

**REVISED BY THE CLERK OF COUNCIL AS INSTRUCTED BY CITY COUNCIL.**

IN RE: 11/22/2016

TAPE RECORDED **REGULAR**

**CAUCUS** MEETING CITY OF BROOK

PARK

- - -

TRANSCRIBED BY: ANGELA WACHSMAN

- - -

1 APPEARANCES:

2  
3 COUNCIL PRESIDENT - MR. ASTORINO

4 COUNCILWOMAN MCCORMICK

5 COUNCILMAN TROYER

6 COUNCILMAN MENCINI

7 COUNCILWOMAN POWERS

8 COUNCILMAN SCOTT

9 COUNCILMAN BURGIO

10 COUNCILMAN SALVATORE

11 MAYOR COYNE

12 ECONOMIC DEVELOPMENT COMMISSIONER - MR. DOLAN

13 LAW DIRECTOR - MRS. HORVATH

14 FINANCE DIRECTOR - MR. CINGLE

15 CITY ENGINEER - MR. PIATAK

16 SERVICE DIRECTOR - MR. CAYET

17 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, November 22nd. We have  
4 a Caucus meeting at 7:00 p.m. Sounds  
5 good.

6 COUNCIL PRESIDENT: Good evening,  
7 everyone. Welcome to the November 22nd,  
8 2016 Regular Caucus Meeting for the City  
9 of Brook Park. I'd like to thank everyone  
10 for coming out on this cold evening and  
11 want to wish everyone a Happy  
12 Thanksgiving.

13 I also want to assure those in the  
14 audience and the residents of the City  
15 that the elected officials of Brook Park  
16 understand the concerns that have been  
17 expressed this week and we ask everyone to  
18 trust your elected officials to do our  
19 job. Tonight I'm asking you to allow us  
20 to do our job without any disruption. I  
21 also want to assure everyone that your  
22 elected officials support the  
23 Constitution, the laws of Ohio, and our  
24 City Charter, and that we respect our  
25

1 justice system and the basic principles of  
2 the presumption of innocence and allowing  
3 everyone to have their day in court.

4 Thank you. And now I will ask the Clerk  
5 to call the role.

6 THE CLERK: Scott?

7 MR. SCOTT: Here.

8 THE CLERK: Burgio?

9 MR. BURGIO: Here.

10 THE CLERK: Salvatore?

11 MR. SALVATORE: Here.

12 THE CLERK: Troyer?

13 MR. TROYER: Present.

14 THE CLERK: Powers?

15 MS. POWERS: Here.

16 THE CLERK: McCormick?

17 MS. MCCORMICK: Here.

18 THE CLERK: Mencini?

19 MR. MENCINI: Here.

20 COUNCIL PRESIDENT: Everyone  
21 please stand and join in the Pledge of  
22 Allegiance.

23 (Pledge of Allegiance recited.)

24 COUNCIL PRESIDENT: Okay. Next on  
25 the agenda would be Approval of Minutes,

1 which we have no minutes to be approved  
2 tonight. So we'll move to Item No. 4,  
3 under Discussion. Item No. 1 is Council  
4 Office Technology - Per Council President  
5 Astorino. It was placed on the agenda  
6 with the hope -- because we had contacted  
7 the H. R. Commissioner about possible -- with  
8 the laptops. We did not receive any  
9 information either yesterday or today.

10 MAYOR COYNE: I'll speak to that.

11 COUNCIL PRESIDENT: So I'll ask  
12 the Mayor to speak on it or --

13 MAYOR COYNE: Thank you,  
14 Mr. Chairman. Jennifer checked on it.  
15 She'll be sending you an email. I believe  
16 that we've expired our options under the  
17 contract, but I believe we can still take  
18 advantage of the pricing, the state  
19 purchasing, and she'll advise you of that,  
20 and then you can explore that program. So  
21 it appears you would get similar prices,  
22 but under our contract we're done.

23 COUNCIL PRESIDENT: Okay. All  
24 right. So thank you. So there really is  
25 nothing else. We'll continue to work with

1 Ms. Sinatra on this. So I'd like to have  
2 a motion that this was discussed.

3 **MR. SALVATORE:** So moved.

4 **MR. MENCINI:** Support.

5 COUNCIL PRESIDENT: Okay. Seeing  
6 no discussion, we'll call the role.

7 THE CLERK: Salvatore?

8 MR. SALVATORE: Yes.

9 THE CLERK: Mencini?

10 MR. MENCINI: Yes.

11 THE CLERK: McCormick?

12 MS. MCCORMICK: Yes.

13 THE CLERK: Powers?

14 MR. POWERS: Yes.

15 THE CLERK: Troyer?

16 MR. TROYER: Yes.

17 THE CLERK: Burgio?

18 MR. BURGIO: Yes.

19 THE CLERK: Scott?

20 MR. SCOTT: Yes.

21 COUNCIL PRESIDENT: Okay. Moving  
22 to Item No. 2, which is the 2017 Home  
23 Maintenance Assistance Grant Program. To  
24 remind Council, you know, last week at the  
25 Caucus meeting, we had some discussion

1 about some possible amendments. From my  
2 notes, I forwarded that to the Law  
3 Department and they're working on those  
4 three amendments. And the question is:  
5 Since you've had a week to think about it,  
6 if there has been no other amendments, we  
7 will just go forward with drafting the  
8 Ordinance. Okay, So we'll just go  
9 forward. We thought we would give one  
10 more chance for some suggestions. We'll  
11 go with the three that we had last week.  
12 So we will work on preparing that. So I  
13 would ask that a motion that Item No. 2  
14 was discussed.

15 **MR. TROYER:** So made.

16 **MS. POWERS:** Support.

17 **MS. POWERS:** Second support.

18 **COUNCIL PRESIDENT:** Seeing no  
19 discussion, Clerk, please call the role.

20 **THE CLERK:** Troyer?

21 **MR. TROYER:** Yes.

22 **THE CLERK:** Powers?

23 **MS. POWERS:** Yes.

24 **THE CLERK:** McCormick?

25 **MS. MCCORMICK:** Yes.

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THE CLERK: Mencini?

MR. MENCINI: Yes.

THE CLERK: Scott?

MR. SCOTT: Yes.

THE CLERK: Burgio?

MR. BURGIO: Yes.

THE CLERK: Salvatore?

MR. SALVATORE: Yes.

COUNCIL PRESIDENT: Okay. Item No. 2 has been discussed. We'll move to Items No. 3 4, 5 and 6 were asked by the Finance Director to put them on the agenda. So, Mr. Cingle, I will ask you to take the helm on this right now.

MR. CINGLE: Thank you, Mr. Chairman. The first Ordinance is an Ordinance authorizing the Finance Director to transfer funds. They are outlined. There are seven of those, if any Council Member has any questions with respect to any of the transfers. They were either in the original budget or the revised budget that was approved earlier this month or they will be contained in the legislation

1 on tonight's agenda for the final  
2 Appropriations for 2016. If there are any  
3 questions from Council on this piece of  
4 legislation, I'll obtain those now.

5 COUNCIL PRESIDENT: Mr. Cingle, the  
6 question I would have is: Will you be  
7 around next -- tomorrow at all?

8 MR. CINGLE: Yes.

9 COUNCIL PRESIDENT: Because I  
10 would like to come into the office and  
11 have you give a little bit more -- there  
12 are some questions that are not  
13 necessarily for -- that would be a little  
14 cumbersome at this meeting.

15 MR. CINGLE: Sure, just give me a  
16 call tomorrow.

17 COUNCIL PRESIDENT: Okay. No  
18 other questions on Item No. 3, Council?  
19 Councilman Troyer?

20 MR. TROYER: Thank you,  
21 Mr. Chairman. Through the Chair to the  
22 Finance Director: Mr. Cingle, on 537, 538  
23 and 539, the last three, the money is  
24 going back into Capital Improvement. Is  
25 that being spent there or is it possible

1 that can just go back in the General  
2 Fund?

3 MR. CINGLE: Mr. Chairman, if I  
4 may -- if it's okay, if I have any  
5 questions tonight, I can just direct my  
6 comments directly to the Council?

7 COUNCIL PRESIDENT: Yes, It's a  
8 Caucus rather than the Chair.

9 MR. CINGLE: I just wanted to make  
10 sure.

11 COUNCIL PRESIDENT: I'm just here  
12 to make sure you don't get out of order.

13 MR. CINGLE: Okay. Mr. Troyer, on  
14 536, 537, 538 and 539, those funds are  
15 being closed, those projects are  
16 complete. So the Engle Road Street/Sewer  
17 Fund, that project is closed. The West  
18 150th Phase Three, that's closed. The  
19 2013 Street Improvement Fund, that's  
20 closed, and 2014 Street Improvement Fund,  
21 that will be closed once these transfers  
22 are made.

23 So the dollars will go back to the  
24 Bond Retirement Fund for the Engle Road  
25 Project and a portion of the West 150th

1 Phase Three Project, and then the other  
2 dollars will go to the Capital Improvement  
3 Fund. They will not be spent this year.  
4 They will just roll forward. They will be  
5 added to the balance and roll forward and  
6 will be appropriated in 2017's budget.

7 MR. TROYER: Okay. So will that  
8 be brought forward in the Capital  
9 Improvement Fund or in the General Fund?

10 MR. CINGLE: They will be brought  
11 forward in the Capital Improvement Budget  
12 of 2017.

13 MR. TROYER: Can we put that back  
14 in the General Fund or can we put it in  
15 the General Fund?

16 MR. CINGLE: The original source  
17 of the funds was from the Capital  
18 Improvement Fund. So those monies have to  
19 go back to the Capital Improvement Fund.  
20 Now, if Council wanted to adjust the tax  
21 budget so that less dollars would go into  
22 the Capital Improvement Fund to a  
23 percentage that equals the amounts that  
24 are being transferred back into the  
25 Capital Improvement Fund, Council could do

1 that, as you're aware.

2 MR. TROYER: Okay. That's what I  
3 was asking. Thank you.

4 COUNCIL PRESIDENT: Council, any  
5 other questions of Mr. Cingle about Item  
6 No. 3? Councilman Mencini?

7 MR. MENCINI: Thank you,  
8 Mr. Chairman. First off, I would like to  
9 thank everybody for coming. The audience  
10 participation will be duly noted.  
11 Absolutely.

12 Greg, will you be in on Saturday?  
13 Because I'm going to be pretty busy the  
14 next three days.

15 MR. CINGLE: Yes, I'll be around  
16 Saturday.

17 MR. MENCINI: All right. Can I  
18 give you a call tomorrow maybe?

19 MR. CINGLE: Yes.

20 MR. MENCINI: Say a little earlier  
21 on Saturday?

22 MR. CINGLE: Yes. Not a problem.  
23 Just let me know.

24 MR. MENCINI: All right. I  
25 appreciate that. Thank you. That's all I

1 have, Mr. Chairman.

2 COUNCIL PRESIDENT: Councilwoman  
3 McCormick?

4 MS. MCCORMICK: I'd like to make a  
5 motion that this item was discussed.

6 COUNCIL PRESIDENT: Is there  
7 support?

8 **MS. POWERS:** Support.

9 MAYOR COYNE: Mr. Chairman?

10 MAYOR COYNE: Mr. Chairman?

11 COUNCIL PRESIDENT: I would  
12 prefer, Councilwoman -- it has not been  
13 introduced. I would suggest that the  
14 motion -- that you place it on the next  
15 Council meeting under Letter J for  
16 Introduction and we can handle it through  
17 Council Rule 12 to get it to a First  
18 Reading, to handle it through our  
19 procedures.

20 MS. MCCORMICK: Okay. I'll  
21 rescind my motion. Motion to place on the  
22 next Council -- Regular Council Meeting  
23 agenda, under introduction of new items.

24 **MR. BURGIO:** Support.

1  
2 COUNCIL PRESIDENT: Okay. There's  
3 a motion made, properly supported. Is  
4 there a discussion on the motion? Seeing  
5 no discussion, we'll call the role.

6 THE CLERK: McCormick?

7 MS. MCCORMICK: Yes.

8 THE CLERK: Burgio?

9 MR. BURGIO: Yes.

10 THE CLERK: Scott?

11 MR. SCOTT: Yes.

12 THE CLERK: Salvatore?

13 MR. SALVATORE: Yes.

14 THE CLERK: Troyer?

15 MR. TROYER: Yes.

16 THE CLERK: Powers?

17 MS. POWERS: Yes.

18 THE CLERK: Mencini?

19 MR. MENCINI: Yes.

20 THE CLERK: Okay.

21 COUNCIL PRESIDENT: Okay. Motion  
22 has been passed and accepted. Moving to  
23 Item No. 4, which is the Ordinance  
24 requesting the Cuyahoga County Fiscal  
25 Officer to Advance Tax Revenues.

1 Mr. Cingle?

2 MR. CINGLE: Thank you,  
3 Mr. Chairman. This is strictly a  
4 housekeeping item. It allows the fiscal  
5 office, namely the Budget Commission, to  
6 advance tax proceeds collected prior to  
7 the final settlement. So we will get our  
8 dollars earlier than the final settlement  
9 date. So, again, this is a housekeeping  
10 item. You should know, Mr. Chairman, that  
11 all four items that we are speaking on  
12 tonight, the previous one and this one and  
13 the following two, are all time sensitive  
14 and need to be passed by the end of the  
15 year.

16 MR. SALVATORE: Motion to place on  
17 this Council agenda?

18 MR. MENCINI: Support.

19 COUNCIL PRESIDENT: Okay. Is  
20 there any discussion on the motion?  
21 Councilman Troyer?

22 MR. TROYER: Thank you,  
23 Mr. Chairman. Can I have some  
24 clarification? That would be under Letter  
25 J, correct?

1 COUNCIL PRESIDENT: The way we're  
2 going to handle all of these on finance,  
3 we're putting them under J, under Council  
4 Rule 12, which then allows it to advance  
5 to a First Reading. So then we handle it  
6 through our procedures.

7 Okay. Seeing no other discussion,  
8 we'll call the role.

9 THE CLERK: Salvatore?

10 MR. SALVATORE: Yes.

11 THE CLERK: Mencini?

12 MR. MENCINI: Yes.

13 THE CLERK: McCormick?

14 MS. MCCORMICK: Yes.

15 THE CLERK: Powers?

16 MS. POWERS: Yes.

17 THE CLERK: Troyer?

18 MR. TROYER: Yes.

19 THE CLERK: Burgio?

20 MR. BURGIO: Yes.

21 THE CLERK: Scott?

22 MR. SCOTT: Yes.

23 COUNCIL PRESIDENT: Okay. Item  
24 No. 4 carried and will be moved to  
25 the next Council agenda. We'll move to

1 the second page under Item No. 5. Mr. Cingle.

2 MR. CINGLE: Thank you,  
3 Mr. Chairman. This piece of legislation  
4 is the final Appropriation Ordinance as  
5 proposed today. It may change here  
6 between now and the time it's approved. We  
7 figure we need three readings and we get  
8 the process started so we can talk about  
9 the adjustments this evening. I can go  
10 through them, Mr. Chairman. I can hit the  
11 amounts that are over \$10,000, in addition.  
12 How would you like me to walk through  
13 this?

14 COUNCIL PRESIDENT: I mean, if you  
15 could focus on the larger items. The  
16 smaller items, I think, are pretty  
17 self-explanatory.

18 MR. CINGLE: Okay.

19 COUNCIL PRESIDENT: Something that  
20 you would feel is significant, I might  
21 need an explanation.

22 MR. CINGLE: The first one under Council  
23 Contracts 529 reducing the line item by  
24 10,000, that was

1 a newsletter that we had appropriated for  
2 during the budget process and, you know,  
3 those dollars weren't spent. So another  
4 proposal to reduce that line item by  
5 \$10,000.

6 Moving down to the Rec center.  
7 Increasing regular salaries by \$14,000.  
8 That is due to compensation increase for  
9 the union contract that Council passed  
10 earlier this year.

11 Working down to the Safety  
12 building, the changes there are because  
13 the Dispatch Center has not  
14 moved to the City of Parma. So  
15 we've adjusted for the salaries, overtime,  
16 the fringe benefits, and then reduced the  
17 contract's dollar amount.

18 In the Police Department,  
19 increasing Regular salaries, overtime, and  
20 fringe benefits. The reason for that on  
21 the salaries is that the vacation payout  
22 changed when we originally projected the  
23 vacation payout due to the extra week  
24 being awarded through the fact-finding  
25 process. We did that. We changed the

1 Ordinance or made the amendment to the  
2 Ordinance in September. The employees  
3 that have to make the decision whether or  
4 not to take that week off or to get paid  
5 for that week in lieu of taking the time  
6 off. So finally we received the final  
7 selection from the Police Chief and we had  
8 to adjust our figures accordingly.

9 Overtime is up mainly because of  
10 the Presidential Election and the  
11 candidates coming to Ohio numerous times  
12 throughout the campaign process. So those  
13 are the reasons for those two increases.  
14 Building Department. We're  
15 proposing to reduce the part-time  
16 salaries. We had a part-time position in  
17 there that was funded for this year. That  
18 position was not filled, and then in  
19 addition we were proposing to reduce the  
20 professional service by \$10,000. That is  
21 a line item where plan review fees are  
22 paid. And we're running a little bit less  
23 than what we had budgeted, so we're  
24 proposing to reduce that dollar amount or  
25 that line item by \$10,000.

1                   Moving on to page two. In  
2 Sanitation Miscellaneous Expenses, we're  
3 proposing to increase that line item by  
4 \$40,000. It's mainly because of rubbish  
5 disposal fees. Tonnage has increased from  
6 previous years. So due to the increased  
7 tonnage, we're proposing to increase that  
8 item to pay for the rubbish disposal fees.

9                   In retirees, reduction of \$37,000  
10 is being proposed. That line item is  
11 mainly where we pay the retiree premiums  
12 for their healthcare. At the beginning of  
13 each year it's real difficult for me to  
14 know how much we are going to have to  
15 reimburse, because as plans increase in  
16 costs, as everybody here, I think, is  
17 aware, the City contributes or pays up to  
18 \$400 a month towards the retiree's  
19 healthcare premiums. So I believe, just  
20 looking at the activity from the payments  
21 made in July of this year, I think we'll  
22 have enough funds in there to make the  
23 payments and also reduce the dollar amount  
24 that's being appropriated in that line  
25 item.

1                   Miscellaneous Executive.

2           proposing an increase in Professional  
3           Services by \$30,000. That's mainly  
4           attorney fees. I hope that amount is  
5           enough here to get us through the year. I  
6           did talk to the Mayor earlier about it  
7           today. He's checking with Labor Counsel  
8           today to see what the final bill will be.  
9           But I believe right now I think we'll be  
10          okay in that line item if we increase it  
11          \$30,000. And I always at the end of the  
12          year put a contingency amount in there  
13          just in case there is any emergency that  
14          arises that needs to be taken care of  
15          right away. The proposal this year is  
16          \$22,750. If we don't need it, again, we  
17          will not use it.

18                   And then also, Mr. Chairman, to  
19          round out the General Fund, proposing to  
20          reduce the transfers by a little over  
21          \$50,700.

22                   So the total net overall change in  
23          the Appropriations is zero. Are there any  
24          questions from Council? I'll stop there  
25          before I go further.

1 COUNCIL PRESIDENT: Mr. Cingle, I  
2 have one question as far as under the  
3 Safety Building.

4 MR. CINGLE: Uh-huh.

5 COUNCIL PRESIDENT: You're  
6 reducing the \$50,000 contract because of  
7 the dispatched hasn't moved. however,  
8 it still leaves 124,300. Is that money  
9 that will be spent this year or can you  
10 explain what that expenditure will be?

11 MR. CINGLE: We may have to make  
12 one payment, Mr. Chairman, to Parma for  
13 their services. My understanding is that  
14 within the next week or so possibly the  
15 dispatchers may move over to Parma. So if  
16 that's the case, we would have to make  
17 December's payment to the City of Parma.  
18 Also, we've made a one-time payment  
19 earlier this year to Parma for our Capital  
20 Improvement cost, I believe it was, for a  
21 little over \$50,000. So that was  
22 accounted for this out of this line item,  
23 along with other costs that get coded out  
24 of contracts for the Safety building.

25 COUNCIL PRESIDENT: Thank you.

1 Council, any other questions to Mr. Cingle  
2 about this? Councilman Mencini?

3 MR. MENCINI: Thank you,  
4 Mr. Chairman. To the Chair, Greg, I might  
5 have to go to through the Chair, through  
6 Greg and to Louie on this one. But you  
7 kind of caught my ears there a little bit  
8 on that increase on that tonnage when we  
9 go to sanitation. Is that a substantial  
10 increase?

11 MR. CINGLE: To the Councilman,  
12 yeah, to the extent of almost \$40,000. So  
13 **LOU** gave us the information -- we went  
14 back and we looked back at historically  
15 what we had utilized in the past. I  
16 didn't bring the document with me, but it  
17 was a substantial increase in tonnage that  
18 had been disposed of this year. Lou, do  
19 you know the number?

20 MR. MENCINI: And Lou, would that  
21 be recycled, too?

22 MR. CAYET: To the Chair, all solid waste,  
23 that went up about 15% and it's historical  
24 since 2012, when we went to automated.

1 MR. MENCINI: Okay. Thank you.  
2 Thank you, Lou, thank you, Greg. Thank  
3 you, Mr. Chairman. That's all I have.

4 COUNCIL PRESIDENT: Okay.  
5 Councilman Troyer?

6 MR. TROYER: Thank you,  
7 Mr. Chairman. Mr. Cingle, Greg, on the  
8 Miscellaneous -- 874 Miscellaneous  
9 Executive -- and I appreciate you talking  
10 to me the other day about this stuff. I  
11 was not able to get that list. You sent a  
12 list of things that that money was spent  
13 on that you might have available. Can you  
14 get that to me, emailed to me or  
15 something?

16 MR. CINGLE: For Professional  
17 Services?

18 MR. TROYER: Yes.

19 MR. CINGLE: Yes, I can get that  
20 for you.

21 MR. TROYER: Thank you.

22 COUNCIL PRESIDENT: Okay. I don't  
23 see any other questions from Council,  
24 Mr. Cingle, so you can proceed on the  
25 General Fund.

1 MR. CINGLE: Okay. Under City  
2 Income Tax proposal to increase transfers  
3 by \$200,000, we are increasing the income  
4 tax projection for this year from  
5 \$19,300,000 to \$19,500,000. Some of the  
6 reasons are as follows: The auto sector  
7 is up, medical is up, professional  
8 services are up and also our  
9 mediation/court program that was  
10 instituted probably a couple years ago,  
11 along with our compliance efforts within  
12 the tax department has achieved, roughly,  
13 \$134,000 year-to-date. So our mediation  
14 process going through tax court and our  
15 compliance endeavors to the Tax  
16 department, it resulted in the  
17 year-to-date collection of over \$134,000.  
18 So that program is working out really well  
19 and kudos to the tax department for all  
20 their hard work in, you know, achieving  
21 those results.

22 So the proposal is to transfer  
23 those dollars out. Again, 80% of  
24 that or, roughly, 80% of that will  
25 go to the General Fund and 20% will

1 go to the Capital Improvement Fund.

2 In Economic Development, the  
3 reason for -- it's a \$0-dollar change but  
4 we are proposing to reduce the  
5 contract line item by \$105,000 and move  
6 those dollars into the Construction  
7 Contract's line item and that is because  
8 we're seeing increased activity in the  
9 2016 Sidewalk Program. I know the  
10 engineers have been working with the Law  
11 Department to put an Ordinance or have an  
12 Ordinance prepared to issue a change order  
13 for that contract. So we were making the  
14 adjustments there prior to Council's  
15 consideration. But I think that's a good  
16 thing that the residents are taking  
17 advantage of the Sidewalk Program and  
18 exceeded the projections of the Engineer.

19 In the Brook Park Corridor Fund,  
20 proposing to appropriate \$25,000. That's  
21 the **INCENTIVE** Grant that was approved, I  
22 believe it was last week, for James and  
23 Mary Ann White. Fund 537 West 150th  
24 Phase 3, as I stated earlier, that fund is  
25 going to be closed. So once we make the

1 final retainage payment, \$57,000 will be  
2 transferred -- a little bit over that is  
3 being proposed to be transferred out of  
4 that fund to close it out before the end  
5 of the year. And also, as I said earlier,  
6 Fund 538 to 2013 Street Improvement Fund,  
7 we are closing out this fund. So once the  
8 final retainage payment is made, we will  
9 transfer \$112,000-and-change out of this  
10 fund to close it before year end.

11 Any questions on page two from the  
12 Income Tax Fund down to the Street  
13 Improvement Fund?

14 COUNCIL PRESIDENT: Mr. Cingle, I  
15 have a question, before we get to Council.  
16 As far as the Brookpark Road Corridor  
17 Fund, wasn't the grant for -- you said  
18 Blueline. Wasn't it for \$50,000?

19 MR. CINGLE: Yes, it was. But the  
20 legislation read, you know, from the  
21 Economic Development Fund and from the  
22 Brookpark Road Corridor Fund. So I just  
23 split it 50/50.

24 COUNCIL PRESIDENT: Okay. Thank  
25 you.

1 Council, any other questions on  
2 this page?

3 Councilman Mencini?

4 MR. MENCINI: Thank you,  
5 Mr. Chairman. Really quick, Greg, on the  
6 let's go to 538 Street Improvement  
7 Fund, on the adjusted appropriation. I  
8 didn't hear what you said, the \$112 and  
9 change. Where is that going to go?  
10 It was right at the end when you spoke.

11 MR. CINGLE: That's being  
12 transferred out of that fund and going  
13 into, the Capital Improvement Fund.

14 MR. MENCINI: Okay. Thank you.  
15 That's all I have, Mr. Chairman.

16 COUNCIL PRESIDENT: Thank you.  
17 Any other questions for Mr. Cingle about  
18 this?

19 Okay. Seeing no other questions,  
20 go ahead, Mr. Cingle.

21 MR. CINGLE: Okay. Finally, on  
22 page three, Mr. Chairman, Police Pension,  
23 Fire Pension. We are proposing to  
24 adjust those two funds downward. Reason  
25 being is two-fold really. One is the week

1 payout. We did contact OP&F, Ohio Police  
2 and Fire Pension Fund, and found out that  
3 that week payout is not pensionable. So  
4 we're adjusting our figures to account for  
5 that. Also, based on our earlier  
6 projections, there was more comp time  
7 being paid out this year in lieu of  
8 overtime, and as you're probably aware of,  
9 but others may not be aware of, is that  
10 payment of comp time is not pensionable.  
11 So we're adjusting our figures to account  
12 for our new projections.

13 Southwest General Hospital Fund,  
14 that's monies that we collect on behalf of  
15 the hospital because of the levy and we  
16 remit those dollars back to the hospital.  
17 So we finalized out collections for this  
18 year. The county has spent all the money  
19 in that we're going to receive along with  
20 the State of Ohio. We know those dollars.  
21 We want to get the dollars to the hospital  
22 before the end of the year so they don't  
23 have to wait anymore.

24 Then lastly, the Unclaimed Monies  
25 Fund, the \$6,068.24, those are uncashed

1 checks that we can't write-off per state  
2 law. We have to hold them for five years.  
3 We have to move them into this fund, wait  
4 five years, see if anybody claims them.  
5 If they don't, then we will remit the  
6 monies back to the General Fund.

7 COUNCIL PRESIDENT: I see no  
8 questions to the Finance Director. So  
9 Council, I'd like to entertain a motion  
10 that we place this item on the next  
11 Council agenda under Item J.

12 **MS. BURGIO:** So made.

13 **MR. TROYER:** Support.

14 COUNCIL PRESIDENT: Any discussion  
15 on the motion? Seeing none, Clerk, please  
16 call the role.

17 THE CLERK: Burgio?

18 MR. BURGIO: Yes.

19 THE CLERK: Troyer?

20 MR. TROYER: Yes.

21 THE CLERK: Powers?

22 MS. POWERS: Yes.

23 THE CLERK: McCormick?

24 MS. MCCORMICK: Yes.

25 THE CLERK: Mencini?

1 MR. MENCINI: Yes.

2 THE CLERK: Scott?

3 MR. SCOTT: Yes.

4 THE CLERK: Salvatore?

5 MR. SALVATORE: Yes.

6 COUNCIL PRESIDENT: Okay. That  
7 concludes Item No. 5. We'll move to Item  
8 No. 6. Under Discussion --

9 **MR. CAYET:** Mr. Chairman?

10 COUNCIL PRESIDENT: Yes.

11 **MR. CAYET:** Can I make a  
12 couple public announcements for the  
13 Service Department at this point?

14 COUNCIL PRESIDENT: Certainly.

15 **MR. CAYET:** Since we're not going to be  
16 meeting for a couple weeks, I'd like for the  
17 residents

18 to know this week is Thanksgiving. If your  
19 rubbish is picked up on Thursday, it will

20 be picked up on Friday. Also, if your  
21 rubbish is picked up on Friday, it will be

22 picked up on Saturday. This sort of thing  
23 gets pushed a day back. Next week we'll

24 continue our regular pick-up.

25 Also, the leaf program is still

1 continuing to go on until they're under  
2 snow that we can't pick them up any  
3 longer. Be patient. We've hit this town  
4 four times already. Last week we picked  
5 up 1,250 square -- or cubic areas of  
6 leaves. The week before it was about 813  
7 square or cubic areas of leaves. So we're  
8 about a third more than what we picked up  
9 the prior week and we continue on that  
10 pace.

11 That's all I have, Mr. Chairman.  
12 Thank you.

13 COUNCIL PRESIDENT: Mr. Cingle, if  
14 you want to go to Item No. 6, which is the  
15 temporary budget for next year.

16 MR. CINGLE: Thank you,  
17 Mr. Chairman. The temporary budget gives  
18 us spending authority for the first  
19 quarter of 2017. As we all know, what I  
20 did here is I went through and looked to  
21 see what our expenditures were through  
22 the first three months of this year, 2016,  
23 and then I adjusted for Personnel  
24 Services, I adjusted for any changes in  
25 the union contracts, the raises adjusted

1 for that. Anything else that we know  
2 about, you know, currently to get us, you  
3 know, dollar amounts for that line item.  
4 All the other line items, I looked to see  
5 what we spent this year, made adjustments  
6 where I deemed them necessary. Again,  
7 it's a temporary budget. As soon as this  
8 stuff gets passed, we plan on -- we're  
9 starting to work on the 2017 budget here  
10 in December with the hopes of getting it  
11 to Council earlier in the first quarter of  
12 next year so that hopefully we can start  
13 our discussions a little bit earlier and  
14 get the budget passed a little bit sooner  
15 than what has been sooner than has been the  
16 normal. So if there are any questions --  
17 there is a lot more to add. These are  
18 just projections. Again, we'll be working  
19 on the finalized figures for the 2017  
20 appropriations.

21 COUNCIL PRESIDENT: Does Council  
22 have any questions about the temporary  
23 appropriations to the director?

24 Mr. Cingle the only question I have is:  
25 On the second page, Economic Development

1 Fund, under the Contractual Services,  
2 you've got \$300,000. Can you itemize it  
3 or tell us what that's for?

4 MR. CINGLE: Yes. That would be  
5 if we have any payments for Snow Removal  
6 Services, they may not get paid this year.  
7 So the Senior Snow Removal services, along  
8 with, again, weather permitting, whether  
9 there would be any activity on the 2016  
10 Sidewalk Program.

11 COUNCIL PRESIDENT: Okay. Thank  
12 you.

13 Council, any questions? Seeing  
14 none, I'd like to entertain a motion that  
15 we place this on the next Council agenda  
16 under Item J.

17 **MR. TROYER:** So made.

18 **MR. MENCINI:** Support.

19 COUNCIL PRESIDENT: Motion made,  
20 properly supported. Seeing no discussion,  
21 Clerk, please call the role.

22 THE CLERK: Troyer?

23 MR. TROYER: Yes.

24 THE CLERK: Scott?

25 MR. SCOTT: Yes.

1 THE CLERK: Burgio?  
2 MR. BURGIO: Yes.  
3 THE CLERK: Salvatore?  
4 MR. SALVATORE: Yes.  
5 THE CLERK: Powers?  
6 MS. POWERS: Yes.  
7 THE CLERK: McCormick?  
8 MS. MCCORMICK: Yes.  
9 THE CLERK: Mencini?  
10 MR. MENCINI: Yes.  
11 COUNCIL PRESIDENT: This ordinance  
12 will be placed under Item J on the next  
13 Council agenda. That concludes the items  
14 under Discussion section.  
15 We'll move to Section 5, the  
16 Finance Committee. Chairwoman McCormick?  
17 MS. MCCORMICK: Finance Committee  
18 has three items tonight. The first one is  
19 "An Ordinance amending certain sections of  
20 administrative code to provide adjustments  
21 in compensation for employees of the city,  
22 other than elected officials or those  
23 covered under negotiated labor or  
24 contracts and declaring emergency." This  
25 one just, basically, would adjust the

1 salary schedule for next year, the one  
2 that was introduced earlier this year and  
3 passed. It would change the 2017 amounts,  
4 freeze most of them to 2016 levels.

5 COUNCIL PRESIDENT: Chairwoman?

6 MS. MCCORMICK: Yes.

7 COUNCIL PRESIDENT: If I could  
8 speak on this really quick.

9 MS. MCCORMICK: Sure.

10 COUNCIL PRESIDENT: Just to remind  
11 Council, this was on last week's agenda  
12 for a discussion, and then we had received  
13 a memo from the Law Director because she  
14 expressed some concerns about the  
15 legislation. So last week we basically  
16 said let's move it to this week's agenda  
17 so that we had some time to review her  
18 memo and go over that. As we were  
19 reviewing the memo, I was prepared to come  
20 to tonight's meeting with a proposed  
21 solution that would address some of her  
22 concerns, but as you know, we received  
23 another memo from her today dealing with  
24 that. What my solution was going to be  
25 was actually -- because she had some

1 concerns about getting introduced by the  
2 Finance Committee. My suggestion was  
3 going to be that I would offer to do the  
4 sponsor of this legislation and just  
5 submit my name to that. I don't really  
6 want to get into, you know -- under this  
7 item here, if we don't have to, I don't  
8 want to get into a debate about the memos  
9 because I think rather than be distracted  
10 with that type of information, I think the  
11 solution is simple: Just substitute my  
12 name as Council President Astorino, be  
13 introduced and we can move this  
14 legislation forward.

15 I also want to point out that when  
16 the legislation was submitted to the Law  
17 Department to be drafted, under section  
18 one and under section two, the legislation  
19 that was presented did say the Salary  
20 Schedules for the years 2016 through 2017.  
21 When it came back to us, it now has 2016  
22 through 2018. So that was -- so we will  
23 need to make an amendment to go back to  
24 the original way the legislation was  
25 proposed. I don't know why it was changed

1 by the Law Department, but when it came  
2 back to us, we just simply have to make an  
3 amendment to correct that change. As you  
4 can see from the attachment, the schedule  
5 is just for 2016 and 2017. The intent was  
6 to be a companion piece with Item No. 2  
7 that's under discussion here, because if  
8 you remember, when we discussed this  
9 earlier in the year in February, March and  
10 April, there was some discussion about all  
11 of these things and many of the Members of  
12 Council wanted to get a third party to  
13 come in and take a look at our wage scales  
14 and see how we're doing, because even  
15 though we compiled some information, many  
16 of you expressed that you'd like to have a  
17 third party take a look at it and give us  
18 some of their recommendations.

19 So the intention of this  
20 legislation was simply to put a hold on  
21 the two percent pay increase that's  
22 scheduled to occur in the beginning of  
23 January until we can complete the study to  
24 take a look at it. So rather than giving  
25 the increase, I was hoping that we could

1 do the study, have the increases reviewed  
2 at that time, and then hopefully by March  
3 or April, if we did the study, we would  
4 then know. I didn't think there would be  
5 any harm to that because, as you know,  
6 even this past year, we did not really  
7 pass the ordinance for the non-contractual  
8 employees until May. Traditionally we  
9 don't pass until May or June for what  
10 they're going to be and any increases  
11 would be retroactive anyway. So there  
12 would be no harm to them. The concern I  
13 had was I didn't want to provide increases  
14 and then when we do the study that  
15 everybody had asked us to do, when we do  
16 that, if it came back and said that we  
17 needed to adjust it in a different way, I  
18 thought it would be just a little bit too  
19 much turmoil. So I thought it would be  
20 better if we put these two percent  
21 increases on hold until we see how the  
22 study comes out. So that's a little bit  
23 of background. That's a little bit of  
24 what I was hoping to have some discussion.  
25 Today I really think it solves some of the

1 concerns that the Law Director had that  
2 she expressed last week. She's shaking  
3 her head no, but that's because she has  
4 another different concern and that's the  
5 kind of stuff I don't really think we need  
6 to debate at this, other than there seems  
7 to be an interest in questioning every  
8 action that's being taken by Council.

9 So thank you, Mr. Chairman, Madam  
10 Chairman.

11 MR. BURGIO: Ms. Chairwoman?

12 MS. MCCORMICK: Yes, Carl?

13 MR. BURGIO: Yeah. Thank you.

14 Since I'm a member of the Finance  
15 Committee, I had some concerns about this.  
16 I would like to have the Law Director's  
17 input on this legislation.

18 **MS. MCCORMICK:** Did you have any  
19 specific questions about it?

20 MR. BURGIO: Well, about the  
21 appropriateness of the Finance Committee  
22 presenting this and also some of the  
23 things that the President Council just  
24 touched upon about some solutions. I just  
25 wanted to know what the Law Director's

1 opinion about that is.

2 MS. MCCORMICK: The intention was  
3 not to get into those controversies.

4 **(Remarks from audience)**

5 MS. MCCORMICK: If you'd like to  
6 cite your Council Rules, Rule 12A, I'll  
7 read it in full. "Introduction  
8 Ordinances and Resolutions shall be  
9 introduced in the Council only in printed  
10 form with the name and committee  
11 introducing the same endorsed thereon or  
12 by the Mayor, except if legislation is  
13 introduced by Councilmen on the floor of  
14 Council, then it shall carry his name.  
15 All Ordinances and Resolutions shall be  
16 read by title only on the day introduced  
17 and shall be referred to committee by the  
18 presiding officer."

19 Now, 12A says how it's supposed to  
20 be. If it's introduced on the floor, it  
21 will carry Councilman's name. This was  
22 not introduced on the floor. It was just  
23 -- it was put through the Law Department  
24 and then introduced under Letter J at a  
25 Regular Council meeting. So, therefore,

1 that's why the Committee was on there.

2 MR. BURGIO: Thank you, Madam  
3 Chairman. If I may continue.

4 MS. MCCORMICK: Sure.

5 MR. BURGIO: I'd still like to  
6 have the input from our Law Director and  
7 clarification.

8 MS. MCCORMICK: Go ahead.

9 MS. HORVATH: Madam Chairman, I  
10 assume that you're indicating that now  
11 would be a good time for me to speak?

12 MS. MCCORMICK: Yes.

13 MS. HORVATH: I have no problem  
14 whatsoever with the Council President's  
15 suggestion that his name be put on this  
16 particular piece of legislation. I think  
17 that would be fine and that would be a  
18 good compromise. And if it said 2018  
19 instead of 2017, that may very well be a  
20 typo and certainly can be corrected.  
21 Whether or not the Finance Committee can  
22 introduce legislation is certainly one  
23 topic and that is something that, I'm of  
24 the opinion, the Finance Committee  
25 probably can't and certainly couldn't in

1           this particular instance. But that is not  
2           my main concern.

3                       I had directed a memo on November  
4           15th to Council with some questions  
5           questioning why there were alterations to  
6           the legislation that I had submitted to  
7           Council on October 31st and I didn't  
8           receive any answers. So my follow-up memo  
9           today that I distributed was, again, to  
10          ask Council and/or the Mayor to inquire or  
11          set up some sort of investigation pursuant  
12          to the Charter as to why there were  
13          alterations on these two pieces of  
14          legislation. I can go into it a little  
15          farther or not, depending on Council's  
16          pleasure. But to me, this is a very big  
17          problem. I'm sure that everyone is aware  
18          that only Council can alter submitted  
19          legislation by its vote. So this is  
20          something that I am very concerned about,  
21          that I attempted to raise the question at  
22          the last meeting through a memo sotto voce'  
23          and apparently we are  
24          presented with this again on the Caucus  
25          agenda without any sort of discussion or

1 resolution.

2 So I think this is a problem that  
3 has to be addressed, you know. I'm sorry  
4 to present it today in more of a verbal  
5 manner, but I did try to address it to  
6 Council last week in a memo, and this is  
7 something that I think demands to be  
8 answered and demands Council's attention.

9 MS. MCCORMICK: Council President,  
10 did you have a question?

11 COUNCIL PRESIDENT: I mean, did  
12 you -- because I've already spoke.

13 MS. MCCORMICK: Okay --

14 COUNCIL PRESIDENT: -- if he wants  
15 to go first.

16 MS. MCCORMICK: Councilman  
17 Mencini?

18 MR. MENCINI: To the Chairwoman,  
19 to our Law Director, could you explain  
20 when you say "Alterations," can I get an  
21 explanation on that?

22 MS. HORVATH: You will see  
23 November 13th, the memo that I circulated.  
24 I also attached a copy, I believe it was  
25 the first page of each of these two

1           ordinances that were drafted. Of course,  
2           the ordinances were drafted by the legal  
3           Department and approved as to form and  
4           correctness. And the first page of each  
5           of the pieces that came over from the Law  
6           Department indicated that it was to be  
7           Introduced by Councilwoman McCormick. It  
8           appears that sometime after that was  
9           submitted -- and I would direct your  
10          attention to the two pieces in the  
11          synopsis, as it exists tonight. It looks  
12          like someone took corrective tape to the  
13          first page of each one of these  
14          ordinances, scratched out Councilwoman  
15          McCormick as the individual Councilperson  
16          introducing this and instead typed in the  
17          words "Finance Committee." So I think  
18          that this is certainly something that is  
19          inappropriate. It concerns me deeply. I  
20          would certainly like to have some  
21          determination made as to how this happened  
22          and why it happened because I certainly  
23          would not want it to ever happen again. I  
24          think it's troubling and problematic, and  
25          I feel it's my duty and my obligation, as

1 Law Director, to raise this issue.

2 MR. MENCINI: As the one who asked  
3 the question, I'll -- I'll be happy to  
4 hear that myself.

5 That's all I have, Madam  
6 Chairwoman. Thank you.

7 MS. MCCORMICK: Council President?

8 COUNCIL PRESIDENT: Yes. Thank  
9 you. Like I said earlier, I mean --

10 MAYOR COYNE: Mr. Chairman, Point  
11 of Order. Madam Chairman, point of order.

12 MS. MCCORMICK: I gave the floor  
13 to the Council President. He's allowed to  
14 speak now. You do not have the floor.

15 MAYOR COYNE: Madam Chairman, Point  
16 of Order.

17 MS. MCCORMICK: You do not have  
18 the floor.

19 MAYOR COYNE: Can I state my Point  
20 of Order? I think that that's proper.

21 MS. MCCORMICK: You can state your  
22 Point of Order.

23 MAYOR COYNE: Let the Council  
24 President rule on the fact of the matter  
25 he's not to engage in debate. He's to

1 summarize debate. He already began this  
2 subject by summarizing what his thoughts  
3 were. So I think the other members -- and  
4 I hope all the other Councilmembers  
5 speak. I'm the one who addressed it, but  
6 go by your own rules of what is proper.

7 MS. MCCORMICK: Council President,  
8 you can have the floor back.

9 COUNCIL PRESIDENT: I just wanted  
10 to -- after hearing what the Law Director  
11 had to say, I don't necessarily disagree  
12 and certainly understand her concern. My  
13 thought was tonight for this Caucus  
14 meeting, the focus of a Caucus meeting  
15 should be an orderly session on the  
16 legislation.

17 As I stated in the beginning,  
18 expressed her concerns last week. I came  
19 to this meeting tonight with this  
20 compromise to address her concern. If she  
21 has further -- I understand that she has  
22 more concerns that are doing it, but I  
23 don't think it's necessarily relevant to  
24 the legislation for discussion. I'd be  
25 more than willing to meet with you and go

1 through the whole procedure so that we can  
2 have that discussion. I don't think it's  
3 something under this legislation. It's  
4 kind of like a separate issue to me, the  
5 way I see it. I understand what you're  
6 saying, but I don't think it's necessarily  
7 relevant to the Ordinance that we're  
8 looking to propose. The handling of it,  
9 you have concerns about, I don't have any  
10 problems with us meeting and going over  
11 procedure, but I don't think this is  
12 necessarily the format for it at this  
13 moment. It might be at another moment, if  
14 someone wants to have that discussion,  
15 under Discussion. But this is under the  
16 Ordinance and I don't necessarily think  
17 it's relevant. I'd offer to meet with  
18 you, talk with you and go over the  
19 explanation, because I don't think it's  
20 relevant necessarily to the  
21 ordinance. It's something else, it's  
22 something else.

23 MS. MCCORMICK: Before I have any  
24 other input, I would like to clarify.  
25 This legislation, it was originally

1 submitted to the Law Department, time  
2 stamped, date stamped on October 17th. I  
3 have copies of it here, if anybody would  
4 like to see it, both forms. Both of them  
5 state that it's to be Introduced by the  
6 Finance Committee per Council rules. This  
7 was not put in. Also, the attachments  
8 that were included -- again, it was  
9 changed. The salary schedule, I had it  
10 changed -- it was 2016 and 2017. It was  
11 altered to 2018. I think that was a typo  
12 though. But it was originally submitted  
13 to be Introduced by Finance Committee and  
14 it was received. It was not altered after  
15 introduced. It was introduced at the  
16 meeting by -- Introduced by the Finance  
17 Committee. So any accusations that it was  
18 altered after it was submitted to Council  
19 is incorrect, and that's all I have on  
20 that.

21 And I think Council President's  
22 suggestion to put his name on there, if  
23 that satisfies that issue, I think that's  
24 more than fair and I would be in favor of  
25 that. The point is not to get into the

1 details of who introduced it. It's the  
2 substance of the actual legislation that  
3 we're supposed to be discussing.

4 Councilman Scott?

5 MR. SCOTT: Yes. Really quick  
6 question to the Finance Chairwoman.  
7 You said this was introduced by the Finance  
8 Committee?

9 MS. MCCORMICK: Yes.

10 MR. SCOTT: Who is the Finance Committee?  
11 Are we not a **Committee** of the whole?

12 MS. MCCORMICK: You can refer to  
13 Council Rule 12A. It says specifically in  
14 there how legislation is supposed to be  
15 introduced. It's supposed to have a name  
16 of the committee unless it's introduced on  
17 the floor or by the Mayor.

18 MR. SCOTT: Another question: Who  
19 is on the Finance Committee?

20 MS. MCCORMICK: The Finance Chair  
21 is myself, the Co-Chair is Councilman  
22 Troyer. The third member of the, I guess,  
23 select committee or whatever the name  
24 of -- the official name is, but it's also  
25 a committee of the whole.

1 MR. SCOTT: No. Who is the third  
2 member of the committee? Is that a Carl  
3 Burgio?

4 MS. MCCORMICK: Yes.

5 MR. SCOTT: Was Carl Burgio ever  
6 notified and/or included in the discussion of  
7 this legislation?

8 MR. MCCORMICK: It's irrelevant to  
9 the --

10 MR. SCOTT: No, it's not  
11 irrelevant. You said it's the Finance  
12 Committee. I'm just wondering --

13 (Multiple Audience Speakers.)

14 MAYOR COYNE: Please, audience.

15 MR. SCOTT: I'm just wondering if  
16 he's the original member of the Finance  
17 Committee.

18 MS. MCCORMICK: He's a member of  
19 the Finance Committee.

20 MR. SCOTT: My question is: Has  
21 he ever been asked his opinion on this  
22 legislation or contacted in any of this  
23 legislation?

24 MS. MCCORMICK: I'd like to know  
25 whether Councilman Troyer was asked, too?

1 MR. SCOTT: No. Only Councilman  
2 Burgio. He's the third member of the  
3 Finance Committee.

4 MS. MCCORMICK: Only Councilman  
5 Burgio?

6 MR. SCOTT: Yes. Was Mr. Burgio  
7 contacted and asked his opinions on this?

8 MS. MCCORMICK: He was contacted  
9 by the Law Department without --

10 MR. SCOTT: That's not my  
11 question.

12 MS. MCCORMICK: -- first  
13 informing me.

14 MR. SCOTT: My question was -- my  
15 question was --

16 COUNCIL PRESIDENT: Chairwoman, to  
17 move it along, I would suggest that the  
18 question be directed to Councilman Burgio.

19 MR. SCOTT: Councilman Burgio,  
20 were you ever --

21 COUNCIL PRESIDENT: You're asking  
22 the Chairwoman --

23 MR. SCOTT: -- through the Chair  
24 to Councilman Burgio?

25 COUNCIL PRESIDENT: -- to answer

1 for Burgio.

2 MR. BURGIO: I was made aware of  
3 it through the Law Department after the  
4 fact.

5 MR. SCOTT: My other question:  
6 Mr. Burgio, were you ever contacted by any  
7 members of the Finance Committee on your  
8 input on any of this legislation?

9 MR. BURGIO: No, I was not.

10 MR. SCOTT: Thank you. Number  
11 two: Through the Chair to the Law  
12 Director, if possible.

13 MS. MCCORMICK: Go ahead.

14 MR. SCOTT: Law Director  
15 Horvath, would you consider this Ordinance  
16 legal due to the fact that there was a  
17 change of the -- there are some  
18 alterations on this after you received a  
19 previous copy with another introduction?  
20 Would this be considered an illegal piece  
21 of legislation?

22 COUNCIL PRESIDENT: Question on  
23 the point of information, please?

24 MS. MCCORMICK: Sure. Go ahead.

25 COUNCIL PRESIDENT: I'm not sure

1 if you answered it, but --

2 **MAYOR COYNE:** He's speaking for her

3 This is unbelievable.

4 (Remarks from the audience)

5 COUNCIL PRESIDENT: The alteration  
6 -- the only alteration is under the  
7 section it's introduced by? Is that  
8 the consensus?

9 MS. HORVATH: That's my  
10 understanding.

11 COUNCIL PRESIDENT: Okay.

12 MS. HORVATH: And if I can respond  
13 to the Councilman's concerns through the  
14 Chair.

15 COUNCIL PRESIDENT: Thank you.

16 MS. HORVATH: There are really two  
17 issues here. The first issue is can the Finance  
18 Committee -- under the circumstances that this is  
19 presented, is it possible for the Finance Committee  
20 to introduce legislation? It is my understanding that  
21 in the history of Brook Park's Council, we have  
22 never had legislation introduced by a committee.  
23 It has always been introduced either by the  
24 Mayor or by the individual Council people.

1 I understand what Rule 12A says. But in  
2 this particular case, I am unaware of any  
3 meeting that any Finance Committee had  
4 that discussed either of these two pieces  
5 of legislation. So that's somewhat  
6 problematic to say a Finance Committee is  
7 going to introduce something when the  
8 Finance Committee, as a committee of the  
9 whole or some other entity, has not  
10 discussed it or discussed the introduction  
11 of it. So, you know, I wouldn't detail  
12 the conversations that I've had with  
13 individual Council people. But that's the  
14 first concern. I think what you're asking  
15 is, number one, is it possible for the  
16 Finance Committee, as an entity, to  
17 introduce legislation. I would say -- my  
18 opinion would be no. Certainly no in this  
19 circumstance. I think the other question  
20 that you're asking me is, is this  
21 legislation legal, based upon the  
22 alteration and there is the one  
23 alteration, which is to change the entity,  
24 which is introducing the legislation. And  
25 perhaps what you're really asking me is if

1 this were amended, could the legislation  
2 be cured. My opinion, would be I think it  
3 would be possible that it could be cured,  
4 but we're still left with the problem of  
5 dealing with the issue of it being altered  
6 and that is something, as I said, that  
7 deeply concerns me and I think should  
8 deeply concern all of Council. Because  
9 Council is elected to vote and once  
10 something is submitted to the Council  
11 office that has been drafted, then only  
12 those who have been elected by the  
13 citizens in the City of Brook Park should  
14 be changing that proposed ordinance by  
15 their vote.

16 So I hope, Councilman Scott, that  
17 answers your questions. If you have  
18 anything further, I'd be more than happy  
19 to address any further questions.

20 MS. MCCORMICK: Okay.

21 MR. SCOTT: Thank you. That's all  
22 for now.

23 MAYOR COYNE: Madam Chairman?

24 MS. MCCORMICK: I'd like to make a  
25 statement first, a point of clarification.

1 It's part of common practice of Council to  
2 alter the introduction introduced prior to  
3 formal introduction during Council. I can  
4 -- I have been asked multiple times would  
5 I like to be added as a sponsor. Names  
6 are written in or typed in or added in  
7 after it has already been signed off by  
8 the Law Department. This is not an  
9 abnormal thing. And if you want to call  
10 into question changing the introduction on  
11 this piece of legislation, you'll have to  
12 go back over all the legislation for the  
13 entire past year and in the past because  
14 it's frequently done on a lot of  
15 legislation.

16 Mayor, if you'd like to comment.

17 MAYOR COYNE: Thank you. Two  
18 things I'd like to speak on, logistics  
19 first, then to the Ordinance section,  
20 because it affects most of the members of  
21 my administration.

22 Quite frankly, we don't want to  
23 talk about these things because since the  
24 first of the year, we've had problems  
25 operating up here under normal operations

1 of this City Council. We have this  
2 confusion about this Finance Committee.  
3 Because if you remember at the beginning  
4 of the year, the Council President and  
5 panel, a committee that could not exist,  
6 they could not function, and, quite  
7 frankly, I think they were given the  
8 benefit of the doubt. We've continued to  
9 operate in this process, quite frankly,  
10 contrary to any resemblance of  
11 reasonableness to get things done and  
12 sometimes interfering in operations,  
13 whether it be the calling of meetings or  
14 the process of legislation for no other  
15 purpose but to cause that problem. And,  
16 of course, the Council President wouldn't  
17 want to address this. We have people in  
18 the audience this evening. It's the  
19 proper time to address this because, you  
20 should know, you roll a hand grenade in  
21 the room, and then it blows up and then  
22 you want to back out of the room and say,  
23 "I didn't toss the hand grenade in there."  
24 So that's my --

25 **MR. TROYER:** Point of

1 order.

2 MS. MCCORMICK: Point of order.

3 MAYOR COYNE: That's my suggestion  
4 on the process.

5 MS. MCCORMICK: Point of order.

6 MAYOR COYNE: Let's speak to  
7 the --

8 COUNCIL PRESIDENT: Wait, wait.

9 MAYOR COYNE: If I may speak as to  
10 the legislation. I made my statement, now  
11 I'd like to speak. You got to speak --

12 **AUDIENCE MEMBER:** Hey --

13 MAYOR COYNE: -- you cut me off.

14 **(MULTIPLE AUDIENCE SPEAKERS)**

15 **AUDIENCE MEMBER:** -- we can't  
16 hear. We can't hear.

17 MAYOR COYNE: Because he cut me  
18 off.

19 COUNCIL PRESIDENT: I call --

20 MAYOR COYNE: You cut me off.

21 **AUDIENCE MEMBER:** Turn it up.

22 COUNCIL PRESIDENT: Audience,  
23 please.

24 **AUDIENCE MEMBER:** We have the  
25 right to hear.

1 COUNCIL PRESIDENT: Audience,  
2 please. This is our meeting. This is a  
3 Caucus meeting, it's not audience  
4 participation.

5 **AUDIENCE MEMBER:** It's not  
6 participating.

7 COUNCIL PRESIDENT: Audience, if  
8 you would just be quiet, I would explain.  
9 I turned the microphones off because the  
10 proper procedure is with a Point of Order  
11 that has been called. The experienced  
12 people up here would understand --

13 **(SEVERAL AUDIENCE REMARKS)**

14 COUNCIL PRESIDENT: -- that they  
15 are to stop their discussion until the  
16 Chairwoman makes her decision on the Point  
17 of Order and the discussion is to avail --

18 **AUDIENCE MEMBER:** Give me a  
19 hot chocolate. I can't stand to be in  
20 here.

21 COUNCIL PRESIDENT: -- and the  
22 floor is yours to handle with the point of  
23 order.

24 MS. MCCORMICK: Councilman Troyer?

25 MR. TROYER: The Mayor was just

1 short of attacking, plus he was off topic,  
2 totally off topic and going --

3 MAYOR COYNE: I was not.

4 MR. TROYER: -- going off on a  
5 tangent.

6 MAYOR COYNE: You're out of order.  
7 Point of order, Madam Chairman. Have we  
8 discussed process this evening?

9 COUNCIL PRESIDENT: Mayor, Mayor,  
10 Mayor?

11 MAYOR COYNE: No. The proper --

12 MS. MCCORMICK: I don't want to  
13 argue with you.

14 COUNCIL PRESIDENT: The proper  
15 procedure --

16 MAYOR COYNE: You started this,  
17 sir. You started this debate.

18 COUNCIL PRESIDENT: The proper --

19 MAYOR COYNE: Sir, you started  
20 this debate --

21 COUNCIL PRESIDENT: The proper  
22 procedure --

23 MAYOR COYNE: -- so let's finish  
24 it. The proper procedures you don't want  
25 to hear.

1                   **MAYOR COYNE:**                   He made a  
2 Point of Order, she hasn't ruled on it.

3                   **COUNCIL PRESIDENT:** She did not  
4 rule on it.

5                   **MS. MCCORMICK:** I did not rule on  
7 it.

8 **COUNCIL PRESIDENT:**                   You have to --

9                   **MAYOR COYNE:** Can I ask my  
10 question?

11                   **COUNCIL PRESIDENT:** You have to  
12 wait.

13                   **MAYOR COYNE:** My question is: Did  
14 we --

15                   **COUNCIL PRESIDENT:** You can have  
16 as much chaos as you want, Mayor.

17                   **MAYOR COYNE:** Did we discuss  
18 logistics in here--

19                   **COUNCIL PRESIDENT:** You obviously  
20 have a problem following procedures.

21                   **MAYOR COYNE:** You're not following  
22 procedures, sir. You're cutting off  
23 discussions because you don't happen to  
24 like it.

25                                   Did we discuss logistics today?  
26 You brought it up, Mr. Chairman.

1 COUNCIL PRESIDENT: The discussion  
2 is --

3 MAYOR COYNE: I said --

4 MS. MCCORMICK: You do not have  
5 the floor. I have not ruled on the Point  
6 of Order.

7 **AUDIENCE REMARKS:** Neither do  
8 you.

9 MS. MCCORMICK: I am the  
10 Chairperson of this section. So, yes, I  
11 do have the floor.

12 **AUDIENCE MEMBER:** Go to jail.

13 MR. MENCINI: Madam Chairman, I  
14 make a motion we take a quick recess.

15 MS. MCCORMICK: Support.

16 MAYOR COYNE: No, no recess.  
17 Let's go. This is ridiculous.

18 COUNCIL PRESIDENT: Okay.

19 MAYOR COYNE: May I speak to the  
20 Point of Order, Madam Chairman?

21 MS. MCCORMICK: No.

22 COUNCIL PRESIDENT: There has been  
23 a motion for a recess.

24 MAYOR COYNE: Who seconded it?

25 COUNCIL PRESIDENT: It has been

1 supported. Call the role.

2 **AUDIENCE MEMBER:** Say "No."

3 THE CLERK: Mencini?

4 MR. MENCINI: Yes.

5 THE CLERK: McCormick?

6 MS. MCCORMICK: Yes.

7 THE CLERK: Powers?

8 MS. POWERS: Yes.

9 THE CLERK: Troyer?

10 MR. TROYER: Yes.

11 THE CLERK: Salvatore?

12 MR. SALVATORE: No.

13 THE CLERK: Burgio?

14 MR. BURGIO: No.

15 THE CLERK: Scott?

16 MR. SCOTT: No.

17 THE CLERK: Four to three. Motion  
18 Carried.

19 COUNCIL PRESIDENT: Four to three.  
20 We'll be at a recess. I would ask that  
21 the Law Director and the Mayor meet with  
22 me in the back room to talk. Motion  
23 passes.

1                   MAYOR COYNE: I'm not meeting you  
2 anywhere. You have a discussion with me you  
3 will have it in public.

4                   (Multiple Audience Speakers.)

5                   (Caucus Recess.)

6                   **AUDIENCE REMARKS:** All right.  
7 You go for it. You want me to tell it  
8 like it is? I don't think so. I'll be  
9 arrested.

10                  **AUDIENCE REMARKS:**           Big joke.  
11 What do you think of the leadership? The  
12 left has got to go. The left has got to  
13 go.

14                  **AUDIENCE REMARKS:**           Speak up,  
15 people. Speak up.

16                  (Multiple Audience Speakers.)

17                  **AUDIENCE REMARKS:**           We're going  
18 to see -- We're going to  
19 discuss the legislation. He raised this  
20 issue and so did she. You know what --  
21 I want to ask questions.  
22 I'm allowed.

23                  **MAYOR COYNE:**                   Let's go,  
24 gentlemen. This is a Council meeting.  
25 We've got business here.

1 (Multiple Audience Speakers.)

2 COUNCIL PRESIDENT: Okay.

3 Council, I'd like you to entertain a  
4 motion to reconvene.

5 **MR. MENCINI:** Motion so made.

6 **MS. MCCORMICK:** Support.

7 COUNCIL PRESIDENT: Motion made,  
8 properly supported. Seeing no discussion,  
9 Clerk, please call the role.

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.

18 THE CLERK: Salvatore?

19 MR. SALVATORE: Yes.

20 THE CLERK: Burgio?

21 MR. BURGIO: Yes.

22 THE CLERK: Scott?

23 MR. SCOTT: Yes.

24 THE CLERK: Okay. We're back in  
25 session.

1 COUNCIL PRESIDENT: Okay. Caucus  
2 meeting is back in session.

3 MR. SALVATORE: Madam Chairwoman?

4 MS. MCCORMICK: Sure. Go ahead.

5 MR. SALVATORE: Thank you. I'd  
6 like to make a motion to remove items one  
7 and two pending the outcome of the  
8 legality of the sponsorship.

9 MR. SCOTT: Support.

10 MR. TROYER: Support.

11 MS. MCCORMICK: Okay. Would you  
12 like to rephrase the motion, to place this  
13 on the next Caucus agenda? Is that what  
14 you're trying to do?

15 MR. SALVATORE: No. The motion  
16 was to remove items one and two from  
17 tonight's agenda.

18 MR. TROYER: I supported. Madam  
19 McCormick?

20 MS. MCCORMICK: Councilman Troyer?

21 MR. TROYER: Thank you, Madam  
22 Chairman. So what are they going to do,  
23 sit out there in limbo? What are we doing  
24 with them? We're removing them and doing  
25 what with them?

1 MR. SALVATORE: Taking them off  
2 tonight's agenda.

3 MS. MCCORMICK: Well, I'm still  
4 the Chair.

5 COUNCIL PRESIDENT: If he moved  
6 them off the agenda, it would take it off  
7 the agenda and it would go back into the  
8 Committee.

9 MR. TROYER: Okay. So let's go --

10 MS. MCCORMICK: Okay. So motion  
11 properly made and supported. Any further  
12 discussion?

13 MR. TROYER: No.

14 MS. MCCORMICK: Clerk, can you  
15 call the role?

16 THE CLERK: Salvatore?

17 MR. SALVATORE: Yes.

18 THE CLERK: Scott?

19 MR. SCOTT: Yes.

20 THE CLERK: Burgio?

21 MR. BURGIO: Yes.

22 THE CLERK: Troyer?

23 MR. TROYER: Yes.

24 THE CLERK: Powers?

25 MS. POWERS: Yes.

1 THE CLERK: McCormick?

2 MS. MCCORMICK: Yes.

3 THE CLERK: Mencini?

4 MR. MENCINI: Yes.

5 MS. MCCORMICK: Items No. 1 and 2  
6 have been placed Back into Committee.  
7 Item No. 3, under the Finance Committee,  
8 is Ordinance 10052-2016, authorizing the  
9 City of Brook Park to provide a job  
10 retention and business expansion grant to  
11 Drabik Manufacturing, Inc., 15601 Commerce  
12 Park Drive. This had its second reading  
13 last week. There were a couple minor  
14 changes that we wanted to make to the  
15 numbers. We heard back from the Economic  
16 Development Director, Mike Dolan, about  
17 the figure that we wanted to change and we  
18 got information from Mr. Drabik about what  
19 their payroll was for last year and what  
20 they're projection is for this year. So this  
21 should help us amend the Ordinance  
22 appropriately so that at the next Council  
23 meeting, we'll be able to pass this. Any  
24 questions?

25 COUNCIL PRESIDENT: My suggestion

1 to the Committee would be to make the  
2 amendments at this Caucus meeting, because  
3 if you make them at the next Council  
4 meeting, it's on third reading, it will go  
5 back to Second Reading. So the intent was  
6 to bring it to the Caucus meeting for the  
7 changes that are needed.

8 MS. MCCORMICK: Okay. The section  
9 that we wanted to change was in the actual  
10 agreement, not the Ordinance. This was  
11 page one of the Grant Agreement, third  
12 from the bottom, where it says, "Whereas,  
13 Drabik anticipates employing between nine  
14 to twelve persons with living wages at an  
15 estimated payroll of at least \$680,000 per  
16 annum and believes the new equipment will  
17 allow it to add at least two additional  
18 full-time employees."

19 What we wanted to change was that  
20 \$680,000 figure, something that's more  
21 realistic and attainable so we're not  
22 setting the company up for failure in not  
23 meeting the figures. So Mr. Dolan  
24 provided us with an email from Mr. Drabik.  
25 Last year's total payroll for direct

1 labor, office and officers was \$495,788.  
2 Projected for this year is \$415,800. This  
3 is circled on mine. Is Mr. Dolan still  
4 here or did he leave?

5 MS. MCCORMICK: If Mr. Dolan would  
6 like to come up to the podium for a  
7 moment.

8 The \$415,800 figure, is that what  
9 you're suggesting we substitute for the  
10 680,000?

11 MR. DOLAN: That's what they're  
12 saying is the annual sales for this year,  
13 it's down. His average, over ten years,  
14 was the previous number. So Council just  
15 has to pick a number that they want to  
16 make them accountable to.

17 MAYOR COYNE: A suggestion.

18 MR. SALVATORE: I'd like to --

19 MR. MENCINI: We're asking you for  
20 a suggestion, Michael.

21 MS. MCCORMICK: Would you suggest  
22 that number or something higher?

23 MR. DOLAN: I think their ought to  
24 be some incentive for them to strive. I  
25 mean, the City is giving them a grant.

1 The ten-year average was \$608,000 and the  
2 last two years have been the low-tide for  
3 him, this year being the lowest because  
4 he, basically, retired out of the business  
5 and his son has taken over. But he took  
6 his draws out, which reduced the payroll  
7 dramatically. I would tell you that he  
8 has to use best efforts to add jobs in  
9 and he's adding a machine that's going to  
10 expand his capability. The question is do  
11 you want to incentivize him to increase  
12 payroll or do you want to give him a floor  
13 below which he shall not fall?

14 MAYOR COYNE: Mr. Chairman, if I  
15 may, not to interrupt, but I suggest that  
16 we put him around 450,000. That's between  
17 his high point of 495,000 and his low point  
18 of \$415,000--

19 MR. DOLAN: That's fine.

20 MAYOR COYNE: -- give him the  
21 incentive. That would be my suggestion  
22 for the amendment.

23 MS. MCCORMICK: You would agree  
24 with that?

25 MR. DOLAN: Yes, I would.

1 MR. MENCINI: I make a motion,  
2 450,000.

3 MR. SCOTT: Support.

4 MS. MCCORMICK: Do you make a  
5 support? Okay.

6 MR. TROYER: Madam Chairwoman?

7 MS. MCCORMICK: Hold on one  
8 moment. We have a motion to change that  
9 to \$450,000, properly supported. Any  
10 discussion? Councilman Troyer?

11 MR. TROYER: Thank you, Madam  
12 Chairman. Under Discussion, there are  
13 quite a few areas in this that need to be  
14 changed. So do you want to make a mass  
15 motion or do them all individually? It's  
16 in the agreement and in the legislation.

17 MS. MCCORMICK: Why don't we do --

18 MR. TROYER: The \$680,000 figure  
19 is all through this. So I'd like to have  
20 someone make clear of all the changes  
21 we're making. I can do that if you need  
22 me to. That's it.

23 MR. SALVATORE: Madam Chairman?

24 MS. MCCORMICK: Councilman  
25 Salvatore?

1 MR. SALVATORE: I know there's a  
2 motion on the floor to make that number  
3 \$450,000. I would feel more comfortable if  
4 it was closer to the \$500,000, because that  
5 \$450,000 is not taking into consideration  
6 the new jobs that he's going to be  
7 creating and that is the lowest over a  
8 ten-year average. At the meeting he  
9 discussed when he came to Council he said  
10 it was a ten-year average, which was right  
11 around \$608,000, which was the original  
12 number here. So dropping it to \$500,000, I  
13 think, is a fair number and a target for  
14 him to shoot at to be able to maintain  
15 those jobs and most importantly to add the  
16 new jobs.

17 So whoever made the motion of \$450,000  
18 if you would consider withdrawing that  
19 motion. I'd like to make a motion that we  
20 make it \$500,000.

21 MAYOR COYNE: Madam Chairman, I  
22 would agree with Councilman Salvatore and  
23 I'd like Council to leaving this in committee  
24 so we can get a firm number in agreement  
25 with the individual who is going to be

1 getting this award, so that he understands  
2 what his goals are. So I think a good  
3 idea would be to leave it in committee and  
4 let us get a concrete number that the city  
5 and the individual can agree on. And I  
6 apologize to Council for us not having  
7 that this evening.

8 **MR. TROYER:** Madam Chairman?

9 **MS. MCCORMICK:** Councilman Troyer?

10 **MR. TROYER:** Thank you, Madam  
11 Chairman. I have that number. In the  
12 agreement, under section two, it reads,  
13 "Guarantee to agree to maintain its base  
14 payroll in the City of Brook Park at 2015  
15 levels," and the 2015 levels were \$495,788.

16 **MAYOR COYNE:** If I may speak to  
17 that, Madam Chairman. I think that we  
18 should have an increase in the payroll.  
19 So, again, I request it be left in  
20 committee. We go back to Mr. Drabik,  
21 indicate it is the administration's, the  
22 Council's position for him to work to a  
23 higher incentive, not what he had before.

24 **MS. MCCORMICK:** Any other  
25 discussion?

1                   **MR. TROYER:** Madam Chairman?

2                   **MS. MCCORMICK:** Councilman Troyer?

3                   **MR. TROYER:** Thank you, Madam  
4 Chairman. We've been here like three or  
5 four times already at this exact point of  
6 this legislation. I have the numbers,  
7 which I got from the owner, and we know  
8 what's wrong with the legislation so we  
9 could get this done right.

10                   **MAYOR COYNE:** With all due  
11 respect, that is not your responsibility,  
12 that is our responsibility. So what I'm  
13 saying, I apologize to you. You're right,  
14 we should have those numbers. It is our  
15 responsibility to negotiate this with the  
16 owner and bring it back to Council in the  
17 form that shows the results of the  
18 incentive.

19                   So, again, I would ask the Council  
20 to leave it in committee and we'll get  
21 back to you as soon as we can, because I  
22 want to participate in this discussion so  
23 we make sure it's right.

24                   **MR. DOLAN:** On a point --

25                   **COUNCIL PRESIDENT:** Chairwoman?

1 MS. MCCORMICK: Yes.

2 MR. DOLAN: Mr. Drabik agreed to  
3 \$608,000, which is the average of the  
4 ten-year payroll figure. That was his  
5 agreement, when we first came in here. It  
6 was changed by inquiry by Councilman  
7 Troyer saying, he didn't want to set it  
8 artificially high, based on his payroll.  
9 So he already agreed on the \$608,000, and  
10 that was when the legislation was drafted.  
11 So, you know, I get it, you can set it.  
12 He agreed that the ten-year average  
13 payroll would be a figure for him to meet  
14 and that's why it was drafted the way it  
15 was drafted. If you want to make it  
16 lower, you know --

17 **MAYOR COYNE:** Madam Chairman --

18 MS. MCCORMICK: Hold on one  
19 moment.

20 **MAYOR COYNE:** -- the  
21 administration is asking again -- there is  
22 a lot of confusion here. I want to make  
23 sure this is done right. So I'm  
24 requesting that it be left in committee,  
25 let us get the numbers and bring them

1 back.

2 MS. MCCORMICK: We have a motion  
3 on the floor. Still nobody is rescinding  
4 it. But to clarify what Mr. Dolan is  
5 referring to, the \$608,000 was a ten-year  
6 average, but the agreement says \$680,000,  
7 which is higher. So that's where the  
8 concern was.

9 MAYOR COYNE: I concur and there  
10 are numbers all over the block and I would  
11 prefer that we bring these back and that  
12 they're right. So my request is leave it  
13 in Committee and let us bring back the  
14 information so it's absolutely correct,  
15 and if need be, if we have to have the  
16 party here, maybe that will clarify  
17 everything.

18 MR. SALVATORE: Madam  
19 Chairman?

20 MS. MCCORMICK: Hold on. One  
21 moment. Jim, you made the motion. Do you  
22 want to --

23 MR. MENCINI: Rescind?

24 MS. MCCORMICK: -- or do you want  
25 to keep it or change it?

1                   **MR. MENCINI:** I'll rescind it.

2                   **MR. SCOTT:** I'll rescind the support.

3                   **MS. MCCORMICK:** Okay. Councilman  
4 Salvatore?

5                   **MR. SALVATORE:** I'll make a motion  
6 to place it back in committee.

7                   **MR. SCOTT: SUPPORT**

8                   **MS. MCCORMICK:** Motion to place  
9 back in committee; properly supported.  
10 Any discussion?

11                   **MR. MENCINI:** I can make a  
12 discussion.

13                   **MS. MCCORMICK:** Councilman  
14 Mencini?

15                   **MR. MENCINI:** Mr. Drabik has been  
16 here since 1990 and they're a good company  
17 and one of the things he did say, in this  
18 type of business that he's in. Is that when  
19 the economy could be doing good, he could  
20 be doing bad. He could be doing good when  
21 the economy is bad. So we have to keep  
22 that in mind a little bit there, too.

23                   So let's get this right and let's  
24 definitely take care of Drabik  
25 Manufacturing because we need him here.

1                   That's all I have. Thank you.

2                   **MR. TROYER:** Madam Chairman?

3                   MS. MCCORMICK: Councilman Troyer?

4                   MR. TROYER: Thank you, Madam  
5 Chairman. I'm going to vote yes on this  
6 motion because it needs to get  
7 straightened out once and for all. I just  
8 want to clarify something on that. All I  
9 did was ask Mr. Drabik if that \$680,000  
10 number was right and he said no. I did  
11 not do anything to encourage him either  
12 way. Thank you.

13                   MS. MCCORMICK: Councilman Burgio?

14                   MR. BURGIO: Thank you, Madam  
15 Chairman. I agree that \$450,000 to me, is a  
16 little on the low side. It's not giving  
17 him much incentive for a better output  
18 this coming year, and I'm trying to look  
19 at the glass as half full. The stock  
20 market was at an all-time high today. I'm  
21 hoping the economy is going to really  
22 improve. So I think we should up the  
23 number, but I'm okay with putting it in  
24 the committee.

25                   That's all I have, Mrs. Chairman.

1 MS. MCCORMICK: Councilwoman  
2 Powers?

3 MS. POWERS: I just have a couple  
4 things to say about this. Number one is  
5 that the numbers have been all over the  
6 map from the day this started, he has  
7 been here since 1990. I will go back to  
8 the first grant that we gave to a company  
9 that had been here for many years and they  
10 had purchased extra property, and they  
11 were planning on expansion and we gave  
12 them a grant and I said, Why? Why give a  
13 grant to somebody who is already here,  
14 planning to stay here." Well, the same  
15 goes for Mr. Drabik. He has been here.  
16 He obviously plans to stay here, and why  
17 does this city want to become the owner of  
18 a bunch of manufacturing equipment? We  
19 own a lathe over at Cleveland  
20 Manufacturing and now we're going to own  
21 something with this company. Is this the  
22 business we really want to be in?

23 And in his original pay  
24 Mr. Drabik, it was he plans to, he hopes  
25 to, he plans to. Well, everybody knows

1 that plans get changed and that plans do  
2 not sometimes come to fruition. And as  
3 Mr. Burgio said, the stock market is up  
4 Today, it could be in the dumps tomorrow.  
5 So you can't base anything on that. I  
6 just question whether or not we really  
7 want to be in the -- it's one thing to  
8 give a grant to someone who is possibly  
9 just considering moving to the city. It's  
10 another to give a grant to somebody who  
11 has been here and plans to stay here.

12 MS. MCCORMICK: We're kind of  
13 getting a little off track.

14 MS. POWERS: And another thing is  
15 why--?

16 MAYOR COYNE: Point of order,  
17 Madam Chairman. I thought we were talking  
18 about putting this back in Committee.

19 MS. POWERS: Okay.

20 MS. MCCORMICK: That's what I was  
21 trying to tell her. You need to stick to  
22 the motion on floor.

23 MS. POWERS: Okay. I was just  
24 going to finish by saying where does it

1 end? I make the motion that we put it  
2 back in the Committee.

3 MAYOR COYNE: A lot of jobs, a lot  
4 jobs and a lot of investment.  
5 That's where it ends; wonderful things.

6 MS. MCCORMICK: Councilman  
7 Mencini?

8 **MS. POWERS:** Point of order.

9 MAYOR COYNE: Sorry, Madam  
10 Chairwoman. I know I'm out of order.

11 MS. POWERS: Point of order.

12 MAYOR COYNE: I apologize for  
13 being out of order.

14 MS. POWERS: Point of order.  
15 We're putting it back in Committee.

16 MR. MENCINI: Thank you, my turn,  
17 Thank you.

18 MS. MCCORMICK: Councilman Mencini  
19 has the floor.

20 MR. MENCINI: Thank you, Madam  
21 Chairwoman. We want them. We want to be  
22 business friendly, and I know we're out of  
23 discussion --

24 MS. MCCORMICK: You have to keep  
25 it on the motion.

1 MR. MENCINI: I'm not going to go  
2 off. When I stuck up for Cuyahoga  
3 Machine, somebody had told me, "Well, what  
4 about the ones behind me on Commerce Park,  
5 the older one? We're doing it. We're  
6 doing it right now. Councilwoman Powers,  
7 this is your ward. We have to take -- I  
8 want to take care all our businesses and  
9 bring more.

10 MS. MCCORMICK: Can we stay --

11 **AUDIENCE APPLAUSE:**

12 MS. MCCORMICK: We need to stay on  
13 topic.

14 MR. MENCINI: Thank you.

15 MS. MCCORMICK: It's a  
16 motion, to place it back into committee  
17 only. And before we call the roll on it,  
18 I'd just like to say -- well, I'd actually  
19 like to ask the Mayor. Do you think you  
20 would have those numbers by the next  
21 Caucus for us?

22 MAYOR COYNE: Councilwoman, I hope  
23 so.

24 MS. MCCORMICK: Okay.

25 MAYOR COYNE: Yes.

1 MS. MCCORMICK: Because we  
2 wouldn't want to do it on Third Reading.

3 MAYOR COYNE: I know and I  
4 apologize. I'm not certain who caused it,  
5 but we'll get it straightened out.

6 MS. MCCORMICK: Okay. Thank you.  
7 Any further discussion on the motion?  
8 Okay. Clerk, can you call the role.

9 THE CLERK: Salvatore?

10 MR. SALVATORE: Yes.

11 THE CLERK: Scott?

12 MR. SCOTT: Yes.

13 THE CLERK: Burgio?

14 MR. BURGIO: Yes.

15 THE CLERK: Troyer?

16 MR. TROYER: Yes.

17 THE CLERK: Powers?

18 MS. POWERS: Yes.

19 THE CLERK: McCormick?

20 MS. MCCORMICK: Yes.

21 THE CLERK: Mencini?

22 MR. MENCINI: Yes.

23 MS. MCCORMICK: The ordinance has  
24 been placed back into Committee with hopes  
25 of getting the final numbers by the next

1           Caucus, and that's all for Finance  
2           Committee.

3                   COUNCIL PRESIDENT: Thank you,  
4           Councilwoman. We'll move to Item No. 6,  
5           the Legislative Committee. Chairman  
6           Troyer?

7                   MR. TROYER: Thank you,  
8           Mr. Chairman. The Legislative Committee  
9           has four items on tonight's agenda. The  
10          first, Item No. 1, is an Ordinance  
11          enacting Section 509.15 of the Brook Park  
12          Codified Ordinances entitled 'Prohibiting  
13          Nuisance Parties' and declaring an  
14          emergency. Introduced by Council  
15          Members -- I'm sorry. By Council  
16          President Astorino, Council Members  
17          Troyer, Powers and McCormick. And the  
18          Police Chief was supposed to be here.  
19          Police Chief, are you here? I don't see  
20          him here. So I'd like to entertain a  
21          motion to put this back into Committee.

22          **MS. POWERS:** Motion to put back  
23          in Committee.

24                   **MS. MCCORMICK:** Support.

25                   MR. TROYER: Motion made to place

1 back in committee, properly supported. Any  
2 discussion on the motion? Seeing none,  
3 Clerk, please call the role.

4 THE CLERK: Powers?

5 MS. POWERS: Yes.

6 THE CLERK: McCormick?

7 MS. MCCORMICK: Yes.

8 THE CLERK: Troyer?

9 MR. TROYER: Yes.

10 THE CLERK: Mencini?

11 MR. MENCINI: Yes.

12 THE CLERK: Scott?

13 MR. SCOTT: Yes.

14 THE CLERK: Burgio?

15 MR. BURGIO: Yes.

16 THE CLERK: Salvatore?

17 MR. SALVATORE: Yes.

18 MR. TROYER: Okay. That will be  
19 placed back in committee.

20 Item No. 2: An Ordinance enacting  
21 Section 529.022 of the Brook Park codified  
22 ordinances entitled 'Unauthorized  
23 consumption by an underage person on  
24 private property and declaring an  
25 emergency.' Introduced by Mayor Coyne.

1 Again, the Police Chief is not here to  
2 speak on this --

3 MAYOR COYNE: Mr. Chairman, if I  
4 may?

5 MR. TROYER: -- so I'd like to  
6 entertain a motion to place this back --

7 MAYOR COYNE: I object to the  
8 motion, but I believe --

9 **MS. POWERS:** -- motion to place  
10 back in Committee.

11 **MS. MCCORMICK:** Support.

12 MR. TROYER: Okay.

13 MAYOR COYNE: I believe the chief  
14 has submitted a narrative on both of these  
15 pieces of legislation, a written  
16 narrative. Did you receive that?

17 COUNCIL PRESIDENT: Council has  
18 received that, yes.

19 **MR. TROYER:** Yes.

20 MAYOR COYNE: I think that's his  
21 statement and I'm trying to figure out  
22 what he means by it but when I  
23 interpret it, I'll let you know.

24 MR. TROYER: Motion made to place  
25 back in committee properly seconded. Any

1 discussion on the motion? Seeing none,  
2 Clerk, please call the role.

3 THE CLERK: Powers?

4 MS. POWERS: Yes.

5 THE CLERK: McCormick?

6 MS. MCCORMICK: Yes.

7 THE CLERK: Troyer?

8 MR. TROYER: Yes.

9 THE CLERK: Mencini?

10 MR. MENCINI: Yes.

11 THE CLERK: Salvatore?

12 MR. SALVATORE: Yes.

13 THE CLERK: Burgio?

14 MR. BURGIO: Yes.

15 THE CLERK: Scott?

16 MR. SCOTT: Yes.

17 MR. TROYER: Okay. That will be  
18 placed back in Committee.

19 Item No. 3: A Resolution  
20 supporting the passage of House Bill 154  
21 which would require a motor vehicle when  
22 passing a bicycle, the safe passing  
23 distance to the left is three feet, and to  
24 alter the protocol for proceeding into an  
25 intersection that has malfunctioning

1 traffic lights and declaring an emergency.  
2 Introduced by Councilman Mencini.

3 Councilman Mencini, would you like  
4 to speak on this?

5 MR. MENCINI: Really quick, I would.  
6 Thank you, Councilman Troyer.

7 House Bill 154 already passed in  
8 the State. So as you see more bicycles  
9 out there -- and obviously in this area  
10 you have a lot of them and it's for  
11 recreational, for people getting from  
12 point A to point B and obviously for our  
13 kids that, you know, tend to ride on the  
14 street. We hope that they stay on that  
15 sidewalk, but sometimes they don't. But I  
16 thought this would be a very important  
17 piece to bring to Brook Park. So I'm open  
18 to sponsors. That's all I have.

19 Thank you, Mr. Chairman.

20 MR. TROYER: Okay. Councilwoman  
21 Powers, go ahead.

22 MS. POWERS: I like this Ordinance  
23 and/or Resolution. I and the Law Director  
24 went out and drove around several cities  
25 looking for cities that have bike paths as

1 part of the street improvement and she is  
2 now working on legislation for us to get  
3 bike paths in our city, and this would be  
4 good if we support this and to go ahead  
5 and the next step is to have our bike  
6 paths in our city. Thank you very much.  
7 That's all I have.

8 MR. TROYER: Okay. Go ahead.

9 COUNCIL PRESIDENT: Just a point  
10 of clarification on another question I  
11 had. Councilman, I think you said it  
12 passed, but my understanding is it passed  
13 the House --

14 MR. MENCINI: Right.

15 COUNCIL PRESIDENT: -- but it's  
16 still in the Senate?

17 MR. MENCINI: Right.

18 COUNCIL PRESIDENT: So the  
19 legislation hasn't completely passed, but  
20 it passed the House, it's just in the  
21 Senate --

22 MR. MENCINI: Right.

23 COUNCIL PRESIDENT: Thank you.

24 MR. TROYER: Okay. Councilman  
25 Burgio?

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

3 Councilman Mencini, will the  
4 municipalities be required to do striping  
5 in the street or anything like that?  
6 Because I know Lakewood has a lot of these  
7 special paths and stuff like that, too.  
8 Is there anything in that bill with that  
9 in mind, as far as making sure areas  
10 in the street like -- paths also?

11 MR. MENCINI: I don't believe that  
12 it's going to be mandatory. From the  
13 little I've read about it, I don't  
14 believe we could -- I can go to the Law  
15 Department maybe for some stipulations on  
16 that. But, I mean, how far do you go?  
17 When you do your mains, do you do your  
18 secondary's or do you do every street?

19 MR. BURGIO: Yes. I'm just  
20 wondering about the cost involved. It  
21 could be a lot, I'm not sure.

22 MR. MENCINI: Right. It could be  
23 any -- you have the rural areas where  
24 you've got just the two lanes. It could  
25 be -- it would probably have to add -- any

1 particular street would probably add some  
2 qualifications to get them marks, I would  
3 believe. Okay. A good city, for example,  
4 to probably follow, to me, of any of them  
5 around here is probably Berea. I mean,  
6 Berea MetroParks obviously, but Berea is a  
7 great area where you see a lot of  
8 pedestrians obviously, but you see a lot  
9 of biking, too. That would be a very good  
10 area to look at, too. Every city is going  
11 to do things different this way. But we  
12 could refer to the Law Director also on  
13 this. And, again, I'm looking for anybody  
14 who would like to be a part of this.

15 So thank you.

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

18 MR. TROYER: Okay. Councilman  
19 McCormick, go ahead.

20 MR. MCCORMICK: I have two  
21 questions. The first one: In both of the  
22 'Whereas' in section one, it says part  
23 of is it to change a protocol for  
24 proceeding into an intersection that has a  
25 malfunctioning traffic light. Can you

1 explain what that protocol, they are  
2 proposing to be?

3 MR. MENCINI: Come back a little  
4 bit. Could you talk in your mic?

5 MS. MCCORMICK: In both of the  
6 Whereas' and in section one, it says --  
7 it talks about passage on the left at  
8 three feet that's safer. But it also says  
9 to change a protocol for proceeding into  
10 an intersection that has a malfunctioning  
11 traffic light. What is the protocol --  
12 what are they proposing to change the  
13 protocol to?

14 MR. MENCINI: Would that be a  
15 caution? That would be great if that  
16 Police Chief was here on this one, too,  
17 huh? Probably would have helped a little  
18 bit. But I would refer to the Law  
19 Department on that.

20 **MS. HORVATH:** It has been a long  
21 time since I've taken Driver's Ed. But I  
22 thought that it was like whoever was on  
23 the right had the first protocol to go  
24 through an intersection, and I may be  
25 mistaken. But I think probably the best

1 thing for me to do is to pull the synopsis  
2 so we're clear on exactly how they're  
3 changing it, and that will also answer the  
4 questions as to whether or not any  
5 striping is required, I don't believe  
6 that it is. But what I'll do is get a  
7 copy of the synopsis and email them to  
8 everyone so that everyone has a clear idea  
9 of what our legislature is proposing.

10 MS. MCCORMICK: Thank you.

11 MR. TROYER: Okay. I can clarify  
12 some of this. "The bill summary requires  
13 a vehicle operator at an intersection  
14 where the traffic control signal is  
15 malfunctioning, (concluding the failure of  
16 a vehicle detector to detect a vehicle.)"

17 Two: Follow the procedures that  
18 apply when a signal fails to assign the  
19 right-of-way.

20 On the three-foot rule, bill  
21 Summary requires a motor vehicle that  
22 is passing a bicycle to provide a safe  
23 passing distance of not less than three  
24 feet. That's the summary of HB-154. It  
25 has nothing to do with making any lines

1           for it.

2                   Go ahead, Councilman Burgio.

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

5                   Pertaining to vehicles, when a  
6           traffic light is malfunctioning or  
7           completely out, the streets are to be  
8           treated as a boulevard stop and traffic in  
9           both directions are required to stop. So  
10          that's pertaining to vehicles. I would  
11          assume that the bicycles would be under  
12          the same kind of law, but I'm not sure.  
13          But that's what I believe.

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

15                   MR. TROYER: Councilwoman  
16          McCormick, go ahead.

17                   MS. MCCORMICK: Jim, are you  
18          accepting cosponsors?

19                   MR. MENCINI: I absolutely am.

20                   MS. MCCORMICK: Okay. I would  
21          like to co-sponsor and if anybody else --

22                   MR. TROYER: Okay. Everybody who  
23          is in favor of co-sponsoring. I think  
24          that's everybody. Thank you.

25                   MS. MCCORMICK: And then I'd also

1 like to make **a motion** to place this on the  
2 next Council agenda.

3 MR. TROYER: Do we have a second  
4 on that?

5 **MR. MENCINI:** Second that. Better,  
6 right?

7 MR. TROYER: Okay. We have a  
8 motion to place this on the next Council  
9 agenda. Properly supported. Any  
10 discussion on the motion? Seeing none,  
11 Clerk, please call the role.

12 THE CLERK: McCormick?

13 MS. MCCORMICK: Yes.

14 THE CLERK: Mencini?

15 MR. MENCINI: Yes.

16 THE CLERK: Powers?

17 MS. POWERS: Yes.

18 THE CLERK: Troyer?

19 MR. TROYER: Yes.

20 THE CLERK: Salvatore?

21 MR. SALVATORE: Yes.

22 THE CLERK: Burgio?

23 MR. BURGIO: Yes.

24 THE CLERK: Scott?

25 MR. SCOTT: Yes.

1 MR. TROYER: This ordinance of --  
2 I'm sorry. That ordinance will be placed  
3 on the next Council agenda.

4 Number four: A Resolution  
5 honoring the Cleveland Indians 2016  
6 American League Champions and declaring an  
7 emergency. Introduced by Councilman  
8 Salvatore. I'd like to entertain a motion  
9 to place this on the next Council meeting.

10 **MR. SALVATORE:** So made.

11 **MR. MENCINI:** Support.

12 MR. TROYER: Okay. Motion made to  
13 place on the next Council meeting,  
14 properly seconded. Any discussion on the  
15 motion? Okay. Councilman McCormick?

16 MS. MCCORMICK: Are you accepting  
17 co-sponsors?

18 MR. SALVATORE: Sure. Glad to  
19 have them.

20 MR. TROYER: Anybody who would not  
21 like to co-sponsor this?

1 MR. MENCINI: Well, when they win  
2 the World Series -- so, I mean --

3 MR. TROYER: Okay. Everybody who  
4 would like to sponsor this, everybody is  
5 on there as sponsors.

6 Okay. Again, motion made to place  
7 on our next Council meeting, properly  
8 seconded. Clerk, please call the role.

9 THE CLERK: Salvatore?

10 MR. SALVATORE: Yes.

11 THE CLERK: Mencini?

12 MR. MENCINI: Yes.

13 THE CLERK: McCormick?

14 MS. MCCORMICK: Yes.

15 THE CLERK: Powers?

16 MS. POWERS: Yes.

17 THE CLERK: Burgio?

18 MR. BURGIO: Yes.

19 THE CLERK: Scott?

20 MR. SCOTT: Yes.

21 THE CLERK: Troyer?

22 MR. TROYER: Yes. That concludes  
23 the Legislative Committee's work for  
24 tonight.

25 COUNCIL PRESIDENT: Okay, Council.

1 So that concludes the items that are on  
2 the agenda tonight.

3 **MS. McCORMICK:** Motion to adjourn.

4 **AUDIENCE MEMBER:** No, no.

5 **MR. MENCINI:** Support.

6 COUNCIL PRESIDENT: The motion to  
7 adjourned properly supported. Clerk,  
8 please call the role.

9 THE CLERK: McCormick?

10 MS. MCCORMICK: Yes.

11 THE CLERK: Mencini?

12 MR. MENCINI: Yes.

13 THE CLERK: Powers?

14 MS. POWERS: Yes.

15 THE CLERK: Troyer?

16 MR. TROYER: 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, carried.

24 COUNCIL PRESIDENT: Okay. We want  
25 to wish everyone a Happy Thanksgiving.

1 This meeting is now adjourned at 8:37.

3 - - -

4 (Proceedings adjourned at 8:37 p.m.)

5 - - -

6 (End of tape.)

7  
8 **REVISED PAGES HAVE BEEN EDITED BY THE CLERK OF COUNCIL PER  
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Michelle Blazak, Clerk of Council

APPROVED June 13, 2017

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C E R T I F I C A T E

I, Angela Wachsman, Notary Public in and for the State of Ohio, do hereby certify that the foregoing is a true and correct transcript of the taped proceedings above-referenced to the best of my ability and understanding.

I do further certify that I am not a relative, employee of, or attorney for any of the parties in the above-captioned action; I am not a relative or employee of an attorney for any of the parties in the above-captioned action; I am not financially interested in the action; I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D); nor am I otherwise interested in the event of this action.

Angela Wachsman

Date

My Commission Expires: 6-17-20