYER: Okay. They work in
14 conjunction. I mean, one doesn't take the
15 place of the other.

16 MR. SALVATORE: Well, I'd like to
17 see it if I could.

18 MR. TROYER: All right.

19 MR. SALVATORE: Now, if I could,
20 through the Chair, to the president of
21 Council, was that your intent,
22 Mr. Chairman?

23 COUNCIL PRESIDENT: The intention
24 dealt -- but there was no number put in of
25 attendees. It just depends on the actions

1 of the people there. I mean, a group of
2 20 people that get together, if they get
3 unruly, they would fall under this. But
4 like I said, the main motivation, well, it
5 was a large party that was back there and
6 it was just simply meant, as the Law
7 Director said, just to give the police
8 another tool in the toolbox to deal with.
9 It would be their determination to make.
10 They'd be on the scene making the
11 determination and they'd have this.

12 MR. SALVATORE: Okay. Thank you
13 Mr. Chairman and Mr. Chairman.

14 MR. TROYER: Thank you, Councilman
15 Salvatore. Again, the cause is going to
16 be rarely used, hopefully it will be
17 rarely used, just because of the fact that
18 a small party wouldn't really be in most
19 cases affected by this.

20 MRS. POWERS: Could I explain
21 to --

22 MR. TROYER: Yeah. Go ahead,
23 Councilman Powers.

24 MRS. POWERS: To answer your
25 question, Mr. Salvatore about why I

1 brought up the two or three people, if you
2 recall a meeting or so ago, this man came
3 in and said that his next door neighbor,
4 they have a couple people over and all the
5 noise happened and the urinating on his
6 house happened and that kind of thing.

7 So you do not need 40 to 50 or 100
8 people to cause a disturbance. And that
9 incident on Richard, that only involved
10 two or three people. It was unfortunate
11 that somebody called the police, and it's
12 just another affirmation that it doesn't
13 take a whole lot of people to make a
14 disturbance that gets the neighbor's
15 attention. So thank you. Thank you,
16 Mr. Chairman.

17 MR. SALVATORE: Mr. Chairman, if I
18 may --

19 MR. TROYER: Councilwoman
20 McCormick?

21 MR. SALVATORE: Mr. Chairman, can
22 I respond before we go to the --

23 MR. TROYER: No, we go in order
24 here.

25 MR. SALVATORE: Man, you run a

1 funny committee over there.

2 MR. TROYER: I run it how I see
3 fit and Councilwoman McCormick was next.
4 Go ahead.

5 MS. MCCORMICK: I think we should
6 all be cautious about pinning this on any
7 specific event, but that means those
8 events that occurred this summer did bring
9 to our attention that this kind of thing
10 is happening more frequently now. From
11 what I understand, this legislation was
12 borrowed from other legislation, similar
13 legislation from college towns where these
14 nuisance parties are people more common
15 with social media and whatnot now, these
16 kind ever parties they can pop up anywhere
17 you know, my parents out of town, they
18 post it on there and you get hundreds of
19 people showing up. So this could happen
20 more frequently. And I think it was a
21 good wake-up call this summer to say, "Hey
22 we need to get with the times and come up
23 with something for the rare instances that
24 these situations come up that we can help
25 our police deal with them better," and

1 that's all.

2 MR. TROYER: Mr. Mencini?

3 MR. MENCINI: Thank you,
4 Mr. Chairman. I do think for years, for
5 years we've been caught up with the times
6 and it's not a reflection of what you said
7 but until this year. This one incident
8 from what everybody is saying and from
9 what we all know, we didn't have too many
10 problems. I always -- as a Councilman,
11 I'm going on my fourth year this year.
12 It's that noise thing, okay, and that's
13 where the problems arise and usually it
14 starts out, you'd like to say at 8:00,
15 9:00 to 10:00 at night, but I've gotten
16 calls in the middle of the day over it.

17 So with the Chief here, if he
18 wanted to -- if he wanted to -- unlawfully
19 loud noise, you know, I know it's on the
20 books. This is for nuisance party
21 obviously.

22 COUNCIL PRESIDENT **Astorino**: Can you point
23 out for clarification where the noise is
24 in --

25 MR. SALVATORE: Nine.

1 MRS. POWERS: Nine, at the end.

2 COUNCIL PRESIDENT **Astorino**: Okay. I'm
3 sorry I missed that.

4 MR. MENCINI: Chief, what
5 constitutes -- I mean, as the law, what do
6 you and your officers constitute
7 unlawfully loud noise? I mean, to what
8 degree do you guys pull up and say, "Wow,
9 okay, got it," or is it 100 people this or
10 is it two people dancing in the driveway
11 with the stereo going, radio going?

12 MR. TROYER: One moment. Thanks
13 for coming tonight Chief Foster.

14 Chief Foster, can you give us, for
15 the record, your name and address?

16 MR. SALVATORE: Mr. Chairman, I
17 believe we have a motion to go out of the
18 Regular Order of Business. I
19 I'll make that motion --

20 **Mr. Burgio**: Support.

21 MR. TROYER: Okay. Thank you,
22 Mr. Salvatore. Motion to go out of the
23 Regular Order of Business, properly
24 supported. Any discussion on that motion?

1 Seeing none, Clerk, please call the role on
2 going out of the Regular Order of
3 Business.

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 THE CLERK: Mencini?

11 MR. MENCINI: Yes

12 THE CLERK: McCormick?

13 MS. MCCORMICK: Yes.

14 THE CLERK: Powers?

15 MS. POWERS: Yes.

16 THE CLERK: Troyer?

17 MR. TROYER: Yes. Okay. Chief

18 Foster, again, your name and address. Use
19 the police station's address if you want.

20 CHIEF FOSTER: Jim Foster, Police
21 Chief, Brook Park, 17401 Holland Road.

22 Good evening, everybody. Good to
23 be here. Council President, Mayor,
24 Directors, Councilmembers, hopefully
25 everybody is doing well tonight.

1 But as far as answering your
2 question, it's basically disturbing the
3 peace and it's the totality of the
4 circumstances. I mean, it's conduct,
5 general statement. But you have to take
6 everything -- it isn't just necessarily
7 the loud noise, it's where it is, what the
8 loud noise is and what the environment is.
9 So you would, basically, gather the facts,
10 document it as well as you can. If there
11 is a complainant there that wants to sign,
12 we'll let him sign. If we're unsure or we
13 want the prosecutor to review it, we'll
14 refer it to the prosecutor and describe
15 it as best we can.

16 MR. TROYER: There are some time
17 limits, too, right?

18 CHIEF FOSTER: Well, we try to be
19 as sufficient as we can.

20 MR. TROYER: No. I mean, after
21 11:00, that type of thing.

22 CHIEF FOSTER: Yeah. Sure.
23 Something at 12:00 noon compared to midnight
24 would be totally different. The standards
25 would be different.

1 MR. TROYER: Okay. But it's
2 basically up to the officer, the
3 responding officer, what he hears and, you
4 said, the situation he sees?

5 CHIEF FOSTER: Sure. Again, it's
6 the totality of the circumstances.

7 MR. TROYER: Or she.

8 CHIEF FOSTER: Yes, he or she. I
9 mean, you know, there's a football game
10 going on and you got a residential street
11 next door, you know, I mean, there is
12 noise there and that can be disturbing.

13 MR. TROYER: Gotcha.

14 CHIEF FOSTER: But, again, it's a
15 facility and whether they have a permit to
16 be playing football and there are loud
17 crowds or something or softball. Again,
18 it's how you put everything together.

19 MR. TROYER: Okay. I don't want
20 to put you on the spot by asking you if
21 there are any changes you'd like. But if
22 there are any changes in noise, in our
23 noise laws, I'm sure any Member of our
24 Council would be happy to hear that, if
25 you could recommend that. Not now. I

1 don't want to put you on the spot now.

2 CHIEF FOSTER: Sure.

3 MR. TROYER: Does anybody else
4 have any questions for the Chief?
5 Councilman Burgio?

6 MR. BURGIO: Thank you,
7 Mr. Chairman. I'm glad that you asked
8 Chief Foster to come forward. That's one
9 of my questions. I want to get his input
10 on it.

11 MR. MENCINI: I asked, just so you
12 know.

13 MR. BURGIO: Pardon me?

14 MR. MENCINI: I asked.

15 MR. BURGIO: Oh, you did?

16 MR. MENCINI: Yes.

17 MR. BURGIO: Okay. Thank you,
18 Mr. Mencini. But some of these things
19 seem to be redundant, like the same items
20 here, I think that Mr. Troyer did speak to
21 that, too. I'm just wondering, do we need
22 to have this thing? Is it a tool that is
23 useful to have these listed, because most
24 of these are already a mouthful to do. So
25 I'm not sure if that's helpful or not, and

1 some of these things are pretty detailed.
2 Like disorderly conduct, that's kind of
3 like what is disorderly conduct.

4 MR. TROYER: I'm sorry.
5 Councilman, the Chief hasn't, I don't
6 think, read all this yet. He doesn't know
7 what you're talking about, per se.

8 MR. BURGIO: Okay. Well, maybe
9 that's a good point. Maybe I'd like for
10 him to look it over --

11 MR. TROYER: Sure.

12 MR. BURGIO: -- and see if there
13 is something he could add to it or take
14 away. I would like that kind of input
15 from someone in law enforcement, besides
16 our law director, she shared some good
17 points, too, and that would be something I
18 would like to see.

19 MR. TROYER: Okay, you're kind of
20 asking him something he may not be able to
21 answer, so I wanted to stop you.

22 Councilman Salvatore?

23 MR. SALVATORE: Thank you,
24 Mr. Chairman. I already knew that you
25 hadn't had a chance to see this because I

1 saw the reaction on your face when we
2 started talking about it. I guess I would
3 only like to ask would you be willing to
4 get a copy of this from us and to look it
5 over and see what will -- kind of
6 follow-up on Carl's, go through this and
7 see what will really help and what should
8 be, maybe spruce it up a little bit and
9 maybe something you don't really need that
10 you already have. Would you be willing to
11 do this for us?

12 CHIEF FOSTER: Certainly. Like the
13 Law Director had mentioned, the more tools
14 that are available are always welcome and
15 we certainly would welcome to review it
16 and go through the Safety Director or
17 whoever the people would deem to review it
18 and make recommendations if necessary.

19 MR. SALVATORE: Okay. What I'd
20 like to do also is Mr. Troyer could you pull that
21 second piece out of committee and give him
22 a copy of that so he could look at them
23 both at the same time?

24 MR. TROYER: I could. Mayor, is
25 that okay? Did you want me to pull that

1 out?

2 MAYOR COYNE: I didn't know you
3 needed my permission to do so. I thought
4 you would just do it.

5 MR. TROYER: Well, I've been
6 asking members to let me know what they
7 wanted pulled out.

8 MAYOR COYNE: I don't think it's
9 necessary for me to ask you to do it. I
10 think that common sense would dictate.
11 But I'd like to make a comment before.

12 MR. TROYER: No. Well, Mayor, I
13 thought common sense would have prevailed,
14 but I've been chided for not pulling
15 things out and then when I do, I've been
16 told that the person didn't want it pulled
17 out. So I'm just asking the people let me
18 know that they want it pulled it out.
19 It's that simple and I'll pull it out.

20 MAYOR COYNE: I would think that
21 these two things would be discussed
22 together, but I'll make a comment, in
23 general, if I can.

24 I agree with the Chief's
25 statement, that clearly any ability they

1 have to cite somebody under an ordinance
2 is something that helps them going to a
3 scene and I believe both of these will
4 compliment each other. I would caution
5 anybody, when reviewing legislation like
6 this, that it pertains to a particular
7 incident. I don't think that's Jim's
8 intention and it's not mine. I think both
9 of these are trying to be progressive in
10 identifying a societal problem. In
11 general. Is that safe to say?

12 CHIEF FOSTER: Yes.

13 MAYOR COYNE: Okay. Because we
14 cannot make legislation to address it.

15 But finally I will say this, which
16 is also a national phenomenon? With all
17 the ordinances and all the laws on the
18 books, when the police come, whether they
19 pull you over at the traffic incident or
20 they come to your house for a complaint,
21 the policeman says stop this, calm it
22 down, pull over, stand up, sit down, be
23 quiet, if you listen to the order and
24 direction of the police officer at the
25 scene, everything usually turns out pretty

1 good. But in the event it does not, then
2 they have the tools to do this. In most
3 cases when we have these events in our
4 town, the first rule in Brook Park is if
5 you have a party, invite all your
6 neighbors. That's the first rule. It
7 usually works the best. The second rule
8 is if you're not invited, you don't like
9 the party and you tried, then you call the
10 police as a last resort. And the third
11 thing is that folks reacting in some cases
12 to where we have these rave things going
13 on, as Councilwoman McCormick says, in the
14 media, then it becomes a little more
15 complicated. And I think in every
16 instance, whether we've had individuals or
17 hundreds of people, the response and the
18 control of the incidents by our police
19 department has been remarkable, because
20 when they arrived, in most cases, most
21 people took their direction.

22 So I would appreciate if we could
23 have these both together, have the Chief
24 review them and I think his recommendation
25 should prevail.

1 MR. TROYER: Okay. Anyone else?
2 Do you have a question for the Chief?

3 MR. SALVATORE: I just want to
4 thank him for coming forward.

5 MR. TROYER: Okay. You're welcome.

6 MAYOR COYNE: He's here for the
7 cameras.

8 MR. TROYER: Thanks, Chief.

9 MAYOR COYNE: He wants his
10 cameras.

11 MR. TROYER: You'll be up here for
12 the next item, right?

13 MR. SALVATORE: Motion to go back
14 to Regular Order of Business.

15 **Mr. Mencini:** Support.

16 MR. TROYER: Okay. Motion to go
17 Back to the Regular Order of Business,
18 properly supported. clerk, please call
19 the role.

20 THE CLERK: Salvatore?

21 MR. SALVATORE: Yes.

22 THE CLERK: Mencini?

23 MR. MENCINI: Yes.

24 THE CLERK: McCormick?

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MS. MCCORMICK: Yes

THE CLERK: Powers?

MS. POWERS: Yes.

THE CLERK: Troyer?

MR. TROYER: Yes.

THE CLERK: Burgio?

MR. BURGIO: Yes.

THE CLERK: Scott?

MR. SCOTT: Yes.

MR. TROYER: Okay. Back to the
Regular Order of Business.

Councilwoman McCormick?

MS. MCCORMICK: A few of you
have pointed to the redundancy of some of
the things included under Section A. I
think that's purposely done. If you
look at our Codified Ordinances, for
example, Section 510 is Noise Control.
That goes into great detail about all the
different kinds of limits on noises there
are. There are limits on how loud the air
conditioning can be, for example.

But as I understand it, reading
it, these ten items are conditions for
which a party can be declared a nuisance

1 party. So it's not changing any of the
2 noise ordinances that are already on the
3 books. This is just setting forth
4 conditions in which the police can
5 declare a party to be a nuisance and
6 then take further action as outlined in
7 the legislation. I just wanted to put
8 that to clarification.

9 MR. TROYER: Councilman Mencini?

10 MR. MENCINI: Thank you,
11 Mr. Chairman. I concur. I think we just
12 want to make sure that this is all right,
13 that we do our due diligence and when it
14 goes to the Chief, they do theirs, it's a
15 good piece, and let's move on.

16 That's all I have, Mr. Chairman.

17 MR. TROYER: Councilman McCormick?

18 MS. MCCORMICK: I'd like to make a
19 motion to place this again on the next
20 Caucus, along with the second piece, and
21 to invite the Police Chief to speak on
22 these at that meeting.

23 MR. MENCINI: Support.

24 MR. TROYER: Okay. It should be
25 entertaining adding -- I'm sorry. Safety

1 Director -- get a copy to the Police
2 Chief, to the Safety Director. Who else?
3 I guess that's it. We'll add to that
4 motion, get copies to them and get their
5 feedback.

6 MS. MCCORMICK: Okay. Add copies
7 to Safety Director. Okay. So motion to
8 place this on the next Caucus agenda along
9 with Mayor's piece during similar
10 situations, the complimentary one, and
11 then inviting the Police Chief and the
12 Safety Director will already be here, but
13 the Police Chief to the meeting and
14 getting copies of both pieces of
15 legislation to the Safety Director and to
16 the Police Chief so they can review the
17 order.

18 MR. TROYER: Right.

19 MR. MENCINI: Support.

20 MR. TROYER: I'm not going to say
21 all that again. Motion made, properly
22 supported. Will the Clerk please call the
23 role?

24 THE CLERK: McCormick?

25 MS. MCCORMICK: Yes.

1 THE CLERK: Mencini?

2 MR. MENCINI: Yes.

3 THE CLERK: Powers?

4 MS. POWERS: Yes.

5 THE CLERK: Troyer?

6 MR. TROYER: Yes.

7 THE CLERK: Salvatore?

8 MR. SALVATORE: Yes.

9 THE CLERK: Burgio?

10 MR. BURGIO: Yes.

11 THE CLERK: Scott?

12 MR. SCOTT: Yes.

13 MR. TROYER: Thank you, Council.

14 Thank you, Chief. That concludes the

15 Items in the Legislation Committee

16 COUNCIL PRESIDENT **Astorino**: Okay. We'll

17 move to Item No. 7, Safety Committee,

18 Chairman Salvatore?

19 MR. SALVATORE: Thank you,

20 Mr. Chairman. The Safety Committee has

21 one item: An Ordinance Authorizing the

22 Safety Director to Prepare Specifications

23 for Police Auto Cameras and Video with

24 Sound Recorders and further authorizing

1 the Mayor to seek such proposals and
2 declaring an emergency. Introduced by
3 Mayor Coyne. What is Council's?
4 Mr. Troyer?

5 MR. TROYER: Thank you,
6 Mr. Chairman. Is this what - - was this
7 in the budget?

8 MR. SALVATORE: Yes.

9 MR. TROYER: It wasn't the body
10 cameras?

11 MAYOR COYNE: No. We had cameras
12 in there. I think -- I believe at that
13 time I told you it was the Chief's
14 determination that he felt that the car
15 cameras best served our needs.

16 MR. TROYER: Okay. Great. So
17 this is as we determined earlier?

18 MAYOR COYNE: That is correct.
19 And the partial funding from the
20 Prosecutor's Office and the Forfeiture
21 Fund as it states in the Ordinance.

22 MR. TROYER: Okay. Great. That's
23 it.

24 MR. SALVATORE: Okay. Any other
25 questions?

1 MS. MCCORMICK: I just had the
2 same question as him, so that was
3 answered. So I would like to make a
4 motion to place this on the next Council
5 agenda.

6 MR. TROYER: Support.

7 MR. SALVATORE: I'll take the
8 motion, but do you have another question?

9 MR. TROYER: I was going to make a
10 motion.

11 MR. SALVATORE: You were?

12 MR. TROYER: Yes.

13 MR. SALVATORE: You were going to
14 make a motion?

15 MR. TROYER: Yes.

16 MR. SALVATORE: Really? Holy cow.
17 Sorry I missed that. We have a motion
18 that's been supported? Did anybody
19 support it.

20 MS. MCCORMICK: Somebody did.

21 COUNCIL PRESIDENT **Astorino**: Maybe he was
22 going to call a point of order on you,
23 Councilman.

24 MR. SALVATORE: Yes.

25 MR. MENCINI: I support it.

1 MS. MCCORMICK: Supported.

2 MR. SALVATORE: I'm going to call
3 point of order on myself. We have a
4 motion made, properly support. Any
5 question on the motion? Now, you have
6 another motion?

7 MR. TROYER: I'm going to vote yes
8 on this motion because I'm so happy, along
9 with everybody, about the Indians sweeping
10 last night. So I'm going to vote yes on
11 this. I'm just in such a good mood.

12 MR. SALVATORE: So you're telling
13 me you would vote yes because the Indians
14 won on anything?

15 MR. TROYER: And because it's a
16 good piece of legislation.

17 MR. SALVATORE: I just wanted to
18 make sure -- (inaudible.) Okay. Please
19 call the role.

20 THE CLERK: McCormick?

21 MS. MCCORMICK: Yes.

22 THE CLERK: Troyer?

23 MR. TROYER: Yes.

24 THE CLERK: Powers?

25 MS. POWERS: Yes.

1 THE CLERK: Mencini?

2 MR. MENCINI: Yes.

3 THE CLERK: Scott?

4 MR. SCOTT: Yes.

5 THE CLERK: Salvatore?

6 MR. SALVATORE: Yes. That
7 completes the Safety Committee. Now, I'd
8 like to make a motion to go back up to
9 Item 1.

10 MR. MENCINI: Support.

11 MR. SALVATORE: It's all yours.

12 COUNCIL PRESIDENT **Astorino**: Discussion on
13 the motion. Seeing none, call the role.

14 THE CLERK: Salvatore?

15 MR. SALVATORE: Yes.

16 THE CLERK: Mencini?

17 MR. MENCINI: Yes.

18 THE CLERK: McCormick?

19 MS. MCCORMICK: Yes.

20 THE CLERK: Powers?

21 MS. POWERS: Yes.

22 THE CLERK: Troyer?

23 MR. TROYER: Yes.

24 THE CLERK: Burgio?

1 MR. BURGIO: Yes.

2 THE CLERK: Scott?

3 MR. SCOTT: Yes.

4 COUNCIL PRESIDENT **Astorino**: We're back to
5 the original order of business.

6 MR. SALVATORE: I make a motion to
7 take a five-minute recess.

8 MR. TROYER: Support.

9 **Mr. Astorino**: Call the role on the
10 recess, please.

11 THE CLERK: Salvatore?

12 MR. SALVATORE: Yes.

13 THE CLERK: Troyer?

14 MR. TROYER: Yes.

15 THE CLERK: Powers?

16 MS. POWERS: Yes.

17 THE CLERK: McCormick?

18 MS. MCCORMICK: Yes.

19 THE CLERK: Mencini?

20 MR. MENCINI: Yes.

21 THE CLERK: Scott?

22 MR. SCOTT: Yes.

23 THE CLERK: Burgio?

24 MR. BURGIO: Yes.

25 COUNCIL PRESIDENT **Astorino**: Council will

1 be in recess until 9:00.

2 COUNCIL PRESIDENT **Astorino**: Council,
3 please take your seats.

4 COUNCIL PRESIDENT **Astorino**: All right,
5 It's 9:00. So we'll get back to the
6 meeting. We're back to the regular -- the
7 original Regular order of Business. Under
8 Item 4, Discussion, we have -- No. 1 is
9 proposed 2016-2017 Council Rule Changes,
10 with Councilman Salvatore, per Council
11 President Astorino.

12 MR. SALVATORE: Thank you,
13 Mr. Chairman. Real quick, I just want
14 to start with A on Rule No. 7. I think
15 the only change I really want to make is
16 disregard the bottom two on the agenda for
17 No. 7, is for Council to consider the
18 elimination of the audience participation
19 at the end and do a consolidation on any
20 subject under D. That's the only change
21 that would be made. In No. 7 is the order
22 of business and the elimination of remarks

1 from the audience, subject matter at the
2 end, just consolidate it with the other.
3 And the changes that were with L, just
4 disregard that. That would all stay the
5 same.

6 MR. TROYER: Mr. Chairman?

7 COUNCIL PRESIDENT **Astorino**: Councilman
8 Troyer?

9 MR. TROYER: Thank you,
10 Mr. Chairman.

11 Councilman Salvatore, I appreciate
12 that. That makes it more palatable for
13 me. What?

14 COUNCIL PRESIDENT **Astorino**: Can we clarify
15 which letters you're talking about so that
16 I'm aware of what is going on? Go through
17 it again.

18 MR. SALVATORE: I just want to
19 consolidate the two audience
20 participations into one, and the reason
21 for that is some of our meetings have been
22 running three, four hours, and there is a
23 lot of people sitting in the audience
24 waiting to talk, and I've seen some people
25 walk out because they can't wait any

1 longer or in the case of that one young
2 lady who was there for four hours and she
3 had a legitimate situation on her street,
4 but yet she waited patiently for three,
5 four hours, and waited patiently
6 to come and tell us what her concerns
7 were.

8 So I would just like for Council
9 to consider that we move the audience
10 participation up to consolidate it with
11 the section that allows you to speak on
12 the agenda only. So it would just be a
13 simple you come before Council, you can
14 speak on any subject, the agenda items
15 and/or your concerns.

16 MR. TROYER: Mr. Chairman?

17 COUNCIL PRESIDENT **Astorino**: Go ahead,
18 Councilman.

19 MR. TROYER: Okay.

20 COUNCIL PRESIDENT Astorino: Because
21 we need to keep it clear up here. So
22 you're saying you will eliminate the
23 Letter P of the original order of
24 business, the top part?

25 MR. SALVATORE: Correct.

1 MR. SALVATORE: Move it to D and
2 then just move everything down one, and I
3 think the clerk could do the math on
4 that for us. She could change the
5 letters. Everything else will stay the
6 same, though the top can stay the same.
7 Just move one up and everything down and
8 eliminate the bottom.

COUNCIL PRESIDENT **Astorino**: Okay.
10 Councilman -- okay.

11 MR. TROYER: Can I go?

12 COUNCIL PRESIDENT **Astorino**: Back to you,
13 Councilman Troyer.

14 MR. TROYER: Thank you,
15 Mr. Chairman.

16 So you're saying it will be A, B,
17 C, D, and D would be Remarks from the
18 Audience, correct?

19 MR. SALVATORE: Pardon?

20 MR. TROYER: D would be Remarks
21 from the Audience?

22 MR. SALVATORE: Yes.

23 MR. TROYER: Okay. This is closer
24 to what I would -- in my opinion, my
25 opinion would be. There was a reason why

1 we moved this -- and the example used --
2 she never should have had to come up here.
3 In my opinion, that should have been
4 handled otherwise, but I get what you're
5 looking for here. What I would like to
6 see is maybe add remarks from the audience
7 on any subject matter. But have a time
8 frame, a reduced time, three minutes, four
9 minutes, something like that, and then
10 leave the remarks at the end also. So if
11 somebody has something wrong, you know --
12 because we have to limit this because,
13 you know, if it's gone long at the end,
14 you know -- we've had plenty of times over
15 an hour for audience participation.
16 You're ending an hour for -- like
17 Mr. Lavelle might be here next Council
18 meeting waiting for his thing to pass and
19 we make him wait an extra hour for his
20 Council business. So we really should
21 have a time limit on there.

22 MR. SALVATORE: Mr. Chairman, if I
23 may.

COUNCIL PRESIDENT **Astorino:**

Go ahead, Mr. Salvatore

1 MR. SALVATORE: Okay. That's two
2 separate topics. So if you want to put a
3 restriction on the amount of time somebody
4 wants to speak, go ahead and introduce
5 that rule, because I don't think it has
6 anything to do with allowing people to
7 talk earlier at the meeting.

8 MR. TROYER: As far as the agenda
9 goes?

10 MR. SALVATORE: Yes. This is just
11 an agenda item adjustment allowing people
12 to speak earlier in the meeting rather
13 than waiting until the end. That's all.

14 MR. TROYER: Okay.

15 COUNCIL PRESIDENT **Astorino**: Councilwoman
16 Powers?

17 MRS. POWERS: As to D, Remarks
18 from the Audience on any Subject that you
19 want to move up, the Council meeting is a
20 business meeting. We are to run the
21 business of the city at this Council
22 meeting. Remarks from the Audience is not
23 a part of the Council business. It is
24 audience participation and it should not
25 precede the Regular Order of Business.

1 Thank you, Mr. Chairman.

2 MR. SALVATORE: Mr. Chairman, if I
3 may. I mean, really that does need a
4 comment.

5 COUNCIL PRESIDENT **Astorino**: Pardon me?

6 MR. SALVATORE: I would like to
7 answer that.

8 COUNCIL PRESIDENT **Astorino**: I can't get
9 into the back and forth because it's like,
10 you know, we have to at least allow people
11 to speak once first and then get into it.
12 So Councilman Mencini I'm going to go to
13 next.

14 MR. MENCINI: Thank you,
15 Mr. Chairman, for recognizing me.

16 Well, we'll be up front here. I'm
17 the one that wanted to put this from the
18 back probably for my first two years, and
19 I did is that when we had our orientation.
20 My point thinking, again, is Councilwoman
21 Powers said let's get our business out of
22 the way, then if it's a quick meeting,
23 then they can go to 11:59, it didn't
24 matter. Business was taken care of.

25 I said in the orientation, I said

1 to myself, I've said it up on this dais
2 before, I'd give everything six months.
3 Well, it has been past six months. I can
4 live with whatever Council here chooses to
5 do. I kind of understand what Councilman
6 Troyer is saying also, you know, where
7 some type of a limit, because some people
8 get up there, and in my personal opinion
9 -- I've seen people on a whim get up
10 there, just like a whim, yeah, get up
11 there and just start going. The lady that
12 you referred to that waited, she did, and
13 she had a legit thing to discuss. Whether
14 maybe it should have been handled
15 somewhere else, wherever, in my opinion it
16 didn't matter. She waited
17 three-and-a-half hours, it was probably a
18 little closer to four hours to get up
19 there and she made her point eloquently
20 because she did -- it was a very important
21 issue. But I don't see that a real lot
22 with audience participation. I could
23 probably get shot in the foot for this,
24 but audience participation was one thing
25 that really caught me off guard when I

1 came on Council. I thought people would
2 be coming with legit things. Instead some
3 times it's a little this or I'm going to
4 let you know something there. But I've
5 seen a lot of good people come to that
6 microphone also.

7 Okay. But my point on it is I can
8 live with what Council wants to do here
9 either way, but I want to know what
10 everybody thinks with a time limit and the
11 other thing is how we feel on, you know,
12 at the end of the meeting, I mean -- you
13 know, I could live with that. But you
14 know, I just think people sometimes get up
15 there and go, go, go. If they want to go,
16 go, go, they can wait for the end of the meeting.

17 So that's all I have,
18 Mr. Chairman.

19 COUNCIL PRESIDENT **Astorino**: Okay. And
20 Council, since it has been mentioned a few
21 times, as far as the time limit, there is,
22 under Council Rule No. 19, which is on our
23 agenda tonight, there is -- it's on page
24 three. It's marked as a page three. It
25 is one that sets a time limit of five

1 minutes. So that is something that can be
2 discussed later tonight. It doesn't need
3 to be discussed under this Rule No. 7, but
4 it has been mentioned a few times.

5 Councilwoman McCormick?

6 MS. MCCORMICK: I remain strongly
7 opposed to this amendment. I agree with
8 Councilmembers Mencini and Powers that the
9 purpose of a Council meeting is to conduct
10 the business of the city in full view of
11 the public. I missed last week's Council
12 meeting and I went back to watch the video
13 of it online so I could get caught up. It
14 was over an hour into it without audience
15 comments in the beginning before we got to
16 anything, taking any actual votes on
17 legislation, and this was after all the
18 Reports, all the Committees, Departments.
19 I don't think we need to drag that out any
20 further, especially on things that don't
21 pertain to what we're going to be talking
22 about that evening. I think the primary
23 objective should be to finish and discuss
24 all the work of the city, and then move on
25 to the more off-topic comments, and I am

1 opposed to this amendment.

2 COUNCIL PRESIDENT **Astorino:** Councilman
3 Burgio?

4 MR. BURGIO: Thank you,
5 Mr. Chairman. This is one of the items
6 that I spoke to quite a while back and I
7 like to change of having it back towards
8 the beginning of the Council meeting.
9 We've had it that way before for a number
10 of years and I don't remember it being
11 that much of a problem before so I think
12 it's a good thing because some people
13 wants that right to speak and they don't
14 want to wait on anything to do that. So I
15 think it's just good for the community,
16 the residents to be able to speak on any
17 subject.

18 And to the Chair, Councilman
19 Troyer, just for your information on the
20 time limit, the school board does have
21 that time limit on theirs, too. I
22 believe it's three minutes per person, not
23 to exceed 15 minutes total, you know, just
24 for your own information. You may want to
25 go check some other Councils and see what

1 they do. But that might be something you
2 might want to think of -- I think that's a
3 little too short, myself. If we were
4 going to have a time limit, I think it
5 should be extended further than that. But
6 just for your own information, I wanted to
7 throw that in there.

8 That's all I have, Mr. Chairman.

9 MR. TROYER: Um--

10 COUNCIL PRESIDENT **Astorino**: Councilman
11 Mencini?

12 MR. MENCINI: Thank you,
13 Mr. Chairman. Real quick --

14 MR. TROYER: He did give me the
15 floor.

16 COUNCILMAN MENCINI: He didn't --

17 MR. TROYER: I'll throw it back to
18 you, Mr. Chairman. He threw the Chair
19 away.

20 MR. MENCINI: Thank you,
21 Mr. Chairman.

22 COUNCIL PRESIDENT **Astorino**: He didn't give
23 you the floor. Councilman Mencini.

1 MR. MENCINI: Thank you,
2 Mr. Chairman. The school board allows --
3 I think the total is a half hour for
4 audience participation and they do it
5 earlier in the meeting and it's five
6 minutes per person, 15 minutes on any
7 given subject and 30 minutes for audience
8 participation. That's exactly what it is.
9 So if you want to go on them parameters,
10 it's up to Council.

11 So thank you, Mr. Chairman.

12 COUNCIL PRESIDENT: Okay.

13 Councilwoman McCormick?

14 MS. MCCORMICK: There has been a
15 long talk about what we've done before
16 prior to this year. It was earlier, but
17 even further back it was split into two
18 ways. This year we have a new situation
19 that confronts us that hasn't confronted
20 any past Council, and that is the
21 live-streaming of our meetings. That
22 brings a whole new dynamic into the
23 audience participation. I believe we've
24 seen a lot more participation, which is

1 good. We've gotten a lot of good
2 feedback, but we've also gotten some more
3 negative instances, where it has been more
4 of let's put on a show for everybody
5 watching at home. I think we need to take
6 into consideration the changing dynamics
7 that's facing us and I really just think
8 we should keep the remarks on any subject
9 at the end and the stuff pertaining to the
10 actual legislation in the middle, just to
11 kind of keep things in control a little
12 bit better.

13 MR. SALVATORE: Mr. Chairman?

14 COUNCIL PRESIDENT **Astorino**: Councilman
15 Salvatore?

16 MR. SALVATORE: Thank you. Just
17 to response to the comment that we have
18 something new. The technique is new, but
19 the procedure is not. We had our Council
20 meetings aired on Cablevision and there
21 was a lot more than 200 people watching.
22 There were several hundred, sometimes even
23 a thousand, and sometimes people would be
24 watching and they would get here to the
25 meeting so that they could comment because

1 they got mad at something they were
2 watching on TV. So, I mean, it's nothing.
3 We've dealt with it before, and that was
4 one of the -- by having it at the end, it
5 allows for that to take place. It allows
6 for somebody to be watching at home and
7 gives them plenty enough time to get up
8 here so. So if she's trying to
9 accomplish, we'll just keep it at the back
10 ends, if you want people to watch it at
11 home and to get up here and comment on
12 something that was said, then just leave
13 Rule No. 7 as is. But we did have that
14 before. I wish we still had Cablevision
15 because there would be more people
16 watching.

17 MS. MCCORMICK: Can I respond?

18 COUNCIL PRESIDENT **Astorino**: Councilwoman
19 McCormick?

20 MS. MCCORMICK: There is another
21 dynamic to that, too, also through the
22 Internet. People aren't going to run up
23 here when they can post their instant
24 feedback on Facebook. So that's kind of a
25 deterrent to actually kind of coming up

1 here in person that's all.

2 MR. SALVATORE: I don't post it.
3 I don't read it. So I'm not part of that
4 dynamic.

5 COUNCIL PRESIDENT **Astorino**: Councilman
6 Troyer?

7 MR. TROYER: Thank you,
8 Mr. Chairman. One of the reasons I got on
9 Council was to do things a little
10 differently and to make a difference, and
11 this was one of the differences I agreed
12 with. So at this point I'd like to make a
13 motion that this was discussed.

14 MS. MCCORMICK: Support.

15 THE CLERK: What was the motion?

16 COUNCIL PRESIDENT: Motion that
17 Rule No. 7 was discussed.

18 THE CLERK: Okay.

19 COUNCIL PRESIDENT: Discussion on
20 the motion? Seeing none, call the role.

21 THE CLERK: Troyer?

22 MR. TROYER: Yes.

23 THE CLERK: McCormick?

24 MS. MCCORMICK: Yes.

25 THE CLERK: Mencini?

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MR. MENCINI: Yes.

THE CLERK: Powers?

MS. POWERS: Yes.

THE CLERK: Salvatore?

MR. SALVATORE: No.

THE CLERK: Burgio?

MR. BURGIO: No.

THE CLERK: Scott?

MR. SCOTT: No.

THE CLERK: Motion failed.

COUNCIL PRESIDENT: Motion carries
four to three.

MR. SALVATORE: Mr. Chairman?

COUNCIL PRESIDENT: Councilman
Salvatore?

MR. SALVATORE: If I may, I would
like to pull Item C and Item F from the
agenda. If you require a motion, I'll put
that in the form of a motion. If not, I
would like to just pull those two off.

MR. MENCINI: Support.

MRS. POWERS: Support.

MR. TROYER: Which ones were those
again?

COUNCIL PRESIDENT **Astorino**: The motion is

1 to remove Council Rule No. 12 and Council
2 Rule No. 27, Item C and Item F on the
3 agenda; is that correct, Councilman?

4 MR. SALVATORE: Let me just double
5 check. I'll make sure we have the right
6 ones.

7 MS. MCCORMICK: I have a question.

8 MR. SALVATORE: That's correct.

9 COUNCIL PRESIDENT **Astorino**: Okay. There
10 has been a motion to remove Council Rule
11 No. 12 and Council Rule No. 27 from the
12 agenda.

13 MS. MCCORMICK: Would it be more
14 appropriate to do a motion that they were
15 discussed or disposed of?

16 MR. TROYER: He has the right to
17 pull it.

18 COUNCIL PRESIDENT **Astorino**: Is it your
19 intention to remove these from the further
20 discussion or is it your intention to --

21 MR. SALVATORE: My intention is to
22 remove them from this agenda.

23 COUNCIL PRESIDENT **Astorino**: From this
24 agenda?

25 MR. SALVATORE: Yes.

1 COUNCIL PRESIDENT **Astorino**: Maybe come
2 back at another agenda?

3 MR. SALVATORE: I don't know if it
4 will ever come back again, but I would
5 just like it to be removed for tonight.

6 MS. MCCORMICK: Will that be
7 tabled indefinitely then?

8 COUNCIL PRESIDENT **Astorino**: Well, his
9 motion is to remove it from tonight's
10 agenda. We're not going to change his
11 motion. His motion is to take Items C and
12 F from tonight's agenda, remove them.

13 MS. MCCORMICK: I just thought it
14 had to be like not hanging out there.
15 That's all.

16 MR. SALVATORE: It's only a rule
17 change under verbal approval. They can
18 hang out there forever.

19 MS. MCCORMICK: Okay. Just wanted
20 clarification to make sure.

21 COUNCIL PRESIDENT **Astorino**: Please call
22 the role on the motion to remove Items C
23 and F from the agenda.

24 THE CLERK: Salvatore?

25 MR. SALVATORE: Yes.

1 THE CLERK: Mencini?
2 MR. MENCINI: Yes.
3 THE CLERK: McCormick?
4 MS. MCCORMICK: Yes.
5 THE CLERK: Powers?
6 MS. POWERS: Yes.
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: Motion carries.

COUNCIL PRESIDENT **Astorino**: Okay. Motion
15 carries. Items C and F removed from the
16 agenda.

17 MR. SALVATORE: Thank you,
18 Mr. Chairman.

19 COUNCIL PRESIDENT **Astorino**: The next item
20 on the agenda is Letter B, Council Rule
21 No. 9. Council, what is your pleasure?

22 **Ms. McCormick**: Motion to
23 discuss.

24 MR. MENCINI: Support.

25 COUNCIL PRESIDENT **Astorino**: Hum?

1 MS. MCCORMICK: I want to talk
2 about it before we before we get a motion.

3 COUNCIL PRESIDENT **Astorino**: Did you want
4 to discuss Council Rule No. 9?

5 MS. MCCORMICK: Yeah. I had my
6 hand up.

7 COUNCIL PRESIDENT: Okay. I
8 didn't see your hand right away,
9 Councilwoman.

10 MS. MCCORMICK: Okay.

11 COUNCIL PRESIDENT **Astorino**: Okay. So,
12 discussion on Rule No. 9, Council will
13 move --

14 MS. MCCORMICK: I wrote this
15 proposed amendment to the rule because
16 there have been calls from the audience --
17 or residents to clarify the rules better
18 to allow the use of electronic devices, we
19 had talked about earlier in the year and
20 we have later on our agenda, about
21 purchasing technology, perhaps tablets or
22 something, and the amendment would clarify

1 some of the issues that have come up.

2 **Mr. Scott:** Question.

3 MS. MCCORMICK: It was that one
4 small section of Rule No. 9, not the
5 entire Rule No. 9. The original intention
6 of adding this rule to our rules was never
7 to prohibit the use. It was just to
8 prohibit communication -- illegal
9 communications between Members of Council
10 and members of the audience or members
11 somewhere out in the world that can
12 contact us through electronic means.

13 COUNCIL PRESIDENT **Astorino:** I will say --
14 oh, Councilman Scott, for discussion.

15 MR. SCOTT: Like Ms. McCormick
16 said, I believe we're going to be talking
17 about getting separate electronic devices.
18 My concern is leave this rule as is.
19 Amend it when we do get the electronic
20 devices. My only concern about the
21 proposed changes is what policing do we
22 have on this that will prevent anybody, or
23 Councilmember from using the Internet. If we
24 Had an intranet, I wouldn't have any issues
25 about it. But we

1 have nothing to prevent a person from
2 using the electronic devices on the
3 Internet.

4 MS. MCCORMICK: So you have a
5 problem with someone like looking up the
6 Codified Ordinances, which are on Internet
7 not on the Intranet?

8 MR. SCOTT: I have a concern --

9 MS. MCCORMICK: I mean, because I
10 did that tonight.

11 MR. SCOTT: -- with people with
12 the possibility of emails, texting, to be
13 -- there is no policing to it.

14 MS. MCCORMICK: That's still
15 included in there.

16 MR. SCOTT: Pardon me?

17 MS. MCCORMICK: That's still
18 included in there. That kind of
19 communication is still prohibited.

20 MR. SCOTT: Yes. But what is
21 There to prevent it from being used, the
22 Internet from being used, for texting or
23 talking? There isn't.

24 MS. MCCORMICK: Honesty policy.
25 You don't really need to be policing

1 everybody's computer?

2 MR. SCOTT: Well --

3 MS. MCCORMICK: Are we going to
4 hire an IT person to look at everyone's
5 screen in realtime as we're sitting here?

6 MR. SCOTT: So that was my concern
7 about --

8 MS. MCCORMICK: No.

9 COUNCIL PRESIDENT **Astorino**: this
10 legislation. My gist is leave Rule 9 as
11 is until we do get the -- if we do get the
12 electronic devices, then we can amend Rule
13 9. I don't -- that's my main concern.
14 Thank you.

15 COUNCIL PRESIDENT **Astorino**: Councilman
16 Mencini?

17 MR. MENCINI: Thank you, again,
18 for recognizing me, Mr. Chairman.

19 Let me go back a little bit to the
20 orientation, which I remember because we
21 had two of them. It was brought up
22 whether we could have electronic devices,
23 and tell me if I stand corrected, we were
24 told no. There was no, "Yeah, you could
25 for this, that." The only one that asked

1 was Councilman Burgio because he said,
2 "What if I get a call for my wife," and
3 Councilwoman McCormick said, "Well, that's a
4 little different."

5 I sit here, I have nothing in
6 front of me. I have my flip phone
7 sitting in that mailbox. You know, at
8 first a little bit I was kind of like a
9 little open minded on this, but until we
10 all get caught up to this, whatever you
11 want to call it, where we should be, maybe
12 we should all have laptops or we should
13 all be on the same little -- for our
14 communication for -- if we have to look up
15 anything, I don't think one person should
16 be able to have a little edge over
17 everybody else. Not that it's an edge.
18 The honesty policy -- you know, I could
19 debate that. And I'm not saying anybody
20 up here has done anything. I'm not going
21 to get into that. But until we all have
22 the same material, until we're all given
23 the same tools to work with, I don't think
24 anybody should be having one thing over
25 the other. I just don't. My dad is 88.

1 I'm taking a risk here without having that
2 phone, sitting here, to make sure I don't
3 get a call or a text or something like
4 that. That's how I feel. Maybe we have
5 to look at getting upgraded on this
6 Council and in this room to get caught up
7 so we're all working with the same
8 materials.

9 So that's all I have,
10 Mr. Chairman.

11 COUNCIL PRESIDENT **Astorino:** Councilwoman
12 Powers?

13 MRS. POWERS: To answer
14 Councilman Mencini, I have the advantage
15 of sitting here and can see the electronic
16 device and one is better than none. If we
17 all want them or you want to bring in your
18 own, whatever. But I see nothing wrong
19 with having one here. And I can see the
20 advantage of having one because
21 Councilwoman McCormick can look up what
22 we're talking about as we're talking about
23 it. She goes right back to the Ordinance
24 to whatever bit of information we need and
25 she's got it right there from our Charter.

1 So I think having it here is a
2 good idea and until or if we all decide to
3 get them, let anyone who wants to bring
4 them in, as long as you're using it only
5 for Council business.

6 Thank you, Mr. Chairman.

7 COUNCIL PRESIDENT **Astorino**: Councilwoman
8 McCormick?

9 MS. MCCORMICK: I used the
10 Internet just right this minute to look up
11 on our Council website our organizational
12 minutes from January 4th, 2016, where this
13 Rule No. 9 was discussed. I can read it
14 back to everybody: "Mr. Astorino
15 continued, Rule No. 9, Conduct of Elected
16 and Appointed Officials at Council
17 Meetings. Line Items No. 335 to 338, the
18 second paragraph was added that basically
19 restricts texting during meetings, sixth
20 line down reads prohibiting communications
21 of this type enables the Council to
22 operate with maximum transparency and to
23 avoid any appearance or perception of
24 engaging in discussions or deliberations
25 not open to the public during City Council

1 meetings. My thought process is that
2 Council meetings are public meetings and
3 any communications amongst Council, the
4 people in the audience should be privy to
5 that conversation. Using myself as an
6 example, I would not be able to send a
7 text to any Member of Council or the Mayor
8 on the subject matter being discussed.
9 Those discussions should be open and
10 public. Mr. Burgio clarified the device
11 can be on and receive calls for emergencies
12 that may occur. This language would not
13 preclude that."

14 Now, looking back at these
15 minutes, the whole reason this was put in
16 there was not ever to prohibit the use of
17 electronic devices. I mean, in here
18 Mr. Burgio even clarified that, yes, we're
19 allowed to have them in case there is an
20 emergency. You can have it in a bag, like
21 I do. I don't put it there, but it's in
22 my bag. It's silent.

23 But the point is it was to
24 prohibit communications, not to do
25 anything else, and this was discussed.

1 That's what the whole point of it was.

2 COUNCIL PRESIDENT **Astorino**: Councilman
3 Mencini?

4 MR. MENCINI: Thank you,
5 Mr. Chairman. So I hear the word public
6 records a lot with people up here, with
7 my colleagues. So is that okay, then,
8 Councilwoman McCormick, that through this
9 passing, as long as you had it -- I'm not
10 just picking on you. You have it, but
11 everything is public record. I mean, I
12 got emailed one time that somebody wanted
13 to know mine and somebody on the Rec
14 Committee's, our email public record.
15 Everything is public record. So do you
16 feel that everything that comes across
17 your computer would be public record? Is
18 that okay?

19 MS. MCCORMICK: During a Council
20 meeting? Probably.

21 MR. MENCINI: Okay.

22 MS. MCCORMICK: Everything that
23 comes to your email --

24 MR. MENCINI: Probably.

25 MS. MCCORMICK: -- my email,

1 anything comes through there Council
2 related, city related, whether it comes to
3 my Council email address or personal email
4 address, that's also subject to public
5 records --

6 MR. MENCINI: Okay.

7 MS. MCCORMICK: -- as with
8 anything that came through about the Rec
9 Commission, that's public.

10 MR. MENCINI: "Probably" was the
11 good answer.

12 My point on this is if we're all
13 on, we're all accessed to the same
14 material, I think we'd play a lot closer
15 to the test. I think we'll get that
16 information we need. I understand what
17 Councilwoman Powers is saying about you
18 having yours, but we don't have one over
19 there. I don't believe there is one over
20 there. I'm not saying wrong or right. I'm
21 not going to get into that anymore. I'm
22 just saying I could bring mine up here and
23 watch the Indians game next Tuesday night.
24 I'm not going to do that, but I'm just
25 saying, you're saying honesty and I'm just

1 saying I've seen it before on Council
2 where -- and I'm not saying even this
3 Council, that maybe, you know, maybe
4 somebody wasn't, maybe somebody was going
5 back and forth. We could cut that all out
6 by everybody being on the same page. I'm
7 just saying in my three years, I'm not
8 saying anybody did anything. That's for
9 them to live with or them to prove they
10 didn't. I'm not saying that. I'm just
11 saying we should all be on the same page.
12 That's how I feel. So I think I've been
13 here long enough.

14 Thank you, Mr. Chairman.

15 COUNCIL PRESIDENT **Astorino**: Councilman
16 Burgio?

17 MR. BURGIO: Thank you,
18 Mr. Chairman. And everybody is making
19 some valid points. Councilwoman McCormick
20 has made some very valid points and
21 Mrs. Powers. But because of all the
22 attention being drawn to that, I don't
23 have my cell phone with me, and I do feel
24 uncomfortable about not having it because
25 my wife has had some major health

1 problems, major health problems and I --
2 but she knows that I don't have it on and
3 it's not at the Council meeting. So if
4 something should happen, she knows to call
5 9-1-1, and I tell her that. Although I do
6 feel uncomfortable about doing that,
7 especially with some long meetings that
8 we've had. But thank you for bringing
9 that up, Councilman Mencini, about that.
10 Yeah, my device isn't here either, but I
11 just thought because of all the attention
12 drawn to that, I just wanted to make sure
13 that there is no impropriety or thinking
14 about that. I sacrifice by doing that.
15 But there are some good points and I know
16 it can be useful. But maybe if we have
17 our own devices, if we do that, that will
18 clear it up a little bit more and maybe
19 that will be a good thing. I don't know.
20 Those are just my thoughts.

21 That's all I have, Mr. Chairman.

22 COUNCIL PRESIDENT **Astorino**: Thank you.

23 Councilwoman McCormick?

24 MS. McCORMICK: Okay, lets' cheer, the focus
25 of Rule No. 9 by many

1 have been an attempt to get me in an
2 gotcha moment. It has been directed at
3 me, specifically, because I'm the only one
4 who has gotten it an amount of times and
5 uses these tools like most every other
6 Council in the country uses now.

7 And I brought this amendment up
8 just to, you know, calm those fears. I've
9 offered to move my seat next to somebody
10 who can sit over my shoulder and watch
11 what I'm doing. I mean, Mr. Scott has
12 asked the Council President what I was
13 doing on my computer. I will sit right
14 next to him, you can look over my shoulder
15 every meeting if you'd like.

16 But whether this amendment is
17 adopted or disposed of, I will continue to
18 use my computer during Caucus meetings
19 because it's allowed by our rules and I
20 will continue to do so unless some higher
21 authority, a judge, comes out and says
22 that I am breaking some kind of law in
23 doing such. I just would like us all to
24 be safe in using it, and I wouldn't have
25 any problem with any of you bringing your

1 own devices to the meetings either.

2 COUNCIL PRESIDENT **Astorino**: Councilman
3 Troyer?

4 MR. TROYER: Thank you,
5 Mr. Chairman. I was not planning on
6 speaking much on this. I get everybody's
7 point and there were some valid points.
8 One valid point is that the origin intent
9 was a communication. And I know what used
10 to happen and that's one of the reasons
11 this rule was put in here because it used
12 to happen, not this term obviously. But I
13 also understand that kind of a fairness
14 issue, someone has one over somebody else.
15 But, you know, Councilwoman McCormick,
16 having that, being able to access that
17 information, has helped us when we've been
18 discussing issues, you know. Well, they
19 said that, they said that, it can be
20 looked up.

21 So I think this does need to be
22 changed and I think what we need to do is
23 get our clerk a laptop for out here where

1 if there is any question as to what
2 legislation said, pass legislation, pass
3 minutes, whatever, she can go ahead, being
4 independent, look it right up and give us
5 that information. I hope you're not
6 looking at me like you don't want to do
7 it. But, you know, so this does need to
8 be changed and -- because -- and that's
9 something I think we need to do because
10 having that information here has helped us
11 quite a few times. So I don't want to
12 give that up. I don't want to give up the
13 ability of having that information.

14 But again, the original thought of
15 this was to prevent communication between
16 one side or the other or one person or the
17 other or somebody down the road, somebody
18 watching at home, somebody out in the
19 audience, you know, a quick text or
20 something and said, "I witnessed it." So
21 that was the intent of this and the intent
22 always rules -- the Police Chief isn't
23 here anymore, but when the law is
24 written, the intent of the law is what
25 rules.

1 So it's just a suggestion to have
2 the Clerk maybe have this information and
3 then it would be more fair.

4 That's it. Thanks.

5 COUNCIL PRESIDENT **Astorino**: I'm dumfounded
6 that you would want to upset the Council
7 clerk and give her more work to do.

8 Okay, Council, Rule No. 9.
9 Councilwoman McCormick?

10 MS. MCCORMICK: I'd like to make a
11 motion that this be table until we have
12 legislation allowing us to purchase
13 electronic devices, as we previously
14 discussed earlier this year.

15 MR. TROYER: Or 90 days.

16 MS. MCCORMICK: Or 90 days --

17 COUNCIL PRESIDENT **Astorino**: Is there a
18 support on --

19 MS. MCCORMICK: -- when we'd have
20 to review it again.

21 COUNCIL PRESIDENT **Astorino**: Is there a
22 support on the motion to table?

23 MR. TROYER: Yes. Support.

24 COUNCIL PRESIDENT **Astorino**: Okay. Clerk,
25 please call the role on the motion to

1 table.

2 THE CLERK: McCormick?

3 MS. MCCORMICK: Yes.

4 THE CLERK: Troyer?

5 MR. TROYER: Yes.

6 THE CLERK: Powers?

7 MS. 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 COUNCIL PRESIDENT **Astorino**: Motion to

17 table was defeated.

18 MR. SCOTT: Motion discussed?

19 MR. MENCINI: Support. You're

20 welcome.

21 COUNCIL PRESIDENT **Astorino**: There has been

22 a motion that Rule No. 9 has been

23 discussed, properly supported. Clerk,

24 please call the role.

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: I'm sorry. What?

7 MS. MCCORMICK: No.

8 THE CLERK: Thank you. Powers?

9 MS. POWERS: No.

10 THE CLERK: Troyer?

11 MR. TROYER: No.

12 THE CLERK: Salvatore?

13 MR. SALVATORE: Yes.

14 THE CLERK: Burgio?

15 MR. BURGIO: Yes.

16 THE CLERK: Motion carries.

17 COUNCIL PRESIDENT **Astorino**:
Motion carries

18 Rule No. 9 has been discussed.

19 Rule No. 12 Item C was removed from the

21 agenda. Item D, just for a

22 for a brief discussion of this, an

23 introduction, this is a rule that I

24 suggested to amend. It deals with

25 permission to address Council, adding in,

26 basically, that the citizens shall at all

1 times during any regular, special meeting to
2 conduct themselves in a professional
3 manner required to address Council. It
4 subjects them to the same guidelines that
5 we have in participation. This has been a
6 problem in the past. There are times I've
7 tied to call speakers to order and they've
8 basically said that they don't have to
9 follow the rules, they're residents. They
10 come before us to give their voice, but
11 they also should follow the same
12 guidelines that we do and not make things
13 personal and stick to subject matter. And
14 it also, like I said, at the end of this
15 on the second page of it, you'll see items
16 -- line numbers 65 and 66 talks and says,
17 "Except with permission of Council
18 specifically given, speakers shall be
19 limited to five minutes."

20 **Council President Astorino:** Councilwoman McCormick?

21 MS. MCCORMICK: I would support
22 this amendment with an amendment to remove
23 lines 65 and 66 with regards to the time
24 limit.

25 COUNCIL PRESIDENT **Astorino:** I take that as

1 a motion to amend?

2 MS. MCCORMICK: Yes. So I'd like
3 to make motion to amend to remove lines 65
4 and 66, which speak to the five-minute
5 time limit.

6 MR. TROYER: Support.

7 COUNCIL PRESIDEN **Astorino**: Okay. In
8 discussion to the motion to amend? Seeing
9 no discussion, we'll call the role on the
10 amendment.

11 THE CLERK: McCormick?

12 MS. MCCORMICK: Yes.

13 THE CLERK: Troyer?

14 MR. TROYER: Yes.

15 THE CLERK: Powers?

16 MS. POWERS: Yes.

17 THE CLERK: Mencini?

18 MR. MENCINI: Yes.

19 THE CLERK: Scott?

20 MR. SCOTT: No.

21 THE CLERK: Burgio?

22 MR. BURGIO: No.

23 THE CLERK: Salvatore?

24 MR. SALVATORE: No.

25 THE CLERK: Motion carries. Four

1 to three.

2 COUNCIL PRESIDENT **Astorino**: Okay. Motion
3 to amend carries four to three. So we've
4 deleted line No. 65 and 66 from it. So
5 the Council rules before you with just the
6 changes on line numbers 60 through 64.

7 What is your pleasure, Council?

8 MR. TROYER: Discussion.

9 MS. MCCORMICK: Comment.

10 COUNCIL PRESIDENT **Astorino**: I'm sorry.
11 Sometimes I take notes and it takes me a
12 little while.

13 Councilman Troyer?

14 MR. TROYER: Thank you,
15 Mr. Chairman. Council, I'm going to make
16 this brief because we've spent a lot of
17 time on this last time.

18 We discussed this -- let me
19 just go over real quick. We discussed,
20 and it was all confirmed that these are
21 basically the rules that we already have,
22 that they're already in existence. This
23 is just to clarify and put some in
24 writing. So I don't see any reason not to
25 have these rules reiterated in our Council

1 Rules that are already in force.

2 So with that said, I'd like to
3 make a motion to place this on the next
4 Council meeting for passage.

5 MS. MCCORMICK: Support. And I'd
6 also like to make a comment.

7 COUNCIL PRESIDENT **Astorino**: Okay. There
8 has been a motion to place on the next
9 Council, properly supported under
10 Discussion.

11 Councilwoman McCormick?

12 MS. MCCORMICK: Like Mr. Troyer
13 stated, this is already something that we
14 expect of the audience, the residents.
15 Council in its rules subscribes to Roberts
16 Rules of Orders, which apply to not only
17 the governing body, but all those in
18 attendance. This just puts it into clear
19 language that everybody can understand so
20 everybody knows the expectations of them.

21 COUNCIL PRESIDENT **Astorino**: Done?

22 MS. MCCORMICK: Yes.

23 COUNCIL PRESIDENT **Astorino**: Councilman
24 Salvatore?

25 MR. SALVATORE: Thank you,

1 Mr. Chairman.

2 As I stated the last time we had
3 this discussion, for the very same reason,
4 I won't be supporting it because it's
5 already an enforceable item by the Chair
6 without the verbiage. So you say it should
7 go in automatically because it's already
8 an unwritten rule and I say it doesn't
9 belong there because it's an unwritten
10 rule. So I will be voting no tonight.
11 Thank you.

12 COUNCIL PRESIDENT **Astorino**: Councilman
13 Troyer?

14 MR. TROYER: So, therefore, we
15 have to eliminate -- with your train of
16 thought, we'd have to eliminate a lot of
17 our Council rules because a lot of our
18 Council rules reiterate rules that in our
19 Charter and/or the Ohio Revised Code. So
20 that means --

21 MR. SALVATORE: I thought --
22 Mr. Chairman, I thought we were discussing
23 Rule 19. Do you want to discuss all of
24 them? Put them on the agenda, I'd be glad
25 to talk to you about them.

1 MR. TROYER: So that is why I'm
2 voting for this tonight.

3 COUNCIL PRESIDENT **Astorino:** And Councilman
4 Salvatore, I would just -- I mean since
5 I'm the author of this amendment -- I
6 mean, I understand what your comment is.
7 The difference that I see is, as I stated,
8 it has been my experience this year that
9 you may believe that to be true, that this
10 rule already exists. But there are people
11 that come to the podium that don't see
12 that rule written in there and they don't
13 feel it applies to them and it then forces
14 me to have to explain that to them. This
15 is just a matter of saying -- you know,
16 it's very similar to the analogy, I would
17 say, from earlier in the evening when we
18 talked about the nuisance party. There is
19 stuff in there that already exists, it
20 just gives another tool in the toolbox.
21 There are people that read these rules.
22 We've posted them. It's a little bit more
23 transparent. People see the rule and they
24 just see this part of the section and they
25 say, okay, they have to identify

1 themselves, give their address and that's
2 the only requirement and they can get up
3 and talk about anything they want however
4 they want to, and it always takes me to
5 try to put them in order and I just simply
6 would like to run a more orderly meeting
7 by putting the rule out there that it
8 exists.

9 So I understand your position, but
10 I don't think being redundant in this is
11 harmful. If anything, it helps clarify
12 for people that aren't as experienced and
13 don't sit up here. They may be coming to
14 the meeting for the first time, they may
15 be here several times, but they've seen
16 the rule that exists and when I call them
17 to order, they can say, "What rule is
18 that," and I could cite it for them.

19 So I understand what you're
20 saying, but I don't think there is any
21 harm in being redundant. In this one, if
22 anything, I see a benefit to it.

23 Councilwoman Powers?

24 MRS. POWERS: I agree with our
25 Council President. I think it's a very

1 good Ordinance. We have seen, this year
2 especially, when people come up here and
3 they are on the attack, maybe as
4 Councilman McCormick said because they
5 know they're on TV or the closed circuit,
6 that they're playing to an audience. But
7 they're not playing to the good use of
8 Council's time and it does not help anyone
9 when someone gets up and does their
10 screaming, yelling accusations, etcetera.

11 So I think that if you can't -- we
12 are supposed to conduct ourselves in a
13 professional manner and I think that the
14 audience should conduct themselves in a
15 professional manner, in a civil manner.
16 They would not owe -- I don't know. I
17 don't think they would teach their
18 children to behave the way they are
19 behaving because I would like to think
20 that people teach their children to be
21 nice and polite and not be argumentative
22 and destructive in their speech and that's
23 what we've seen a lot of this year, and
24 I'd like to see this clearly put a stop to
25 that.

1 Thank you, Mr. Chairman.

2 COUNCIL PRESIDENT **Astorino:** Councilman
3 Mencini?

4 MR. MENCINI: Thank you,
5 Mr. Chairman.

6 On this piece, I'll start from the
7 beginning. It is up to our Council
8 President, it is your meeting to run and, you
9 know, to curtail if curtail if
10 somebody is -- you know, it's your
11 meeting, and you know that, and if anybody
12 is out of line, out of the way, it is your
13 job to tell them.

14 Do these rules help? They
15 Absolutely do. I've seen many of things
16 since I've been on Council. As I stated
17 before, I actually seen a lady walk out of
18 here, I want to say it was three meetings ago.
19 It was a Council meeting, three meetings,
20 and she just walked out that door because
21 she was hearing somebody at the mic using
22 some -- it should not have had to come to
23 that. It should be nipped in the bud
24 right away. People do have a right to
25 speak. They have a right for their

1 opinion up there, but it should be
2 somewhat maybe not in a professional
3 manner. I know there is anger. I know
4 some people have issues. My phone rings a
5 lot. They have issues and if they feel
6 they want to come up there -- but, again,
7 this is a business meeting. It should be
8 run somewhat in a business format. It
9 should be more politically correct at that
10 microphone. But we do have a lot of tools
11 here already, as Mr. Salvatore said, to
12 address some of this stuff.

13 So that's all I have,
14 Mr. Chairman.

15 COUNCIL PRESIDENT **Astorino**: Okay.
16 Actually they've had plenty of
17 opportunities, so I will let you interject
18 at this time, Law Director.

19 MS. HORVATH: Thank you very much,
20 Mr. Chairman.

21 I absolutely understand the need
22 for this to be a business meeting and to
23 proceed in an orderly manner. I guess my
24 comment or my issue would be with the idea
25 of a verbal attack. I don't know how that

1 plays out with the idea of free speech. I
2 understand physical attack. I mean,
3 obviously that would be offensive or
4 harmful bodily contact or apprehension of
5 offensive or harmful bodily contact. We
6 all know what disorderly conduct is, you
7 know. We've seen definitions by
8 ordinances and statute of disorderly
9 conduct. We've probably seen disorderly
10 conduct in this very chamber. I'm just
11 raising the issue of verbally attacking an
12 elected official or director. What is the
13 line there? How does that relate to a
14 person's right to free speech? And I'm
15 just trying that out for consideration.

5
17 COUNCIL PRESIDENT **Astorino**: I'll have to
18 use the old expression. I don't know how
19 to define it, but I know it when I hear
20 it.

21 MS. HORVATH: That maybe, perhaps.

22 COUNCIL PRESIDENT **Astorino**: If someone is
23 standing at the podium and is saying --
24 calling me out to the parking lot to solve
25 this, something like that --

MS. HORVATH: Right.

1 COUNCIL PRESIDENT **Astorino**: -- that would
2 be a verbal attack to me.

3 MS. HORVATH: Right. They did
4 something, a verbal attack in a disorderly
5 conduct manner.

6 COUNCIL PRESIDENT **Astorino**: Right. I'm
7 not looking to infringe on anyone's
8 freedom of speech. But I think when we
9 hear it, we would know it and it simply be
10 called -- the speaker would be called to
11 order and asked not to do that again.

12 MS. HORVATH: Well, I know I used a
13 lot of patience. I've seen you in the
14 past to push the edge of the envelope in a
15 manner that, quite frankly, I wouldn't
16 have the patience to do.

17 But I just wanted to raise that
18 issue for Council.

19 COUNCIL PRESIDENT **Astorino**: Go ahead.

20 MS. HORVATH: For Council's
21 consideration.

22 COUNCIL PRESIDENT **Astorino**: Thank you.

23 Councilwoman McCormick?

24 MS. MCCORMICK: I think this rule

1 also addresses an issue that has come up
2 several times, at least I know with me,
3 I'm sure others, too.

4 MR. MENCINI: Julie, talk in the
5 mic.

6 MS. MCCORMICK: Sorry. Where
7 People are just running up here without like
8 us knowing it, people can come up behind
9 Mr. Troyer up there, they can sneak up
10 behind me. They come through that door
11 sometimes. Even like that, that's a
12 threat to our physical safety. This kind
13 of says you need to be professional, you
14 need to address us in a proper way, you
15 don't just simply run up on the stage and
16 accost someone. And I think that's one
17 thing you need to keep in mind. I think
18 this puts it again into more plain words
19 that everybody can understand. We
20 shouldn't expect everybody out there to
21 know Roberts Rules of Order and all those
22 specific nuisances. This just says you act
23 appropriately, act respectfully to
24 everybody. That's all.

25 COUNCIL PRESIDENT **Astorino**: Councilman

1 Burgio?

2 MR. BURGIO: Thank you,
3 Mr. Chairman.

4 I see the point of this and it is
5 offensive when people behave in a poor
6 manner, as we've seen happen a lot. I
7 did, he did, I did notice that lady
8 leaving because of some foul language by a
9 resident, and I felt bad for the lady
10 because this is her meeting too. She
11 should be allowed to stay, and she was
12 highly upset about it. However, I don't
13 think some people are going to abide by
14 the rules, because we have some rules here
15 and some people are not going to abide by
16 it. I really don't think they are and you
17 can't legislate morality, as much as we'd
18 like to. So I don't know if it would

19 really make this much of a difference.

20 And again, I agree that some of these
21 things are offensive, but I don't know if
22 this is going to help the situation. I
23 don't know if this is enforceable just
24 because it's in our rules, people know

1 that they shouldn't use offensive
2 language, they know that, whether it's
3 here or not they may do it regardless
4 so
5 I'm not sure if this is going to achieve
6 the results that you want.

7 That's my concern with that.

8 COUNCIL PRESIDENT **Astorino**:

9 I guess the question I'd have with that
10 is what is the harm of
11 putting it in there? Because if it would
12 stop one person, wouldn't it be worthwhile
13 having unless it's harmful to a group?
14 And I understand your concern, but I think
15 the standards you should also be looking
16 at is, is there any harm in putting it in
17 there, which is what I said earlier? Is
18 there any harm by doing this since they're
19 supposed to be doing that anyway? So you
20 know, it's a different way to look at it
21 than the way you're looking at it.

22 **Mr. Scott**: I understand the way
23 you're looking at it, too, but it's a good
24 point.

25 COUNCIL PRESIDENT **Astorino**: Councilwoman

Powers?

1 MRS. POWERS: I was going to
2 answer to Mr. Burgio -- Councilman Burgio.
3 Yes, when someone comes up there and is
4 as abusive as they have been, whether it's
5 directed at me or not, it hurts me because
6 I am just totally offended by that kind of
7 action and that kind of verbiage, and I
8 have had many people tell me that they
9 wouldn't even watch it on their computer
10 anymore because of what is happening. And
11 I've heard people say I don't come because
12 of how the speech goes. Yes, it is
13 hurting us as a community. It's hurting
14 us as a Council because that goes out not
15 just to people in Brook Park, but
16 everywhere. And yes, we are all being
17 hurt by allowing that kind of thing to
18 happen just as we went over the nuisance
19 parties and we say that if you have that
20 nuisance party as an Ordinance or a
21 Resolution or if you have this as an
22 Ordinance or Resolution or just a rule,
23 then just having it in writing, Council
24 approved does carry more weight than just
25 sitting up here and every time somebody

1 gets out of line say, "You're out of
2 line."

3 So to save us a lot of time from
4 not having to listen to these tirades, it
5 would save us a lot of time not having to
6 call each one out individually. If we go
7 ahead and put this into this rule, then
8 it's there and it will stop a lot of that
9 automatically.

10 Thank you. Thank you,
11 Mr. Chairman.

12 COUNCIL PRESIDENT **Astorino**: Councilman
13 Troyer?

14 MR. TROYER: Thank you,
15 Mr. Chairman. I'll make this quick.

16 COUNCIL PRESIDENT **Astorino**: Too late.

17 MR. TROYER: These rules are the
18 same rules we follow when we talked
19 earlier about being fair, everybody
20 following the same rules, having the same
21 advantage; these are the same rules we
22 follow. It just reiterates them for the
23 residents coming up to the lectern, and
24 when they come up to the lectern, they are
25 part of our meeting so they should be

1 following the same rules we do and that's
2 what this does, as an example of
3 this, why don't you want to reiterate it, I
4 mean, you have one side of the street that
5 has the fire plugs, the fire hydrants.
6 Everyone knows you don't park on that side
7 of the street. But yet up and down that
8 street there are no parking signs in
9 addition. That's it. Thank you,
10 Mr. Chairman.

COUNCIL PRESIDENT **Astorino**: Councilman
12 Mencini?

13 MR. MENCINI: Thank you,
14 Mr. Chairman. Through the Chair to the
15 Law Director. Madame Law Director, are you
16 saying on like this verbal, could this be
17 down the road a problem with that, maybe?
18 Enlighten me. Open my eyes up on that a
19 little bit because I can remember, a time
20 back, Council in 2014, somebody came and
21 said they were picking on Council people,
22 and our Council President Patten, at the
23 time said, "Enough," and this person did
24 state, "I have freedom of speech rights."
25 I personally thought sitting over in that

1 Chair, Councilman Troyer, this might go a
2 little further. The person didn't push
3 that issue, but could they have and can
4 this be a problem down the road where it
5 says essentially do they have that right
6 at that mic, I mean, obviously physically
7 stands out? That's okay. But verbally
8 how should we look at that?

9 MS. HORVATH: Well, there are a
10 number of cases where people are thrown
11 out of Council meetings for a variety of
12 reasons; sometimes lawsuits result. I
13 think the famous one is the gentleman who
14 wanted to do the Hitler salute during the
15 Council meeting and was ejected.

16 MR. MENCINI: Here?

17 MS. HORVATH: Not here, no, in a
18 different community. But I just raise
19 that as an issue. And something to think
20 about as you have your discussions, you
21 know, I think on the whole. The Council
22 President has been very restrained in
23 allowing people to have their say. Like I
24 said, I know what disorderly conduct looks
25 like. It's kind of like the pornography

1 definition that the Council President
2 eluded to, but verbally attacking you.
3 Does that mean if I say something
4 disparaging about a Council person in a
5 tone with appropriate language that I'm
6 going to be thrown out, you know, or is
7 this a situation that I use language
8 that's inappropriate in a louder tone? I
9 mean, it's something obviously that the
10 Council President would have to make the
11 judgment about. I just look at that
12 language and raise that question because I
13 don't know exactly what verbally attacked
14 may or may not mean.

15 MR. MENCINI: Well --

16 MS. HORVATH: I don't know. Maybe
17 if you're verbally attacked in an
18 inappropriate manner, maybe adding that in
19 is helpful.

20 MR. MENCINI: Okay. Appropriate
21 manner. through the Chair, let's
22 just say I vote for a Capital Improvement
23 Tax for roads and somebody comes up there
24 and says Councilmen Mencini, you know, good
25 this and that, okay. But on the other end

1 of it somebody comes up there and they
2 just happen to bring up that they remember
3 when I grew up and I used to beat them up
4 all the time walking home from school. So
5 they want to bring that up and they start.
6 Obviously it's the Council President's job
7 to make that discretion on what to do, but
8 where do you draw that line? I mean,
9 because one obviously had to do something
10 with the agenda, with what is going on
11 with our city, the other one had nothing
12 to do with that. That person might say,
13 "I have that right, I have that right to
14 tell Councilman Mencini he knocked my
15 tooth out. I still hold him liable,
16 whatever." They might say anything. I
17 know I'm getting -- where is that line
18 drawn or verbally?

19 MS. HORVATH: Well, I -- verbally
20 is this. Physically, I mean is obvious,
21 you know, bumping chests, bumping, shoving
22 somebody through the door. That's easy to
23 see. But verbally, I mean -- did I open
24 up a can of worms? Maybe I don't really
25 want to use that term, but where do we

1 draw the line on a verbal attack.
2 That could be something not in the
3 context of Robert's Rules would
4 allow and I think you're looking at
5 something that Robert's Rules wouldn't
6 allow. It's clearly something that would
7 be inappropriate and its kind of a moving
8 target, you know. The presiding officer
9 is going to have to decide what is
10 appropriate and what isn't.

11 So, you know, I just raise that
12 issue because I have seen a number of
13 those cases that deal with free speech and
14 what you are and aren't allowed to do and
15 say and so forth.

16 Again, I think this Council has
17 been very restrained at times in allowing
18 the people to say the things they have.
19 Certainly the one instance where you
20 recall the lady left due to inappropriate
21 language that you know the speaker was
22 using, I guess I just raise that issue. I
23 don't know if you want to qualify that
24 language or, you know, how you want to
25 deal with that. But you kind of have the

1 right to free speech sort of budding up
2 directly against what may be perhaps
3 considered to be a verbal attack of a
4 Director, the Mayor or the Councilperson.

5 COUNCIL PRESIDENT **Astorino**: Councilman, if
6 I could, just as far as information-wise,
7 I mean, we seem to be focusing on that.
8 But try to remember that this language is
9 being used and is taken out of Rule No. 9,
10 which is how we deal with it. It has
11 "physically" or "verbally" in that rule
12 and according to the rule that we have,
13 the note says that Rule 9 shall not be
14 construed so as to limit or suppress
15 discussion or debate upon Motions,
16 Resolutions, or Ordinances, but this rule
17 has been in here in this manner since
18 2000. So for 16 years, the language
19 "physically" or "verbally" has been in our
20 rules. I appreciate that she brings up
21 the concern about it, but I don't think it
22 should be like the main focus that we
23 might be restricting people, because it
24 has been a rule that possibly -- it may
25 have existed longer than 16 years. It

1 might have been what was changed. So
2 sometimes -- I guess the thing is -- I'm
3 providing that information because my
4 concern is it has been my experience that
5 you can find 100 reasons to say no to
6 something and if we're going to latch onto
7 something like this and say, Well, you
8 can't really say what verbally is when
9 everyone would know what it is when we see
10 it.

11 Like I said, it's not something
12 that's going to subject them to any sort
13 of liability, other than being called to
14 order to put themselves back into proper
15 decorum.

16 MR. MENCINI: Council President?

17 COUNCIL PRESIDENT **Astorino**: We're making
18 mountains out of molehills here.

19 MR. MENCINI: No, we're not.

20 COUNCIL PRESIDENT **Astorino**: Yes, we are.

21 MR. MENCINI: I have the floor and
22 I would say to you there could be somebody
23 up there you might not agree with them, I
24 might, and so you have the right to shut
25 them off, but I feel that they have that

1 right. So verbally is a lot more open
2 than you might think. You might -- I'll
3 just take the word "might" not like them,
4 you know. Well, I might like them. So
5 you say enough, where I might be sitting
6 where you're at, just hypothetically, and
7 say I would let them keep going. So I
8 think this is a little more bigger than
9 we're looking at.

10 COUNCIL PRESIDENT **Astorino**: A hundred
11 reasons to say no, Councilman. Just say
12 one.

13 MR. MENCINI: Well, maybe we
14 should all find the one. Maybe we should
15 start finding reasons to say yes --

16 COUNCIL PRESIDENT **Astorino**: Councilwoman
17 McCormick?

18 MR. MENCINI: I have the floor --
19 instead of no all the time.

20 MS. MCCORMICK: I would like to
21 offer an amendment to the amendment that
22 would address some of the concerns that
23 have been brought up by the Law Director.

24 **Mr. Troyer**: It's just a
25 motion to amend because the other

1 amendment passed.

2 MS. MCCORMICK: What?

3 **Mr. Troyer:** You said --

4 MS. MCCORMICK: I want to explain
5 what I --

6 **Mr. Troyer:** I thought you
7 said you were making a motion to amend the
8 amendment.

9 MS. MCCORMICK: You're proposing
10 an amendment to the rule.

11 **Mr. Troyer:** Okay. I got
12 you.

13 MS. MCCORMICK: I'd like to
14 explain before I actually make a motion.
15 I would suggest that we remove the line
16 that says, "They shall not personally
17 attack either physically or verbally any
18 elected or appointed official," remove
19 that, and then in the preceding line that
20 starts with, "they shall not use offensive
21 language," between "offensive" and
22 "language," insert "or threatening." I
23 think that would go along with the intent
24 of this amendment.

25 MR. SALVATORE: Mr. Chairman?

1 **Council President Astorino:** Could you repeat
2 that?

3 MR. SALVATORE: Mr. Chairman?

4 MS. MCCORMICK: Okay. So we would
5 take out the line that says, "they shall
6 not personally attack either physically or
7 verbally any elected or appointed
8 official." That's the line that the Law
9 Director has made issue of, Mr. Mencini
10 has. So remove that line and then add in
11 in the preceding line after offensive, "or
12 threatening." And I would like to make a
13 motion to make those amendments to remove
14 the sentence starting with, "they shall
15 not personally attack" --

16 COUNCIL PRESIDENT **Astorino:** Okay.

17 MS. MCCORMICK: -- and to insert
18 "or threatening," after "offensive."

19 MR. MENCINI: Support.

20 COUNCIL PRESIDENT **Astorino:** There has been
21 a motion to amend.

22 THE CLERK: Who supported it?

23 **Council President Astorino:** Troyer.

24 It has been
25 supported. Discussion on the amendment?

1 So if we understand it, just to clarify
2 it, your amendment is that you'll delete
3 out the sentence, "they shall not
4 personally attack either physically or
5 verbally any elected or appointed
6 official"? That will be deleted out and
7 in the sentence before that it shall say,
8 "they shall not use offensive or
9 threatening language to elected, appointed
10 officials or to the attending public"; is
11 that correct?

12 MS. MCCORMICK: Correct.

13 COUNCIL PRESIDENT **Astorino**: Discussion on
14 the amendments? Seeing none, we'll call
15 the role.

16 THE CLERK: McCormick?

17 MS. MCCORMICK: Yes.

18 THE CLERK: Troyer?

19 MR. TROYER: Yes.

20 THE CLERK: Powers?

21 MS. POWERS: Yes.

22 THE CLERK: Mencini?

23 MR. MENCINI: Yes.

24 THE CLERK: Scott?

25 MR. SCOTT: No.

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THE CLERK: Mr. Burgio?

MR. BURGIO: No.

THE CLERK: Salvatore?

MR. SALVATORE: No.

THE CLERK: Four to three.

COUNCIL PRESIDENT: The amendment is passed. So back to the rule as amended.

MR. SALVATORE: Mr. Chairman?

COUNCIL PRESIDENT **Astorino**: Councilman Salvatore?

MR. SALVATORE: We're not through with debating this issue, are we? I mean, I have a comment I'd like to make and I'd just like to remind everybody the real intent or the original intent of Rule 19 was something to provide the Chairman and Council the necessary tools to have people identify themselves at the microphone. Each citizen must identify himself and his residential address for purposes of public record. That's what Rule 19 is really all about, and I hate to keep sounding like a broken record, but the Chairman -- whether it's Jim Astorino or someone else down the

1 road ten years from now, the Chairman has
2 the latitude to make a determination
3 whether that language being used at the
4 microphone is offensive, if it should not
5 be allowed, if swearing should be
6 prohibited. The Chair has the right to do
7 that, and I would rather be defending the
8 Chairman in a Court of Law, based on his
9 feeling of how somebody swears, than
10 rather than spell it out here. Because as
11 Councilwoman McCormick said, we had
12 somebody run up to the microphone. Are you
13 going to put that in this rule? Where are
14 you going to prohibit that if you are
15 going to identify everything that the
16 Chairman must follow? The Chairman has
17 the latitude to determine what he feels is
18 professional coming from that microphone,
19 period. That's how I feel. I don't think
20 we should be fooling around with this Rule
21 19. I think the Chairman over time will
22 make the determination what he feels is
23 right coming from the podium and he will
24 make the necessary call, and Council shall
25 do the right thing at that given time.

1 That's my personal feeling. Thank you.

2 COUNCIL PRESIDENT **Astorino:** Councilwoman
3 Powers?

4 MRS. POWERS: Thank you,
5 Mr. Chairman. I think that most adults
6 know what is spelled out in here and I
7 think most adults can comprehend what is
8 spelled out in here, and I think that
9 having it spelled out with this new
10 sentence is better. It's less time
11 consuming and it makes it very clear for
12 those people who want to step over the
13 line that if it's written in there, then
14 they know they're not to step over the
15 line, and it just saves time. It saves --
16 when you have to call somebody out in
17 public for doing something wrong, it
18 should embarrass them, whether it does or
19 not, but it makes them a public -- draws
20 public attention to what they're doing.
21 And, yes, if that causes them to stop
22 doing it, fine. But if you can put this
23 in writing and that keeps that element
24 down, then I think it's well worth the
25 extra sentences.

1 COUNCIL PRESIDENT **Astorino**: Thank you.

2 MRS. POWERS: Thank you,
3 Mr. Chairman.

4 COUNCIL PRESIDENT **Astorino**: Councilwoman
5 McCormick?

6 MS. MCCORMICK: My question to
7 everyone is what is the harm in adding
8 this language? There is no harm. This
9 will not change anything. This is to
10 simply reinforce the idea that people need
11 to be respectful at a meeting, treat
12 everyone fairly and don't be offensive.
13 And pretty much that's it.

14 COUNCIL PRESIDENT **Astorino**: Okay. Thank
15 you. Councilman Scott?

16 MR. SCOTT: I sat back here quiet
17 for a while.

18 COUNCIL PRESIDENT **Astorino**: I appreciate
19 that.

20 MR. SCOTT: What is the next step?
21 These rules aren't followed. What is the
22 next step? We have these rules written.
23 What happens if they don't follow them?
24 What is the next step, policeman?

25 COUNCIL PRESIDENT **Astorino**

1 No, as I've stated --

2 MR. SCOTT: I have a feeling the
3 policeman is going to be the next step.

4 COUNCIL PRESIDENT **Astorino**: Councilman,
5 you asked me a question. Is it
6 rhetorical?

7 MR. SCOTT: Yes. Please. I'm
8 just asking.

9 COUNCIL PRESIDENT **Astorino**: Okay.

10 MR. SCOTT: We have these rules.
11 They're not followed. What is the next
12 step? I'm done.

13 COUNCIL PRESIDENT **Astorino**: Do you want an
14 answer now?

15 MR. SCOTT: Yes.

16 COUNCIL PRESIDENT **Astorino**: Before I
17 started to answer and you kept continuing.

18 MR. SCOTT: No.

19 COUNCIL PRESIDENT **Astorino**: So I thought
20 you were asking rhetorical questions.

21 MR. SCOTT: I'm not.

22 COUNCIL PRESIDENT **Astorino**: But if you
23 want an answer, I stated earlier on that
24 it gives me the ability to tell the person
25 that they're violating this rule. Because

1 as I stated before, I've tried that
2 earlier this year before with some people
3 and they continue to talk, saying that
4 there is no rule that applies to them like
5 that. So this is just to simply clarify
6 that when they come to that microphone to
7 speak to us, that they will follow a
8 proper decorum and it lays out the same
9 proper decorum that we're supposed to do
10 to ourselves when we talk. The next step
11 would simply be to point out they're out
12 of order, and if they continue, they'll
13 lose their right to talk to us that
14 evening.

15 MR. SCOTT: And then if that
16 doesn't work, what is the next step?
17 Policeman, correct?

18 COUNCIL PRESIDENT **Astorino**: That's a
19 possibility.

20 MR. SCOTT: Okay. Thank you.
21 That's all I needed. Thank you.

22 MR. TROYER: Mr. Chairman, may I?

23 COUNCIL PRESIDENT: Councilman
24 Troyer?

25 MR. TROYER: Thank you,

1 Mr. Chairman. Councilman Scott, there is
2 kind of a good point there, but not quite
3 the one I think you were trying to make.
4 If, as Council President just said,
5 somebody comes up, Council President
6 admonishes them, they say no, there is no
7 rule, blah, blah, blah. So having this
8 written in our rules, what that gives the
9 Council President the ability to do is say
10 you're out of order, Council Rule right
11 here we can hand them. We can have it,
12 you know, frame it on the wall, we can
13 have the rules right there, we can frame
14 the rules, we could read them the rules.
15 Now they have a chance to correct
16 themselves. Now, if we don't have this
17 tool to convince them to correct
18 themselves, yes, then the Council
19 President or somebody would have to take
20 it further because they didn't correct
21 themselves. So this is the reason we need
22 this rule to prevent it if going that far.
23 That's exactly why we need this rule, so
24 it doesn't get to that. Nobody wants the
25 police called. Nobody wants anybody

1 arrested. And by the way, before you
2 think that we can get somebody arrested,
3 that would be up to the officer that
4 showed up. Thank you.

COUNCIL PRESIDENT **Astorino**: Councilman
6 Scott?

7 MR. SCOTT: The Council President has
8 the ability to do that right now.

9 COUNCIL PRESIDENT **Astorino**: Councilman, my
10 suggestion would be to make a motion to do
11 something with this.

12 Okay. My
13 suggestion would be to call for the
14 question or let's just quit raising our
22 hands, because I've got about 20 marks on
23 here of people talking. I think you've
24 all made your point.

25 MR. SALVATORE: Offer the

1 question, Mr. Chairman.

2 COUNCIL PRESIDENT **Astorino**: It does
3 require the vote.

4 MR. TROYER: Support.

5 COUNCIL PRESIDENT **Astorino**: And it
6 requires a two-thirds vote to call for the
7 question. It will end the debate and
8 bring the motion to the floor. So all
9 those in favor, please call the role on
10 calling for the question.

11 THE CLERK: Salvatore?

12 MR. SALVATORE: Yes.

13 THE CLERK: Troyer?

14 MR. TROYER: Yes

15 THE CLERK Powers:

16 MRS. POWERS: Yes.

17 THE CLERK: McCormick?

18 MS. MCCORMICK: No.

19 THE CLERK: Mencini?

20 MR. MENCINI: Yes.

21 THE CLERK: Scott?

22 MR. SCOTT: Yes.

23 THE CLERK: Burgio?

24 MR. BURGIO: Yes.

25 THE CLERK: Six to one.

COUNCIL PRESIDENT **Astorino**: Okay. The question has been called for. It passes.

1 Well -- what was -- the motion was to
2 bring it to the Council meeting?

3 THE CLERK: Yes, verbal approval
4 Council meeting, line 61 through 64.

5 COUNCIL PRESIDENT: Okay. It's to
6 bring the change that's before us to the
7 next Council meeting for verbal approval.
8 Clerk, please call the role.

9 THE CLERK: Troyer?

10 Mr. TROYER: Yes.

11 THE CLERK: McCormick?

12 MS. MCCORMICK: Yes.

13 THE CLERK: Mencini?

14 MR. MENCINI: Yes.

15 THE CLERK: Powers?

16 MS. POWERS: Yes.

17 THE CLERK: Salvatore?

18 MR. SALVATORE: No.]

19 THE CLERK: Burgio?

20 MR. BURGIO: No.

21 THE CLERK: Scott?

22 MR. SCOTT: No.

23 THE CLERK: Four to three.

24 COUNCIL PRESIDENT **Astorino**: So,
25 Council, Rule 19 will go to the next Council
1 meeting. That brings us to Item E, which is
2 Council Rule Number 23.

3 MR. SCOTT: It pretty much speaks
4 for itself. All it's looking to do to
5 change when we suspend our rules from it
6 being a simple majority to be a majority
7 vote plus one. The thought was to place a
8 little bit more emphasis on our rules, and
9 if this is a good reason for suspension,
10 you should have no trouble getting five.
11 Under Robert's Rules, usually suspension
12 of rules requires two-thirds. This is
13 just a majority plus one. It's kind of a
14 compromise between what exists now versus
15 what Robert's Rule is and it just makes --
16 places a stronger emphasis on our rules
17 and such. Under discussion, it doesn't
18 have to be discussed if we don't want.

19 **Mr. Salvatore**: Motion discussed.

20 MR. MENCINI: Support.

21 COUNCIL PRESIDENT **Astorino**: Okay. Clerk,
22 please call the role.

1 THE CLERK: Salvatore?
2 MR. SALVATORE: Yes.
3 THE CLERK: Mencini?
4 MR. MENCINI: Yes.
5 THE CLERK: McCormick?
6 MS. MCCORMICK: Yes.
7 THE CLERK: Powers?
8 MS. POWERS: No.
9 THE CLERK: Troyer?
10 MR. TROYER: No.
11 THE CLERK: Burgio?
12 MR. BURGIO: Yes.
13 THE CLERK: Scott?
14 MR. SCOTT: Yes.
15 THE CLERK: Four to three.

16 COUNCIL PRESIDENT **Astorino**: Okay. Rule
17 number 23 has been discussed and that
18 concludes the items under Number 1.

19 We move to Item No. 2, which is
20 Council Office Technology. For
21 discussion, the first item I'd like to
22 bring for discussion deals with the office
23 computers. There has been a request that
24 was put into the Mayor's office to ask
25 that Council have access to the computers

1 by providing some sort of login
2 capabilities so that if a Councilmember
3 wants to come to the Council office to do
4 some work, that they would have access to
5 the computer through their login rather
6 than having to use either the Council
7 clerk's or the assistant clerk's login.
8 The response back from the Mayor's office
9 was if Council, as a whole, agrees, the
10 Mayor will do. I'd like to bring it up
11 for discussion. I think it's something
12 that just gives us the ability to have
13 access to the computers if you want to
14 print something out, you'd have access
15 through the computers to the printer and
16 it would just put you in the same
17 situation as any employee in the City of
18 Brook Park. They have the capability of
19 logging in.

20 COUNCIL PRESIDENT **Astorino**: Councilman
21 Scott?

22 MR. SCOTT: Through the chair, I
23 did give you a list of 15 questions. One
24 of those questions I had was concerning
25 the printer. We are giving free access to

1 the computer; is that correct?

2 COUNCIL PRESIDENT **Astorino**: It's access to
3 the computers, yes.

4 MR. SCOTT: Pertaining to what
5 items?

6 COUNCIL PRESIDENT **Astorino**: You'd be using
7 it for Council business?

8 MR. SCOTT: How do we know it's
9 Council business?

10 COUNCIL PRESIDENT **Astorino**: It's a Council
11 person using it with an understanding that
12 you're logging in to use it for city
13 business, for City Council business. Do
14 you want me to cross my heart?

15 MR. SCOTT: Sir, I'm asking an
16 honest question. What is there to prevent
17 anybody from coming in and printing
18 whatever they want?

19 MS. MCCORMICK: May I comment?

20 COUNCIL PRESIDENT **Astorino**: Do you have an
21 answer for that?

22 MS. MCCORMICK: Yes.

23 COUNCIL PRESIDENT **Astorino**: Okay. I don't
24 have an answer, other than we're all
25 adults. We're all elected officials. We've

1 sworn to Oaths of Office.

2 MS. MCCORMICK: Can I --

3 COUNCIL PRESIDENT **Astorino**: Go ahead.

4 MS. MCCORMICK: There is a
5 personnel policy manual that each of us is
6 provided at the beginning of the year.
7 There are conditions in there on using
8 city computers, email, etcetera, that
9 would apply to us as well. There doesn't
10 need to be special rules granted. They're
11 already in place. So it's already
12 accounted for in the personnel policy
13 manual. I don't have that, but I know
14 there is a copy back there if someone
15 would like to go grab it and reference it.

16 MR. SCOTT: That's fine. My
17 question was: What policing policy or
18 what do we have to prevent anyone from
19 coming in there and just printing anything
20 they want? That's all I'm asking. That's
21 all. That was my question.

22 MS. MCCORMICK: Subject to the
23 same rules as every other employee of the
24 city. I'll go get the book.

25 MR. SCOTT: I don't need the book.

1 I've got the book. I've got the book.

2 MS. MCCORMICK: Do you know what
3 it says?

4 MR. SCOTT: I've read it.

5 MS. MCCORMICK: Then why are you
6 asking the question?

COUNCIL PRESIDENT **Astorino**: Let's not get
8 into that part. I mean it's just a
9 question. It will be subject to the same
10 controls that the employees of the City of
11 Brook Park have.

12 MR. SCOTT: I don't need the book,
13 young lady.

COUNCIL PRESIDENT **Astorino**: Question,
15 Councilman Mencini?

16 MR. MENCINI: Thank you,
17 Mr. Chairman. Did we get permission from
18 City Hall to use the computer? I'm just
19 asking.

20 COUNCIL PRESIDENT **Astorino**: The request was put in
21 and what it said was their
22 computer to --

23 MR. MENCINI: I'm just asking.

24 COUNCIL PRESIDENT **Astorino**: The request
25 was put in and what it said was if

1 Council, as a whole, agrees, the Mayor
2 will do it. So we're standing here to see
3 if Council as a whole agrees that it would
4 be beneficial to allow a Council person to
5 come in, log into the computer and use the
6 computer to do some research or to do some
7 work that's Council business.

8 MR. MENCINI: Okay. And I'm not
9 trying to get in a debate. Would we have
10 to have an access code, anything of that
11 sort to login?

12 COUNCIL PRESIDENT **Astorino**: Yes. You
13 would be provided -- when I worked at
14 the fire station my name was
15 JAstorino. I had a password. I'm sure
16 you'd have a login with a password.

17 THE CLERK: It will be the first
18 initial and the last name of the employee.
19 That's how the emails are set up and
20 that's how the login is set up.

21 COUNCIL PRESIDENT **Astorino**: That way
22 they'd be able to check to see if you were
23 logged in at a certain time.

24 THE CLERK: The IT guy can also
25 check to see what is being printed or what

1 is on the computer, if a problem should
2 arise.

COUNCIL PRESIDENT **Astorino**: Okay.

4 THE CLERK: I'm just throwing that
5 out there.

6 MR. MENCINI: No, you're fine.
7 You're fine. I mean, I just wouldn't want
8 somebody to get my password number and
9 come in and -- I know security cameras are
10 up in here. I'm not saying that that's
11 going to happen, but you have to be
12 fullproof, that's all I'm saying.
13 Somebody comes in on a Sunday morning, who
14 is around? That's all I'm saying. But I
15 guess the big issue on it, in my three
16 years here, I've been able to garner a lot
17 of information and, the clerk, have helped me
18 immensely.

19 That's just how I feel. If I had to get
20 -- I would definitely do it myself or I
21 will get the information. I will ask
22 somebody.

23 So thank you, Mr. Chairman.

24 COUNCIL PRESIDENT **Astorino**: Councilwoman
25 McCormick?

1 MS. MCCORMICK: And as the
2 clerk noted, everything that's done on
3 these computers, they already have
4 monitoring software on this. I mean,
5 somebody there -- I mean someone can
6 remotely log into that computer without
7 you even knowing it while you're using it
8 and watch what you're doing. It records
9 everything that's done, everything that's
10 printed is reported. So you can go back
11 and see when something was done. If the
12 issue is with having a single login for
13 everybody, I mean, I wouldn't be opposed
14 to everybody having their own, if you're
15 worried about somebody coming in and using
16 that and you possibly being accused of
17 somebody's wrongdoings. It was just a
18 simple request. I don't know of any other
19 Council offices around here that don't
20 have access to a city computer. That's
21 just like a standard thing that we don't
22 have that. It's very strange, and we
23 should not have to ask the clerk
24 to log into her account and expose her
25 email, her files, all of her personal

1 stuff just for us to be able to do work.
2 That's a risk that she can choose to take.
3 But I don't feel comfortable putting her
4 in that position. And think there should
5 be some kind of login that we can all use
6 until we possibly get our own computer
7 back there or something.

8 MR. MENCINI: That sounds like a
9 good idea.

10 COUNCIL PRESIDENT **Astorino**: Councilman
11 Troyer?

12 MS. MCCORMICK: It still comes to
13 needing a login.

14 COUNCIL PRESIDENT **Astorino**: You had your
15 hand up?

16 MR. TROYER: Thank you,
17 Mr. Chairman. I think I understand
18 Councilman's Scott's issues with this and
19 I tend to agree on part of it. But that
20 being said, I do agree that we should do
21 this. I mean, if we get our own laptops.
22 We're going to be in the same situation,
23 right? So as long as the same security
24 levels are there, if it's the same
25 security levels that we would have if we

1 had our own laptops, then we can't access
2 personal information, like tax records,
3 that kind of stuff, you know, what you
4 assume. I would think that's limited. We
5 definitely would need our own logins so
6 there would be an order of who it was.
7 You just can't have a willy-nilly. So I
8 believe there should be some safeguards in
9 here. But I believe it's something we
10 should have. So whatever safeguards we
11 need to do, we should do it and have that
12 access, and, basically, the same access
13 we'd have is if we had our own laptops,
14 you know. So it would be a way of having
15 a desktop laptop when you come in. So on
16 a Sunday, Saturday or whatever, that would
17 be the most downtime when the computer is
18 sitting there unused.

19 So I agree with both. I agree
20 there should be security measures taken
21 and I also agree that we should have that
22 access. But I would not approve that
23 until I was assured that that is secure
24 and I would absolutely want everybody to
25 have their own login. That's it. Thank

1 you.

2 MR. SALVATORE: Mr. Chairman?

3 COUNCIL PRESIDENT **Astorino**: Councilman

4 Salvatore?

5 MR. SALVATORE: Thank you,

6 Mr. Chairman. I don't know if I'm for or

7 against it right now. I'm certainly going

8 to keep an open mind, but it has presented

9 a question that I would like to have an

10 answer to it and if I can't get it now,

11 I'll be more than glad to get it later.

12 But once Council has access to the

13 computer system for the city, that becomes

14 knowledge that whatever you're doing is

15 public record. I can require you to give

16 me a log of all the stuff you're doing,

17 you're working on, because you're using

18 city property or a list of all the stuff

19 you're doing, you're working on because

20 you're using city property, and you're

21 using the city computer. I don't know if

22 I'm right or wrong. That's a question I'm

23 throwing out there. So I don't know if --

24 COUNCIL PRESIDENT **Astorino**: Law Director,

25 would you care to respond to that?

1 MR. HORVATH: Certainly. That
2 could be an issue, sure. You're using an
3 official computer in your capacity of your
4 office. So, yes, I imagine it would be
5 subject to public records request. I
6 would also kind of ask a question, which
7 is off topic. Obviously we have two --
8 you have two employees and they each have
9 a computer. If they're both working at
10 the same time and someone comes in, that
11 does seem to be kind of awkward. Perhaps
12 the suggestion that there be a third
13 computer that's designated for Council
14 people, maybe that would make this a
15 little bit easier. But certainly all of
16 the computers would be subject to a public
17 records request, you know. That could be
18 a possibility.

19 MR. MENCINI: Mr. Chairman?

20 COUNCIL PRESIDENT **Astorino**: And just to
21 add to that a little bit, I think the
22 intention was for after-hours type stuff.
23 So maybe 5:00, 6:00, if you wanted to work
24 on something, the clerks would be gone and
25 the office would be available for use.

1 So, you know, I don't think the intention
2 was to come in and kick a clerk off the
3 computer because you want to do some work.
4 The intention was on off hours and maybe
5 on weekends when there is time to do
6 something.

7 MR. SALVATORE: That's correct.
8 I'm looking at the usage after hours. Is
9 that subject to scrutiny?

10 COUNCIL PRESIDENT **Astorino**: Yes.

11 MR. TROYER: Mr. Chairman?

12 COUNCIL PRESIDENT **Astorino**: Councilman
13 Troyer?

14 MR. TROYER: I just want to make a
15 point on the point that it's subject to
16 open records. I mean, Law Director,
17 everything you do is -- you're an elected
18 official. Greg Cingle got all our
19 finances, he's got -- he's an elected
20 official. So everything they do is
21 subject to the open -- not open, but
22 public records request, and the Mayor. So
23 that's a lot of employees of the city open
24 to public records request. So I think
25 Council would be the least of the worries

1 because pretty much everything we get
2 comes from them. So I don't think there
3 is an issue. That's it.

4 COUNCIL PRESIDENT **Astorino**: Councilman
5 Burgio?

6 MR. BURGIO: Thank you,
7 Mr. Chairman. I guess I don't personally
8 feel the need to use that computer to
9 research things since we all have our own
10 devices. I know as a realtor we've gotten
11 away with using them while working at an
12 office when we all have our own home
13 offices. It seems like we're getting away
14 from that. So I personally don't feel the
15 need to do my research.

16 As far as printing, I can see that
17 point there, though, but I still would ask
18 the Clerk if she can print something off
19 or the assistant. So I personally don't
20 feel a great need to have that. Thank
21 you.

22 COUNCIL PRESIDENT **Astorino**: Councilwoman
23 McCormick?

24 MS. MCCORMICK: I was the first
25 one to initially inquire about this. It

1 is more of a temporary measure until we
2 purchase like a third computer or
3 something. I know some of you don't find
4 that you need like a physical location. I
5 have four kids. I don't want to be
6 working at home all the time necessarily
7 with them jumping on me. Sometimes I'd
8 like to be able to come into an office and
9 do some work and I'd like to type up my
10 stuff and print it. I mean to print off
11 legislation that I'm going to propose,
12 usually I'd come in after hours, you know,
13 7:00 or something, not in a weird hour or
14 like 3:00 in the morning strange like
15 that, but, you know, 7:00 or something, do
16 some work while my kids are busy with
17 their activities elsewhere and work on
18 legislation that I'm going to be
19 presenting and then print that off. I
20 don't feel the need to give the clerks
21 any extra busy work by making them
22 print the stuff for me. I can do things
23 for myself and that's what I would like to
24 do. I've done it, but I'd like to protect
25 her. I don't want to have to ask the clerks

1 to login on their computer just
2 for protection.

3 Section 4.15 of the City's Policy
4 manual, it provides all the guidelines and
5 the disciplinary action that can be taken.
6 I mean, if you use the city -- this
7 already applies to us. So it's not like
8 we have to create a new set of rules.
9 Disciplinary action can go all the way up
10 to criminal offenses, firing, stuff like
11 that. Obviously the firing thing would be
12 a little bit different with us. We'd have
13 to vote or something, but there are rules
14 in place to handle anybody who would use
15 the equipment of the city improperly.

16 I know there were questions about
17 security, like would we have access to the
18 city internet. Everybody in the city now,
19 I'm sure, doesn't have access to the same
20 drive, like the other departments, I'm
21 sure, like the Law Department. I don't
22 think the Police Department can get to the
23 Law Department stuff and so on and so
24 forth. It can be limited to Council just
25 having its own login to connect to the

1 network and they could create our own
2 Council drive. We couldn't access anybody
3 else's stuff. There wouldn't be any
4 concerns about meeting additional
5 security. We already pay a good amount of
6 money to an IT firm to handle all this.
7 This wouldn't be any extra. It takes
8 probably a whole five minutes to create
9 logins for all of us up here. One login
10 would take like a minute. It's not any
11 kind of extensive thing that's being asked
12 and it was more of a temporary thing until
13 we got the equipment that we had discussed
14 previously getting. So that's all.

15 COUNCIL PRESIDENT **Astorino**: Councilman
16 Mencini?

17 MR. MENCINI: Thank you,
18 Mr. Chairman. Clerk, real quick, how
19 long has that computer been in that
20 office, do you think? The computer that's
21 in there, how long has it been there, five
22 years, ten years?

23 THE CLERK: The computer itself?

24 MR. MENCINI: Yes.

25 THE CLERK: Since 1996.

1 MR. MENCINI: '96?

2 THE CLERK: But we've had updates
3 all those years. I take that back. 2003.

4 MR. MENCINI: Okay.

5 THE CLERK: No. I take that back.
6 2003, we got the knew monitor and the
7 harddrive. So 2003 is your answer.

8 MR. MENCINI: 2003? Thank you.

9 Now, if I can, through the Chair
10 to one of my colleagues, Councilman
11 Burgio, Councilman Salvatore, has there
12 always been the need before, through the
13 years before, that Councilmembers back in
14 the day used to access to the computer?
15 Was that a need back in the day?

16 MR. SCOTT: I've never had the
17 need to do that to have access to that
18 computer.

19 MR. MENCINI: Yes.

20 MR. SCOTT: I've never had the
21 need to do that.

22 MR. MENCINI: Councilman
23 Salvatore?

24 MR. SALVATORE: I don't recall any
25 Member of Council really having a need to

1 for -- everybody has went through the
2 clerk.

3 MR. MENCINI: No former colleagues
4 either. That's all I have, Mr. Chairman.
5 Thank you.

6 COUNCIL PRESIDENT **Astorino**: Councilman
7 Troyer?

8 MR. TROYER: Thank you,
9 Mr. Chairman. In my attempt to make a
10 difference, as I said I campaigned on, I
11 can show you a need. This weekend I was
12 trying to look up some legislation and
13 some minutes and so on and so forth, and I
14 couldn't find them. The legislation
15 wasn't posted on either ours or the City's
16 website. So I, basically, had wait until
17 today because, of course, yesterday was a
18 holiday. So the clerk wasn't in to get
19 that information.

20 THE CLERK: It was a vacation day.

21 MR. TROYER: I know. That's fine.

22 MR. TROYER: It wasn't like
23 The clerk didn't just show up. But the
24
25

1 Council clerks weren't in yesterday, so I
2 had to wait to get that information. So
3 there is a prime example, and there has
4 been other times we weren't so egregious,
5 so to speak. But this was something I
6 really would have liked to have on
7 Saturday and wasn't able to get it. So,
8 yes, there is a need for that and this
9 Council does and should operate
10 differently than it used to. I mean,
11 we're talking about laptops. So I mean,
12 what are we saying? We don't need the
13 laptops or laptops are just for the
14 meetings? I mean, you know, a laptop you
15 have to go to, but it has all the
16 information if you can't get it otherwise.
17 And like I said, security measures should
18 be in place. But I think it's something
19 that would help and I think I could have
20 used it if the clerk would help me out a
21 little bit at the time. But show me where
22 everything is, so to speak, if it happens.
23 But once I know her computer, I'll be able
24 to go in and find what I need. It just
25 happened. I mean this example just on

1 this agenda that I needed something. So
2 it does happen and I think we should do
3 it. But again, it should be secure.

4 Thanks

5 COUNCIL PRESIDENT **Astorino**: I do want
6 to remind Members of Council that we are
7 getting memos from the Administration
8 about posting and delivering of notices
9 and trying to upgrade and trying to free
10 things up by using technology to improve
11 our system. So the administration is
12 obviously seen that technology has changed
13 and they want us to operate differently.
14 So I think to provide access to the
15 computer, as Councilman Troyer said, I
16 mean, there are times I stand over her
17 shoulder as she's looking through a file
18 to find something, because my only other
19 option would be to go into the archives
20 and pull out the paperwork and actually
21 start having to look through the hard
22 copies of everything, which slows down my
23 ability to look at stuff, as opposed to
24 clicking on a computer to do that.

25 So whether or not each individual

1 Councilman doesn't feel he needs to do it,
2 the fact that some of us, I think, would
3 be something other Council people --
4 whether you want to do it or not, you
5 should afford the opportunity to those of
6 us that would like to use modern
7 technology and get into 2016 as opposed to
8 opening up that closet and pulling out the
9 archives and going through actual
10 paperwork.

COUNCIL PRESIDENT **Astorino**: Councilwoman
12 McCormick?

13 MS. MCCORMICK: -- I think that
14 just because something hasn't been done
15 before or certain people haven't felt the
16 need to do it, that shouldn't be a barrier
17 to progress to considering it, and I
18 really wish that everybody would give this
19 some consideration. I think each of us
20 could use a login and that could carry
21 over to when we purchase what other
22 devices we're going to go forward with.
23 And I can tell you an example that will be
24 coming up when such an instance would be
25 very helpful to me: October 18th. we've

1 been informed that there is going to be a
2 power outage in my neighborhood. It's
3 going to affect a lot of people. That's a
4 Council meeting day. We usually do all
5 our work that day. That would be an
6 instance when I would like to be able to
7 come up here and possibly login, print off
8 some stuff. Also, to the clerk, as you know,
9 our meetings have been longer and more
10 frequent. She's trying to get caught up
11 on minutes. I don't think we should be
12 giving her an extra burden asking her to
13 print things that we could do ourselves or
14 look up things when we have the time to do
15 it or if we have the desire to do it.

16 And so I think like Mr. Astorino
17 said, some may not have a need for it and
18 nobody is going to force you to use it.
19 But if there are several of us who would
20 like this opportunity, I think and I would
21 hope that you would suggest -- or I hope
22 that you would allow for that to happen.

23 MR. SALVATORE: Mr. Chairman?

24 COUNCIL PRESIDENT **Astorino**: Councilman
25 Salvatore?

1 MR. SALVATORE: I would like to
2 make a motion to place it on the next
3 Caucus agenda under discussion so I could
4 have a little bit more time to think about
5 it.

6 MR. MENCINI: Support.

7 THE CLERK: 10-25 Caucus.

8 COUNCIL PRESIDENT **Astorino**: Clerk, please
9 call the role on the motion.

10 THE CLERK: Salvatore?

11 MR. SALVATORE: Yes.

12 THE CLERK: Mencini?

13 MR. MENCINI: Yes.

14 THE CLERK: McCormick?

15 MS. MCCORMICK: Yes.

16 THE CLERK: Powers?

17 MS. POWERS: Yes.

18 THE CLERK: Troyer?

19 MR. TROYER: Yes.

20 THE CLERK: Burgio?

21 MR. BURGIO: Yes.

22 THE CLERK: Scott?

23 MR. SCOTT: Yes.

24 COUNCIL PRESIDENT: Okay. That
25 item has been moved to the next Caucus as

1 far as computer access login. I do want
2 to report, because part of the discussion
3 talked about the minutes that we did, this
4 office -- we have acquired a program. I
5 want to report to you that we did acquire
6 a program that helps us to transcribe from
7 the recording. So it should help us speed
8 up the minutes, because as has been
9 recorded, some of our transcribing from
10 the reporting, some of our minutes are 68
11 pages long. It becomes a very arduous
12 task. So we did acquire a program that's
13 brought us a little faster. So we should
14 start seeing it go a little bit better
15 once that program becomes easier to use.

16 Another item I wanted to bring up
17 for discussion is similar to this last
18 one; that we had deals with our website
19 and a link from the City. Again, as you
20 know, we have the Council Rule that we
21 need our own website and the problem that
22 exists, as I see some people talking about
23 having some confusion of getting to our
24 website. They go to the City of Brook
25 Park's website and there is no actual link

1 to the Brook Park Council website. What I
2 would like is Council to provide some
3 direction to the Administration because
4 the administration has been asked about
5 doing that and they're reluctant to do
6 that. I don't understand the reluctance
7 because, again, the technology would
8 simply be from the way our rule was
9 written that there would a link from the
10 City's website to our website and from our
11 website back to the City's website. So
12 it's something that the residents or
13 anyone doing the search on a website, they
14 wouldn't even know that it's going on.
15 They would click on the tab on the City
16 website that says Council and it would
17 just direct them to ourselves. But it
18 appears that the Administration isn't
19 going to act on the rule. But maybe we
20 could try to reinforce it and get it for
21 the benefit of the residents that they
22 would have a little more access to the
23 website. Our website was there simply so
24 we could control the information more --
25 not control as far as limiting it, but

1 making sure that it's updated on a regular
2 basis and there is more that's made
3 available as opposed to getting lost in
4 the whole City-wide system; that we would
5 be separate.

6 So I'd like to get some feedback
7 from Council as far as what you might see
8 as the problem with linking from the City
9 website to the City Council's website.

10 Councilwoman McCormick?

11 MS. MCCORMICK: Many months back I
12 actually submitted a request to the
13 Mayor's office to have that done to be in
14 compliance with our rules, and several
15 exchanges went back and forth and
16 essentially the Administration refused to
17 do that because they thought it would be
18 confusing. Well, it's already in our
19 rules, it wouldn't be confusing if the
20 link was just there. There is no need nor
21 redundancy. The other reasoning behind
22 having our own website, if you guys think
23 back to the organizational meeting where
24 this was first discussed, part of the
25 reason was to have our own professional

1 email addresses, which we all now have. I
2 don't know if everybody uses theirs, but
3 everyone at least has theirs and has
4 access, and the point of that was to be in
5 better compliance with public records,
6 laws and stuff. So it would be easier if
7 somebody put in the request for somebody's
8 email, you just go through the
9 professional email. I mean, I don't know
10 any other city that puts out their Yahoo
11 email address as their contact
12 information. Most use professional ones.
13 The fastest way to get that going was to
14 do it ourselves, to go through the City.
15 We can go through the same argument we are
16 now: Can everybody have a login? How
17 long would that have taken? I mean, we
18 have people opposed to getting a login to
19 a computer. That same login is the login
20 that's also used for email and whatnot.

21 So it would be nice if the
22 administration would comply with the
23 request. I think they did say in the last
24 memo that I got that if all of Council
25 would agree to it, then they would do it.

1 So if we put some kind of statement saying
2 we'd like you to, I don't know, uphold the
3 rules that we passed, I mean, honestly,
4 earlier this year, perhaps they would
5 follow through with their promise to link
6 the website.

7 COUNCIL PRESIDENT **Astorino**: Councilman
8 Mencini?

9 MR. MENCINI: Thank you,
10 Mr. Chairman. I would say by far, by far,
11 most residents, including a lot of them
12 out of my ward, get my number or have to
13 contact me. They get the information
14 through either the things I've passed
15 out, my literature, my cards, my magnets,
16 whatever, or the thing I hear a lot is,
17 "Hey, I seen you on the City website."

18 So I don't want to speak for the
19 Mayor or anything, but I'm just saying
20 that I think they want everything to kind
21 of be connected, kind of on the same
22 website. I believe that's what their
23 mindset is on that. I could be wrong on
24 that, but most people, especially older
25 people, they go to the city website to

1 find out, you know, where is Councilman
2 Salvatore, where is Councilwoman Powers,
3 you know, what is the number, that stuff.
4 I think they would be a little caught off
5 guard. I don't know. I'm just saying.
6 I'm not saying I'm for or against, but I'm
7 saying, one, that I think they would be
8 caught off guard that their own Council
9 has their own website. Okay. "I didn't
10 know that." I think we'd get a lot of
11 that for a long time. "I tried to find
12 you on the city website, I didn't see you,
13 you know." I think that's what you'll be
14 hearing a lot of. So that's just my take.
15 Maybe I want to go, too -- the point is
16 like on our website, like who is going to
17 dictate control for everything on there?
18 Are we going to have a concensus on the
19 eight of us, you know? What's going to be
20 put on there? So I think that's very
21 important, especially as you're heading
22 into -- got a lot of things coming up.
23 Actually think about it. You have
24 election year next year, too. So I think
25 that's very important.

1 So that's all I have,

2 Mr. Chairman. Thank you.

3 COUNCIL PRESIDENT **Astorino:** I'll take a
4 stab at it. But the way it is now, if
5 they go to the City of Brook Park's
6 website, they click on a tab that says
7 City Council. If a link was provided to
8 that, it would come automatically to our
9 website. Somebody logging in from the
10 City website wouldn't even know that they
11 left the City website because the Council
12 information would come up. As it stands
13 now, if they go to the City of Brook
14 Park's website and they click on Council,
15 they get what the City has, which is
16 incomplete information. It's not always
17 up to date and such. So I understand that
18 people will say, "Well, I want to go to
19 the City of Brook Park's website," they're
20 going to click on the tab that says City
21 Council and it's going to come
22 automatically to our website. They
23 wouldn't even know that they've left the
24 website. So I don't think that's going to
25 cause any confusion on the people. If

1 anything, it's going to give them two ways
2 to get to the website. Either they go
3 directly to the Council website or if they
4 went to the city one, they'd click a tab
5 and they're directed over there. If
6 they're at our website and they need to go
7 back to the City one, there will be a tab
8 to go back there. So --

9 MR. MENCINI: I concur. I concur.
10 But what I'm saying is some people don't
11 even know how to get to the City website
12 and I've heard that, in my three years
13 here, too, a lot of people say, "I can't
14 get to the Brook Park website." I mean,
15 as crazy as it sounds, you've got a lot of
16 people that aren't computer savvy that way.
17 I know Council President, Mr. Chair, I
18 know exactly what you're saying. I'm not
19 saying I'm for or against. I'm just
20 saying I hear a lot of what people say.
21 That's one of the things I hear a lot of
22 people say, I can't see you on that
23 website, City website. I think our
24 things, our pictures -- which mine is
25 terrible, and they've got our phone

1 numbers on there, things of that sort.
2 But I think that maybe that's what the
3 administration -- they want everybody to
4 be kind of on the same little thing. I
5 mean, some of us -- some people are very
6 good on the computer. I mean, they can
7 get into whatever they want to get into
8 and some people have a hard time turning
9 one on. But that's all I have. Thank you
10 for listening.

11 COUNCIL PRESIDENT **Astorino**: Councilman
12 Troyer?

13 MR. TROYER: Thank you,
14 Mr. Chairman. Again, essentially it would
15 be -- it's a click away, click back and
16 forth. Essentially it's the same website.
17 I understand some of your concerns,
18 Councilman Mencini, but those kind of go
19 both ways.

20 MR. MENCINI: It always does.

21 MR. TROYER: So I think in order
22 to be more open and more open to the
23 people and prevent any shenanigans, we
24 should have two and they should be linked.
25 That would be the best way to do it.

1 Thank you.

2 COUNCIL PRESIDENT **Astorino:** Councilwoman
3 McCormick?

4 MS. MCCORMICK: The city website,
5 now if you go to cityofbrookpark.com, you
6 click on, I think it's under Departments,
7 there is a link to City Council right now
8 that would take you to the
9 cityofbrookpark.com/CityCouncil. What we
10 want them to do is just change where that
11 link goes to go to our website. Because I
12 don't know if you ever pay attention to
13 the city website, but a lot of times it's
14 not updated. They're not as quick in
15 updating it and they don't put as much
16 information on there. On the City Council
17 website, we include all the information on
18 all the different committees linked to the
19 Charter. What else do we have? All our
20 contact information. There's a calendar
21 on there that's updated. I don't know if
22 the website calendar has been updated in
23 quite a long time. A lot of the times the
24 special meetings that are called are never
25 put on that calendar. Our calendar is

1 always up to date. We also include
2 additional information in an effort to be
3 more transparent: What legislation is
4 currently in committee and copies of that.
5 I think some -- the hesitation on the part
6 of the Administration is the concern that
7 perhaps during election season that
8 somebody might politicize this, post
9 stuff, try to post stuff, frame saying one
10 way or the other. But this has been up
11 and running since January. You can see
12 there has been nothing but business on
13 there. This is no personal opinions, new
14 stories or anything like that on this.
15 And I can't say the same for the city
16 website. You've seen that used for
17 political purposes. We've seen videos on
18 there that attempt to sway voters one way
19 or the other. City Council has not
20 engaged in that kind of activity at all.
21 It's more up to date and we all pass this
22 unanimously in our rules that the city
23 would do this and it's, what, nine months
24 later and they've yet to link to our
25 website. It's kind of ridiculous.

1 COUNCIL PRESIDENT **Astorino**: Again, I'll
2 remind you, we're being charged with
3 taking more responsibility on for posting
4 and notices and with that responsibility
5 comes a liability on our part. So we'd
6 like to make sure that the information
7 gets out to the public and the best way to
8 do that is to give full access through our
9 website through a link. So the
10 Administration is not asking us, they're
11 telling us we're going to do that. So if
12 we're going to be responsible for posting
13 the notices, there should be an ability to
14 get to our website in both fashions, not
15 just one fashion.

16 Councilman Scott?

17 MR. SCOTT: I've got a quick
18 question. Who is "we"? Who is the
19 webmaster? Who is the web writer? Who is
20 "we"?

21 COUNCIL PRESIDENT **Astorino**: Who posts the
22 stuff on --

23 MR. SCOTT: Yes. Who is "we"? I
24 have not the slightest idea who -- I don't
25 think anybody here knows who "we" is.

1 COUNCIL PRESIDENT **Astorino**: Councilwoman
2 McCormick has been the one posting it
3 usually.

4 MS. MCCORMICK: I've been pretty
5 transparent and open about that from the
6 beginning.

7 COUNCIL PRESIDENT **Astorinok**: It has been
8 provided by the clerk. Whenever stuff has
9 to be done, the clerk provides the
10 information to the Council.

11 MR. SCOTT: I'm not questioning --

12 COUNCIL PRESIDENT **Astorino**: No. I'm
13 letting you know. I'm answering your
14 question as far as --

15 MR. SCOTT: I'm asking who is
16 "we"?

17 COUNCIL PRESIDENT **Astorino**: I'm answering
18 your question as far as "we." We are
19 Council.

20 MS. MCCORMICK: We are.

21 MR. SCOTT: I'm referring my the
22 question when Ms. McCormick says when we
23 are. I was just asking who is the "we"
24 that's updating it? Who is the we that's
25 writing it. I just asked who the we are

1 to the Councilman here and --

2 COUNCIL PRESIDENT **Astorino**: The clerk is
3 the one that prepares what gets posted on
4 there and she provides that to the
5 Councilwoman and the Councilwoman posts it
6 on the website.

7 MR. SCOTT: Okay. I'm just asking
8 who the we was.

9 COUNCIL PRESIDENT **Astorino**: And I'm just
10 making sure that the people that we've
11 told have access to it. It should have
12 that link so people have access to it both
13 ways. To exclude that link is taking the
14 risk of not informing our public about all
15 our meetings and all our official
16 activities. So I'd like some direction
17 from Council that we could reinforce to
18 the Administration because they seem to
19 want to know that the Council would like
20 that done.

21 COUNCIL PRESIDENT **Astorino**: Councilwoman
22 McCormick?

23 MS. MCCORMICK: I would suggest
24 that we write a letter or a memo to the
25 Mayor with all of our signatures on it

1 pointing to our Council rules that we had
2 already passed and agreed upon this and
3 suggesting -- I mean, I have the other
4 correspondence I had with them, if you
5 like that for reference. But he did say
6 if everybody agreed to it, he would do it.
7 We did kind of already do that through our
8 rules but I guess he wants it in a letter
9 format or verbally. I don't know if you
10 could take a vote, but my suggestion would
11 be a letter.

12 COUNCIL PRESIDENT **Astorino**: I would like
13 it in a form of a motion. So we could
14 take a vote on it, so I would have some
15 direction as to whether or not Council
16 wants to do that. I don't want to have to
17 draft up a letter and have it sit on the
18 desk. So if you would put that in the
19 form of a motion to have a letter drafted
20 to the administration to be signed by the
21 Members of Council. This is a work
22 session. You can give me that direction
23 that way, Councilwoman.

24 MS. MCCORMICK: I'd like to make a
25 motion that the Council President draft

1 a -- or the clerk draft a letter to the
2 administration requesting that whoever
3 controls the City website link to
4 Council's website where it says City
5 Council on the website to be in accordance
6 with Council's rules as adopted on January
7 4th, 2016.

8 MR. MENCINI: Support.

9 COUNCIL PRESIDENT **Astorino**: Okay.
10 Support.

11 MR. SALVATORE: Mr. Chairman, I
12 have a question.

13 COUNCIL PRESIDENT **Astorino**: Council
14 Salvatore?

15 MR. SALVATORE: Isn't that similar
16 to what we just referred to the Council's
17 next Caucus agenda?

18 COUNCIL PRESIDENT **Astorino**: No.

19 MR. SALVATORE: Don't they kind of
20 go together? We're talking about the
21 computerization and the links.

22 COUNCIL PRESIDENT **Astorino**: No. This
23 is --

24 MS. MCCORMICK: This is something
25 we've already authorized.

1 COUNCIL PRESIDENT **Astorino** One is
2 accessed to the computers there, the other
3 one is just for the public to have access
4 to our website, just having the link as is
5 stated in our Council Rules.

6 MR. SALVATORE: As one Councilman,
7 I'd feel more comfortable if we did them
8 altogether, but I'm only one vote. So
9 whatever Council's pleasure is.

10 COUNCIL PRESIDENT **Astorino**: Okay. Any
11 other questions? Councilwoman McCormick?

12 MS. MCCORMICK: I would just like
13 to say again this is something that we all
14 already gave authorization to. The Mayor
15 is simply restating it in a format that he
16 has requested. That's all.

17 COUNCIL PRESIDENT **Astorino**: Okay. Clerk,
18 please call the role.

19 THE CLERK: McCormick?

20 MS. MCCORMICK: Yes.

21 THE CLERK: Troyer?

22 MR. TROYER: Yes.

23 THE CLERK: Powers?

24 MS. POWERS: Yes.

25 THE CLERK: Mencini?

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MR. MENCINI: No.

THE CLERK: Scott?

MR. SCOTT: No.

THE CLERK: Burgio?

MR. BURGIO: no.

THE CLERK: Salvatore?

MR. SALVATORE: No.

THE CLERK: Three to four.

COUNCIL PRESIDENT **Astorino**: Okay. And then the last item I had, under Office Technology Facility with the Ipads, I'd like that we just make a motion that we move this to the next Caucus because before the Mayor left he talked to me a little bit about it and he said there maybe something we could do along with some of the other departments with their purchases and such. So he was going to provide a little bit more information in the next week or so. So seeing that, I mean, we had talked about doing the Ipads, but I might have some more information from him being able to do it with other department's purchases.

MR. MENCINI: Motion to move the

1 Ipad discussion to the next Caucus
2 meeting.

3 MR. TROYER: Support.

4 COUNCIL PRESIDENT **Astorino**: Seeing no
5 discussion, we'll call the role.

6 THE CLERK: Mencini?

7 MR. MENCINI: Yes.

8 THE CLERK: Troyer?

9 MR. TROYER: Yes.

10 THE CLERK: Powers?

11 MS. POWERS: Yes.

12 THE CLERK: McCormick?

13 MS. MCCORMICK: Yes.

14 THE CLERK: Scott?

15 MR. SCOTT: Yes.

16 THE CLERK: Burgio?

17 MR. BURGIO: Yes.

18 THE CLERK: Salvatore?

19 MR. SALVATORE: Yes.

20 COUNCIL PRESIDENT **Astorino**: Okay.

21 Anything else under Council's Office
22 Technology? I didn't have any other -- I
23 had those four items.

24 MR. SALVATORE: Would air

1 conditioning fall under technology?

2 COUNCIL PRESIDENT **Astorino**: You can go to
3 the October 24th meeting at the rec
4 center. You can find out about what's
5 going on there.

6 MS. MCCORMICK: You might not need
7 to worry about that.

8 MR. SALVATORE: I thought she was
9 going to come here and we're going to get
10 our own presentation?

11 COUNCIL PRESIDENT **Astorino**: Maybe in
12 November. For Council's information, I
13 did request what was presented to the
14 Commission and also some other
15 information. I think I copied you on all
16 the emails. So hopefully the
17 administration gets something so we can
18 start looking at it a little bit more.
19 That concludes the items that are on our
20 agenda tonight. So I will entertain a
21 motion to adjourn.

22 MR. MENCINI: Motion so made.

23 MS. MCCORMICK: Support.

24 COUNCIL PRESIDENT **Astorino**: Please call

1 the role on adjournment.

2 THE CLERK: Mencini?

3 MR. MENCINI: Yes.

4 THE CLERK: McCormick?

5 MS. MCCORMICK: Yes.

6 THE CLERK: Powers?

7 MS. POWERS: Yes.

8 THE CLERK: Troyer?

9 MR. TROYER: Yes.

10 THE CLERK: Salvatore?

11 MR. SALVATORE: Yes.

12 THE CLERK: Burgio?

13 MR. BURGIO: Yes.

14 THE CLERK: Scott?

15 MR. SCOTT: Yes.

16 COUNCIL PRESIDENT **Astorino**: Meeting is now
17 adjourned at 10:56 p.m. Thank you very
18 much.

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

20
21 
22 Michelle Blazak
23 Clerk of Council

24
25 APPROVED

June 13, 2017