

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, DECEMBER 6, 2016**

The meeting was called to order by Council President Astorino at 7:00 p.m., the clerk called the roll and the following Members of Council responded:

SCOTT, BURGIO, SALVATORE, TROYER, POWERS, MENCINI

Also present were Mayor Coyne, Service Director Cayet, Safety Director Byrnes, Finance Director Cingle, Law Director Horvath, Building Commissioner Hurst and Engineer Piatak.

Mr. Astorino stated that Ms. McCormick contacted the office, therefore, she was excused.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. SPECIAL COUNCIL MEETING & EXECUTIVE SESSION HELD ON MAY 3, 2016.

Motion by Mr. Mencini, supported by Mr. Burgio, to approve as printed.

ROLL CALL: AYES: Mencini, Burgio, Scott, Salvatore, Troyer, Powers.

NAYS: None. The motion carried.

2. REGULAR COUNCIL MEETING HELD ON JUNE 7, 2016.

Motion by Mr. Mencini, supported by Mr. Scott, to approve as printed.

ROLL CALL: AYES: Mencini, Scott, Burgio, Salvatore, Troyer, Powers.

NAYS: None. The motion carried.

REPORTS OF STANDING COMMITTEES:

AVIATION & ENVIRONMENTAL COMMITTEE – CHAIRWOMAN POWERS

Ms. Powers stated Aviation has one item on tonight's agenda.

FINANCE COMMITTEE - CHAIRWOMAN McCORMICK

Co-Chair Troyer explained the committee has a 1st, 2nd and 3rd chair.

No meetings are allowed as a committee per the Charter; therefore, meetings are held as a committee of the whole. His becomes chair when the 1st chair is not present, and that is the only time he has anything to do with the finance committee or any committee. Similarly, the Pro Tem presides if the Council President is absent. The 2nd and 3rd chair have nothing to do with the committee unless the 1st chair is not present.

REPORTS OF STANDING COMMITTEES: CONT.

LEGISLATIVE COMMITTEE - CHAIRMAN TROYER

Mr. Troyer stated the committee has two items on tonight’s agenda and a few remain in committee.

PARKS & RECREATION – CHAIRMAN MENCINI

Mr. Mencini reported the Impact group cookie decoration will be December 15th; Youth Fun Day - thanks to all that contributed, donated and helped to make it a great day. The Annual Holiday Craft show will be December 10th; Youth Sleep Over will be December 10th; Xmas Tree Lighting/Caroling is December 16th; Santa City Tour will be held December 17th; Youth Winter Break will be December 21st to the 30th; Senior New Year’s Eve Party is December 29th; Youth New Year’s Eve Party will be December 31st.

PLANNING COMMITTEE – CHAIRMAN TROYER

Mr. Troyer said the committee has nothing on tonight’s agenda. There was a meeting last night that was tabled until a better plan could be brought forward.

SAFETY COMMITTEE – CHAIRMAN SALVATORE

Mr. Salvatore said he is working with Recreation Director Fields and the police on the neighborhood watch; a brochure will be developed to help anyone with drug abuse problems. Mr. Salvatore thanked Mr. Burgio for meeting with school board members who will fully cooperate with this project.

SERVICE COMMITTEE – CHAIRMAN BURGIO

Mr. Burgio stated no report.

BOARD OF ZONING APPEALS – CHAIRMAN SCOTT

Mr. Scott stated no report this evening and continued by reading a press release about Plum Market (attached to these minutes).

Motion by Mr. Scott, supported by Mr. Mencini, to move from the regular order of business to items L and P.

Mr. Astorino asked Mr. Scott if he was aware of some items under J that would be moved to tonight’s agenda that were not on the agenda now.

Mr. Scott concurred.

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

NAYS: Powers, Troyer. The motion carried 4-2.

REMARKS FROM THE AUDIENCE ON THE ORDINANCES AND/OR RESOLUTIONS THAT PERTAIN TO ITEMS ON THE AGENDA:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Mr. Mike Vecchio
14417 Park Drive

Mr. Vecchio stated as a resident/volunteer of this city he has watched over the last eleven months that have tarnished Brook Park's good name. Outsiders view the city as a three-ring circus of chaos, deceit and possible corruption that cannot be sheltered from our youth. Residents and registered voters were duped into thinking they were voting for transparency and change. This was done by painting false narratives with statements such as; my pledge is to restore a form of city government that is of the people, by the people and for the people. To get our city government working for us once again we need municipal government to be respectful and accessible; a government that provides fair and equal treatment to all, not a my-way or the highway mentality. This pledge was written and dispersed in campaign literature by Jim Astorino, candidate for Council President. Mr. Vecchio said what he found most concerning was this statement from someone who is supposed to be the leader of our legislative branch. We have watched choreographed and scripted attempts of unequal treatment of no-bargaining unit employees directed by the Council President followed by the constant my-way or the highway actions displayed through his attempts to silence the majority, the Mayor and the people of this city. Two members of Council are facing litigation for disgraceful, disrespectful acts to residents. One faces a second charge of disorderly conduct within the city while in his elected position. The first case, an attempt to enforce a sign ordinance against a tax paying business and employee, resulted in a finding of guilty with a plea of no contest by the Ward 1 Councilman, and paying a hefty fine with court ordered probation and anger management sanctions. The second case, with the same charge of disorderly conduct, also contains an additional charge of misconduct at emergency, and is currently working its way through the judicial process, awaiting pre-trial. Obviously, the Councilman did not take the court ordered sanctions of 2014 seriously, as he is charged with an identical crime only two short years later. This disregard for the safety of residents and law enforcement personnel is alarming and shows carelessness on his part. Councilpersons' duties include representing constituents, developing legislation and passing budgets. Not to enforce ordinances, laws, or take matters into one's own hands. The second member, who is not present, is the Councilwoman at Large currently

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER: CONT.

accused of theft from Target. This is one of a growing list of monetary transgressions by the Councilwoman, ranging from delinquent property taxes to unpaid citations. This was brought to attention by national media exposure on numerous occasions. These members were appointed by the Council President as committee chairpersons responsible for laws that govern our city and the finances that operate it. Is it coincidence that neither member is able to abide by the laws that govern all citizens of this country, yet they are in positions that initiate legislation that govern Brook Park taxpayers? These members along with the Council President and Ward 3 Councilwoman have been involved with and/or implicated in issues of proposed voter fraud, an illegal special finance committee meeting, not allowing video live streaming of a public meeting, alterations of documents certified by the law department, council rules' violations and continued targeting of no-bargaining unit salaries of city employees. Is this fair and equal treatment to all? As stated in your campaign literature, are these problems not direct violations of the oaths of office each of you were sworn to uphold? It was stated in a citywide fabrication of facts known as the Home Town News, a political propaganda outlet mainly funded by the Council Members named above. The paper's trademark is owned by Councilwoman McCormick. Is it not true that the 2016 budget passed by a 5-2 vote with two of those aforementioned individuals voting no? Is it coincidence that the four of you spent nearly \$35,000 on ads in this paper as noted in your campaign finance reports? Not to mention ads by affiliation you may or may not be currently involved in. He also finds it ironic that the Council President emailed this statement in response to Ms. McCormick's news article, and I quote, "Astorino said in an email statement that he was waiting for all the facts of the case to come out before he passed judgment on his fellow Council member." Is this because you feel a sense of indebtedness to the Councilwoman for being your strongest ally feeling your agenda?

Mr. Astorino asked Mr. Vecchio to stop for a point of order and asked that statements be factual. He said the quote is not the quote of his email. He said Mr. Vecchio took it from the paper and it is not what he said. And there are several other...

Mr. Vecchio said it is quoted from the paper of what they stated. The semantics are okay either way, but it is still what you said; we are not in a debate, sir.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER: cont.

Mr. Astorino asked that comments be respectful and factual.

Mr. Vecchio said he quoted what the paper said that Mr. Astorino said.

Mr. Astorino asked the Mayor and the Council Members not to chastise him when he has the chair; listen to his point and then move forward.

Mr. Vecchio said he quoted what the newspaper said and repeated the quote. He said is her allegiance to you because you financed her campaign, propelling her into her elected seat? Is this why you have turned a blind eye and deaf ear to the issues she and Ward I Councilman continue to bring to the city? Many call upon Mr. Troyer and Ms. McCormick to resign immediately, if for no other reason, then to eliminate further embarrassment and tarnishing to the people of Brook Park. If either member is not willing to do so, Council should enact Charter Section 17.06, opening an investigation into the conduct of both members and the Council President.

Mr. Astorino said Mr. Vecchio is an appointed member of the planning commission to which Mr. Vecchio said he is first and foremost, a tax-paying resident, and a volunteer coach worried about the city's youth. He is worried about tomorrow and ten years from now.

Ms. Joan Markusic
13911 Bellbrook Drive

Ms. Markusic stated residents were told their words could be misconstrued. Those holding offices and positions in the city are not accountable for their actions. People follow certain protocol to keep their jobs, city employees are accountable. Stop amending, introducing, changing and making exceptions that create havoc amongst residents; go back to basic rules/regulations with a penalty if not followed. There is a time for this, but it has dragged the city through the mud. She is tired of angry residents, Council not getting along and people doing things because they know someone who knows somebody. Everyone should have self-respect and be held accountable for their actions. People have disabilities, mental illnesses, temporary insanity, etc., but everyone should be held accountable for the basics in order to move forward more quickly.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER: cont.

Ms. Lavaine Cates

15499 Remora Blvd.

Ms. Cates commented that the web page being hijacked and the code stolen be investigated and agreed with and supported Mr. Vecchio's earlier comments.

Ms. Liz Sayers

23065 Cedar Point Road

Ms. Sayers agreed with Mr. Vecchio's comments and said everyone should learn how to respect each other, how to get along, how to speak to each other and to residents and respect them when they speak at the podium.

Mr. Jeff Duke

15914 Remora Blvd.

Mr. Duke supported Mr. Vecchio's comments which should be considered and asked all elected officials if they thought they were doing a good job eleven months into their term? If they were doing the best for the city, residents, youth and the city's future. If so, they should take a long, hard look in the mirror and say the future starts with a little leadership. Show the leadership many pretended to espouse on the campaign trail, by stepping down; in fourteen years, he has never heard of all the people calling for resignations of an elected official. Several times people have called on the public record for Councilmen to resign; is that good or healthy for a city? Will it build a stronger, safer, more livable and vibrant community? Council should decide if this group is going to work together. On the campaign trail, the Council President said his mother said he had two ears and one mouth and should listen twice as much as he should talk, he should listen to that advice.

Ms. Jennifer Roberts

5368 W. 151st Street

Ms. Roberts stated she nor Mr. Vecchio are on anyone's payroll. He speaks of what he feels is the truth and of his observations over the last eleven months, as she is doing. She is not surprised Ms. McCormick was arrested for shoplifting. From the beginning of her term, she has displayed a disturbing pattern of unethical, dishonest, and at time, illegal behavior, which leads one to believe. She is capable of doing anything if she feels the benefit out-ways the risk. She is innocent until proven guilty, but it has been an alarming trend. Many residents are here tonight that may be unaware of what has transpired since Ms. McCormick took office. Her first transgression occurred when she campaigned under the guise of being an

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER: cont.

independent voice not on anyone's side. She wanted to bridge the gap between Council and the Mayor. The Astorino's' funded the bulk of her campaign, which is public record. Is she independent by accepting money from the Council President and his direct supporters so she can be elected? Next, the Council President appointed her as chairperson to the finance committee and co-chairperson to the Berea School Board Committee. Her first action as finance committee chairperson was to call/conduct an illegal meeting. She claimed her intent was not to do anything illegal; however, the meeting minutes are still not posted from this meeting. On January 25th, Clevelad.com reported she was in court for not filing 2013 and 2014 Brook Park tax returns, and she was driving with a suspended license due to unpaid parking tickets. This is not a responsible person. In February when a resident came to the podium, saying Ms. McCormick was not fit to be in charge of the finance committee or be on Council making decisions for the city, and should step down; Ms. McCormick hid in the back office rather than address the resident's concerns. Based on what has transpired since February, this resident was right to be concerned. The Home Town News sings the praises of the same Members of Council while the other Members of Council and the Mayor are painted with a negative brush. Maybe because certain Council members control the content of the paper. Ms. McCormick owns the Our Home Town trademark according to the Ohio Secretary of State web site. Cleveland Communications' Group, LLC, took ownership of the name on April 21, 2016, days before the April edition of Our Home Town News arrived in the mail. Cleveland Communications' Group is registered to Ms. McCormick. As owner of the trademark, she decides who can use that name. By letting someone use the Our Home Town News name, she is ultimately approving the paper's slanderous content. In the April edition, many city officials and residents were attacked with partial truths, innuendos and outright lies. Those bashed in Our Home Town News all exercised freedom of speech by coming to the podium in opposition of her legislation or actions, or published their own newsletter. Freedom of speech only applies when you support her agenda. At the June 21, 2016, Council meeting, she addressed concerns about how a councilperson owning the trademark to a paper publishing political propaganda is a conflict of interest. Ms. McCormick assured the audience she bought the trademark to protect the name for the paper's editor and she would turn over the trademark to that person soon. The trademark is still listed in Ms. McCormick's name. In addition to owning the trademark for Our Home Town News, Ms. McCormick, in May, purchased trademarks for the Brook Park Chamber of Commerce and the Brook Park Observer,

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER: cont.

undermining these businesses. She claimed on her Elect Julie McCormick Facebook Page she took the rights to the Brook Park Chamber of Commerce because she felt it was poorly run and she could do a better job. The trademark was available due to an oversight where the original trademark expired. Instead of doing her civic duty and notifying the chamber of commerce of the oversight, she swooped in and stole their name. The Brook Park Observer was scheduled to arrive in Brook Park in the summer of 2016. The owner announced his attempt to come to Brook Park just days before Ms. McCormick trademarked the name. She said she could only preclude that she did not want a paper in Brook Park that printed the truth to compete with Our Home Town News. Her plan worked. The Brook Park Observer never came to Brook Park. There are several other transgressions. One includes walking out of multiple meetings in August along with Ms. Powers, Mr. Troyer and Mr. Astorino; even though the law director ruled these meetings should be conducted as scheduled. At the last Caucus meeting it was discovered that legislation on the agenda was illegally altered after the law department approved the original document. Correction tape covered up Ms. McCormick's name as the person introducing the legislation and was replaced with the finance committee as its sponsor. Since she defended the change, it is obvious, that if she is not the one that actually made the change, she was aware of it. You do not have to be a lawyer to know that white-out or corrective tape has no place on a legal document. If you want to make a change, you put a line through the item you are changing, right the change above it, initial and date the change; this is called transparency. Otherwise, it appears that you are hiding something and being manipulative. If legislation is being changed illegally, what is next? Will official meeting minutes be changed? Or, will something in the Charter be altered? Where will it stop? Ms. McCormick has shown a pattern of unscrupulous behavior and whenever she has been challenged on her behavior, she has blamed others instead of taking ownership of her choices. Therefore, she is unable to grow as a person and this behavior is bound to continue. Alarmingly, she has yet to show remorse for her actions. She has not been convicted and it is prudent to wait to try to remove her unless she is convicted. However, a lot of evidence points to her guilt, such as, security photos and at least one eyewitness. Due to Ms. McCormick's continued poor behavior and judgement, the embarrassment to the city and a total lack of credibility, she should do what is best for her city and step down from her position effective immediately. Over the last eleven months, Ms. McCormick has shown she only cares about what is best for her. She will continue to collect a paycheck from the city as long as possible. If this is the case, Mr.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER: cont.

Astorino should remove her from all committees until the case is resolved. If she is found guilty, pleads no contest or guilty to lesser charges, or enters a diversion program, elected officials should begin the process to permanently remove her from Council. Many people present are also concerned about the city and its direction, but being present is not enough. This is an important time for the city. It is crucial to have leaders with integrity and a strong moral compass who can be trusted. Leaders who put the interests of the city first, and who will not embarrass us. Do not rely on the same handful of residents to speak for you. It is important to come to the podium and go on record by telling Council how you feel. Make your voices heard even if all you say is, step down Julie McCormick.

Mr. Dave Morris

13805 Holland Road

Mr. Morris stated being a member of a city commission but was a resident and taxpayer long before that. He asked to pray for the McCormick family. This is not the type of meeting anyone wants to have with public officials. Everyone is entitled to his or her day in court and we do not know how these cases will materialize. Employees who behave inappropriately are often suspended with pay. While elected officials are not technically employees, since they are unwilling of their own volition to step down, and continue to collect a paycheck, Council should do that very thing. The Council President wants a meeting filled with facts and order and yet, he has been unable to keep order since taking office. Primarily, since he seems to change rules from time to time. He made a recent reference on social media that he immediately withdrew, talking about vigilante. There have been no pitchforks or torches in the room yet. However, when it suited his political purposes and he was able to fill this room with people trying to intimidate members of this body, the Mayor and the public, because it served his purpose. vigilantism was okay. None of us have pitchforks or touches yet, but maybe Mr. Security can handle protection the next time we show up.

Mr. Astorino said Mr. Morris made an accusation about him.

Mr. Morris said he did not make an accusation about anything. The facts are what they are, believe what you want.

Mr. Astorino asked what incident Mr. Morris was referring to that he was responsible for, and that he was not being factual.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER: cont.

Mr. Morris said Mr. Astorino has a memory that is incredible and remembers what he wants to remember.

Mr. Astorino said it is a simple question.

Mr. Morris said he answered the question and Mr. Astorino knows what he is talking about.

Mr. Astorino said he did not answer the question. He made an accusation that he did something acting like a vigilante, but gives no specifics.

Mayor Coyne said this portion of the meeting is for the people to speak, not for us to debate with them.

Ms. Deborah Frenchik
6359 Schaaf Drive

Ms. Frenchik read her letter into the record (attached to these minutes).

Ms. Susan Anderson
5700 Grayland Dr.

Mrs. Anderson is tired of all the negative comments and people wondering what is wrong with Brook Park. No one has the right to alter documents when signed by the law director as to form and content. The law director could be questioned about making a change or Council could make the changes. Altering document is wrong and, in many cases, criminal. It could be seen on the posting on the web site that is done before Council meetings that it was done with correction tape. Some present want to blame the Mayor for everything; however, he is not responsible for the bad behavior of other people. Council should investigate who did this and why. Someone altering documents could affect the law director's reputation in the legal community. She was elected to do a particular job and she is doing a good job. There are people, one in particular who is not present, who like to say she received the most votes for at large race, and she did. However, the behavior is bad. Ms. Anderson said she likes living in Brook Park and has lived here for a long time. Brook Park had a good reputation, but now you would be ashamed if you would hear, what people are saying in the community and in other communities. Council should work as a team and investigate what happened with these documents so it never happens again.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER: cont.

She wondered if any other documents were altered in the past that we are unaware of.

Motion by Mr. Mencini, supported by Mr. Burgio, to address the audience.

ROLL CALL: AYES: Mencini, Burgio, Salvatore, Scott, Troyer, Powers.

NAYS: None. The motion carried.

Council Responses:

Mr. Astorino stated he was prepared to ask Council to call for an investigation on the altered documents; on November 15th all of Council received the law director’s memo pertaining to the two items on the agenda that evening. Due to the concerns she raised, Council moved the items to the next Caucus meeting for time to review her points of concern. At the November 22nd meeting, a second memo was presented to Council about the same items. There was limited discussion that evening and the items were moved back to committee. In the November 22nd memo, the law director requested Council to initiate an investigation about the two pieces of legislation. Councilmembers need to be prepared to protect the integrity of our legislative system; it is our responsibility to make sure legislation is properly processed. Since this is the first Council meeting convened since receipt of the law director’s November 22nd memo, he thought it's Councils' responsibility to initiate an investigation. He entertained a motion from Council for verbal approval to initiate an investigation into the two pieces of legislation discussed in the law director’s memo and that the investigation be conducted under the authority outlined in Section 17.06 of the Charter.

Motion by Mr. Mencini, supported by Mr. Troyer, that Council give verbal approval to initiate an investigation on the two pieces of legislation.

Mayor Coyne asked if he was limiting it to that one subject to which Mr. Astorino said yes based on the law director’s memo. She said accordingly she is requesting that pursuant to Section 17.06, either the Mayor and/or Council by a majority vote, initiate an investigation into how these two pieces of legislation came to be altered after approval by the legal department and submission to Council. That is the law director’s request.

Mayor Coyne said Mr. Mencini made a motion to respond to the residents who asked for a review under that section, of not only what you just mentioned, but also the conduct of two elected officials. He suggested to Council, if a review is going to take place, it all deals with conduct,

Council Responses: cont.

therefore, Council should do a comprehensive review of the conduct of those council members in question, and also those documents, and any other pertinent information or challenges, as to how this office has operated over the last eleven months.

Mr. Astorino said the investigation the law director requested was an investigation into official actions of Council. To make it all-inclusive, to include actions these people took while not in their official capacity, and actions that have not been litigated, adjudicated and completed, would be investigating something that may never arise. As he stated before, there is a presumption of innocence and the question he asked everyone was what if they did not do anything and were found not guilty. The motion was in response to the law director's memo dealing with an action that is within Council's procedures and the process that we are looking to do. He was not sure about expanding beyond that while it is ongoing and getting into people's personal behavior while the police department and such are doing their own investigation and there are court cases. He suggested if Council wants to do something like that to wait for the process to be completed.

Mayor Coyne disagreed with Mr. Astorino saying Council can review the conduct of any officer, not necessarily criminal conduct. Reviewing their performance as elected officials is independent and determines if the conduct was proper and conducive to their serving in public office. By doing a review, what the people asked for, he would not say investigation but would say review, to get the facts, then Council does not have to start all over again when these cases are adjudicated. That was his suggestion to people and Councilmen who have talked to him because the total operation and conduct of those up here over the last eleven months is what has to be reviewed. It does not necessarily have to be a case of any criminal wrongdoing being found. A review of the conduct and recommendation of the Council is important. The public is entitled to their demand and should receive a response to their request. The Mayor has no authority to do that. You are determining what you think should happen and the other Councilmen should speak. The audience wants a simple and fair review of how this legislative body has conducted itself regarding many different issues over the last several months. That taking place is imperative so people know this elected legislative body is reviewing issues affecting its ability to function.

Council Responses: cont.

Mr. Astorino said he disagreed with the Mayor saying he is doing things how he wants them done because what he requested was what the law director requested Council to do.

Mayor Coyne asked when was the last time you did something the law director requested, he has not seen that in a long time.

Mr. Astorino said when I attempt to do it you will not allow me to. He agreed with the law director about doing an investigation.

Mayor Coyne said Mr. Astorino should respond to the audience's demand to which Mr. Astorino said the audience asked for an investigation. He asked Council to do that and a motion is up for discussion.

Mr. Scott was in favor of a review of the documents and of the personal conduct, not the criminal conduct, of Mr. Troyer and Ms. McCormick.

Mr. Astorino said then he had Mr. Scott's support to which Mr. Scott said with the addition of a review for Mr. Troyer and Ms. McCormick.

Mr. Astorino asked not to be as specific to which Mr. Scott said to review all Councilmembers.

Mr. Astorino said it would be proper for Mr. Scott to make an amendment to the motion.

Motion by Mr. Scott to amend the first motion to also include on the investigation the altering of the documents and the personal conduct of all Councilmembers.

Mr. Burgio asked for a legal opinion and input from the law director as to the proper way to proceed.

Ms. Horvath said there are three motions before Council. Each motion has merit and all should be discussed at the time made; sticking to one at a time was her advice.

Mr. Astorino explained the motion for verbal approval to authorize an investigation as requested by the law director is open for discussion. There is no other motion open for discussion.

Council/Administrative Responses: cont.

Mr. Astorino asked if there was any further discussion regarding the motion on the floor.

The clerk called the roll on the motion by Mr. Mencini, supported by Mr. Troyer, to initiate an investigation on the two pieces of legislation.

ROLL CALL: AYES: Mencini, Troyer, Powers.

NAYS: Scott, Burgio

Mr. Salvatore said the motion should include the law department or the law director as chief legal counsel for the city to conduct the investigation. There has to be a lead person to handle the investigations.

Mr. Astorino read Charter Section 17.06 Investigation, referring to the Mayor or Council having that power, not the law department; Council conducts the investigation.

Mr. Salvatore said he was familiar with the Charter, but still felt it required a lead person that should be an attorney.

Mr. Astorino said we first have to approve, by a majority vote, whether we are going to do the investigation, which is the question before us.

ROLL CALL CONTINUED:

NAYS: Salvatore. The motion failed 3-3.

Mr. Astorino said the motion failed so Council does not want to authorize an investigation, and audience participation should continue.

Mr. Mencini did agree with Mr. Duke as Brook Park is a great city and many good people, whose pictures hang on the council chamber walls, made that happen. Decision-making is not easy, you do what is best. His decisions are based on what is best for the city, and to Mr. Duke, he said, yes, he is doing a good job. About a year ago, Mr. Duke addressed Council for not working for the school levy, but Mr. Mencini had a sign in his yard. He said he answers every constituents' phone calls and puts a good deal of his day into what he does for Ward 2 and the city. Much has been done in the city. Foreclosures are down from 300 to below 100 and streets are being done. The recreation center is moving forward. There is still a lot to do. A budget is forthcoming with big choices to be made, which he stated early in January, and we need your support. He appreciated those who attended

Council/Administration Responses: cont.

and expressed their feelings this evening. This is a great town with many great people, and shame on anyone who does not think so. He and his colleagues are working to move the city ahead. He recognized those who spoke at the podium for doing a good job. He said meetings should not be so long. He agreed with Mr. Vecchio that it is important to look out for the youth and the seniors as the Mayor always talks about.

Mr. Salvatore thanked all who attended for their compassion and love for the community as well as their courage to voice their opinions and support it. He thought it was his mother, not Mr. Astorino's, who said you have two ears and one mouth so listen twice as much as you talk. His mother may have said it too, but he listens to everyone, takes it to heart, and analyzes everything that is said to him, i.e., phone calls, people visiting him, people talking to him around town, at the recreation center, etc. He said to rest assured that Council, the Administration, and those on boards and commissions, all have compassion for wanting to do what is right for the city all the time, not just for tonight or next week. We all share the same compassion. Ms. McCormick is an elected official and resident of this community. He wished her nothing but the best and hoped things work out for her, however, he recognizes that the residents want some type of action taken. The process that is in place will be followed. We should conduct a review, but there will be a time for that. We will look into the allegations. He thanked Ms. Anderson for attending and speaking eloquently. He assured everyone that we will work hard to get everyone to unite to solve the issues of a personal nature so we can move forward in a business-like manner.

Mr. Burgio felt the same as Mr. Salvatore and said we all love our community. He has been here since he was a boy and feels sad and embarrassed about some of the situations that are happening; we need to unite and resolve these issues and was in favor of a review that is done properly. He intends to work with the law director with her input as to the proper procedure. He thanked those who attended as it shows they care about their community. There have been some indiscretions but we all do care about our community a great deal. He had compassion for Ms. McCormick, but steps have to be taken appropriately to resolve the problem. Perhaps a leave of absence or by stepping down, but something has to be done because it is a negative reflection on the community. He would look to the law department for feedback and input so we can proceed and move

Council/Administration Responses: cont.

forward to deal with the situations in a proper manner and in the way they should be handled.

Mr. Scott said he has probably had personal contact with everyone in the audience and appreciated them attending. His phone is open to all and he always answers anyone's questions whether good or bad. He will do all he can to move the city forward. He welcomed phone calls and working with people to do anything necessary to move the city forward. He thanked Ms. Anderson for speaking and promised that there will be an investigation, done properly, that will include other issues.

Ms. Powers said she listened to everyone in the room that spoke and said in this country people are innocent until proven guilty. However, those in this room have decided to take it upon themselves to be judge, jury and executioner without the facts, which is not the correct procedure. It is to investigate and wait until we have all the facts. Toward that end she felt we should listen to an important man who said, "Let he who is without sin, cast the first stone." When you point a finger notice that you have three pointing at yourself. Unless you can withstand the scrutiny you are demanding of someone else, it is time for you to let the law take its course. There is no reason to condemn someone before you have the facts.

Mr. Troyer said he could not speak about the cases in litigation and felt he would be found not guilty for the two charges against him. He knows what he did, but others view it differently. He apologized for not being careful and for again placing himself in the position for charges to be brought against him, but he believed he would be found not guilty. As to the audience member that stated the two crimes were identical, only the charges are identical, not the crimes. He will be more careful in the future, but he did nothing illegal and his attorney will represent him based on that. Regarding the investigation, four council members voted against it for some reason. We could have started it going tonight. Ask them why they did not vote in favor. Regarding changing legislation, he is very particular about legislation saying what it means and meaning what it says and being accurate. If not written correctly, he will abstain even if he is generally in favor of it. He asked everyone who supported the Mayor to clap and many responded.

Mayor Coyne said the last comment tells a lot because the people elected him. He said no one understands public humiliation more than he does, but

Council/Administration Responses: cont.

it was his own fault and he paid the price. In a statement, he blamed everyone else because he was not in office and would not hurt anyone; however, he hurt his family and his reputation, which was built up over 20 years in a public career in the city. Serving in public office in this town takes grit and guts because residents demand results, which they have done this evening. The presiding officer, before others could speak, tried to inflict his thought process on the process of reviewing what is happening here. He did not feel sorry for Ms. McCormick, but felt compassion for her family that will have to endure this matter. When you remain in public life and have issues, it is not fair. She knows what she did and should be frank with the residents and elected officials and move on for herself and her family. Mr. Troyer is dismissing something that may turn out to be more egregious. This city is made up of neighborhoods of people both black, white, Christian, Presbyterian, etc. A salad bowl of people from our very existence. He said Mr. Mencini mentioned earlier the people whose pictures are hanging on the chamber walls. He grew up knowing almost every one of them, except for those from the 1920's. He has never seen the conduct of a legislative branch in this city ever like it is currently. He will write a memorandum to Council, but before he does, he will have the law director review how you should proceed. The police department and special prosecutor will present a case with the outcome not what Mr. Troyer thinks it may be and he has confidence in them. Mayor Coyne said he talked to Mr. Troyer that evening asking him to leave the scene. It could have been very treacherous for that neighborhood. Someone could have been gravely injured or killed. That same night there was a murder/suicide in the city. He and Ms. McCormick are both entitled to their day in court. They should be candid with their colleagues because only they know in their hearts what they did. Officials must always be aware of how they conduct themselves everywhere. When you take the oath of office, that is what you buy into, it is not fair, and it can be brutal. The Mayor said a twelve-year-old girl from Wisconsin posted on her website about what he did and what occurred twelve years ago so you live with that forever. Elected officials are negatively affected but we have a city to grow and build and we are doing that in spite of the situations that occurred. For the first time in his three years, a realtor told him houses are moving in Brook Park. We just elected a president in this country and, in Cincinnati last week, he said, Mayor, how do you like what happened with Carrier, and he replied what about Ford Motor Company. In front of all these people, he said they are next. The Chairman of the Board at Ford said they would talk to the president before moving any more jobs, which is great news for us. If we can close this thing with a unique partnership with

Council/Administration Responses:

somebody, one of the greatest investments this city has seen maybe since Ford Motor Company is forthcoming. Many good things are happening, but this body has to function in order for that to happen or people will be driven away in droves. He and Ms. Anderson talked about a little of what she is going through. We have argued over the years more than anything. To see her come up and say what she did, you should all be congratulated for what you are doing. People's attendance is good because an empty room tells us no one cares. Ms. Anderson is correct. He has no control over this review and has nothing to do with it except that it affects the way he does his job and affects those who are on the streets every day doing their jobs and doing it very well with less people. Every department is working hard every day. Look at the miracle of the recreation department and what is occurring there. Many of those in this room play their role while others struggle. There is a demand for a review and they have to do it. Anyone who says it is not necessary is wrong and they have to do it among themselves. The law director is capable of providing guidelines and Magistrates and Hearing officers can help. He said you were asked if you supported the Mayor and he, certainly, hoped that was the case. They do not have to love him, but he needs their support and help. He said he did not support the law director, but she has done a magnificent job and she is fighting here more than he is. Mr. Greenlee who does the publication for Our Home Town News is here. He has known him most of his life and he is one of the brightest people in the community, however, he has not done any good for the community. He does not care what he writes about, but he is too bright not to realize what is happening. Deep in his heart, he must love this town and likes to dictate what happens in the town, but he put out a piece of literature with a toilet on it. He challenged Council to get matters cleaned up. Members of Council who know what the situation is in their hearts should do the right thing and not put the city through a prolonged agony over these matters. That is his plea as Mayor. He shares, along with Council, that he is proud to see those in attendance. This city afforded the ability for people to speak at the podium and voice their feelings before anyone and he said he is glad to see it is still working.

Mr. Astorino said he asked for a motion for an investigation and stated after observing the legislative process at Council meetings in other cities his is one of the few times he has seen people speak at the podium and blame the minority for things not getting done, which only a majority can do. Nothing is getting done is a nice sound bite, but during the budget process, Council asked many questions and reduced the budget by over \$600,000. Having work done on three streets was in the budget. In 2014 and 2015, one street

Council/Administration Responses: cont.

was done for both years. Not all of the streets are being worked on. Fry Road from Holland to Snow Road was supposed to be done, but only Holland to Sylvia was done this year. The money was there. It just did not get accomplished. Hundreds of thousands of dollars of new equipment has improved the recreation center. A little over \$260,000 has been spent on the sidewalk repair program and there is a change order to put in another \$125,000. Many sidewalks have been installed to improve the neighborhoods. Grants for businesses have been provided to help either bring in jobs or retain jobs. There have been ball field improvements, light fixtures at the football field have been repaired, a new pavilion at Kennedy Park and a new press box is going in by Hufsey field. It is inaccurate to say nothing is getting done. What is different from previous Councils is this Council asks questions and debates matters, while not always pretty and sometimes argumentative. It is Council's responsibility to assure that tax dollars are properly spent. The audience asked for an investigation. The motion to have an investigation, as requested by the law director failed. Then promises were made that an investigation would take place after they were given the opportunity to have an investigation and chose not to. General comments and allegations were made, not based on truth, making it appear that things are not being done correctly or that we are not the right type of people, however, we are doing things that have improved the city.

Motion by Mr. Mencini, supported by Mr. Scott to return to the regular order of business after a five-minute recess.

ROLL CALL: AYES: Mencini, Scott, Burgio, Salvatore, Troyer, Powers.

NAYS: None. The motion carried at 8:45 p.m.

REPORTS OF SPECIAL COMMITTEES:**SOUTHWEST GENERAL HEALTH CENTER - TRUSTEE SALVATORE**

Mr. Salvatore stated the board approved the 2017 budget and strategic plan for Southwest General's future. All 2016 construction projects are near completion and on schedule. They are ahead of last year regarding patient experience and are in the top 25% or better in most categories. Medical staff continues ongoing efforts to improve the patient experience, which improved from the prior year and is better than the 2016 target. Performance on key quality and safety indicators is good compared to the targets and compared to prior year results. The finance report indicates volume through October is consistent with trends seen last year. Volume is better than target and prior numbers from last year. Affiliation with our Strongsville and medical centers, are both above target in that category.

REPORTS OF SPECIAL COMMITTEES: cont.

Employee physicians' group improved its operating performance with increased volume and good management of all practices. Growth of outpatient volume continues as in previous months and on year to date volume and better than the prior year. Regarding community update, leadership team representatives met with Berea Midpark High School students to share information about various health care careers. The 31st Annual Festival of Lights Program at Southwest General was successful and well attended and helped to kick off the holiday season.

BEREA BOARD OF EDUCATION COMMITTEE – BURGIO, McCORMICK

Mr. Burgio said at last night's board meeting student groups were recognized that included showdown innovation students, girls' cross-country team, and the All Star Honors Choir. This morning Berea Midpark Show Choir performed at the seniors' meeting and was outstanding. A presentation was given regarding the district's report card and described different ways students can earn their 18 points to graduate and how the State assessment works after three years of changing assessment criteria, further details will be provided at the next meeting. Superintendent Mike Shepherd gave a facilities' update: the district advertised for construction manager and hopefully will decide on that in January. The next organization meeting is January 9, 2017, with a director meeting following immediately after. Brook Park resident and board member Fred Szabo was unanimously nominated president pro-tem for that meeting. The tax budget meeting will take place at the January 9, regular meeting.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Coyne stated that NOPEC customers received opt out notices. The aggregation program began in Brook Park enabling customers' competitive electric and natural gas rates. NOPEC's agreement with First Energy over six years guaranteed small commercial Book Park companies a 4% price reduction and residential customers a 6% reduction and would run to 2018. There was a dispute between First Energy and NOPEC. Negotiations could have allowed the contract guarantee residents the guaranteed price until 2018. NOPEC generates administrative fees from gas and electric for operations and the organization will be under examination. It appears millions of dollars are being used to promulgate NOPEC's existence rather than the interest of those wanting lower bills. The new agreement with a

REPORTS AND COMMUNICATIONS FROM THE MAYOR: cont.

company that provides natural gas, provides the same cost reductions, but only until about August, 2016. Variable rates, etc., kick in and the city and residents like to know what costs are going to be. Personally, he will opt out and contract with TPI, which guarantees 6% reduction off the price to compare. There will be a special offer to residents and small companies in Brook Park for the same contract they have now; for commercial, 4% off the price to compare, and 6% off for residential. They honor that agreement until 2018. NOPEC membership will be examined and determined to see if the city should continue being a member. When formed there were not many aggregators or competition available with major utilities. We were a major cog in making deregulation happen. Residents are slammed by lots of aggregators and do not know what is happening. Long term, we have to look at that short term. This energy group provides, for him personally and for the city buildings, to make that decision so we can move forward. The city web site will provide TPI phone numbers and an apple to apples comparison with NOPEC. NOPEC is the short-term agreement, which does not serve what should be what NOPEC was formed for, to guarantee the best price. NOPEC is the Council of Governments and should not be sustaining its existence at the consumer's peril. The bottom line should be the consumer paying the least amount who are members of NOPEC. A longer legal provision will address long-term issues, but this is the right choice and a much better proposal. The deadline to choose is December 12th. It is what we should have had through 2018 with NOPEC. Those with questions should contact him and he will forward the proposals to Council. Hundreds of people await the outcome. Many received notices from First Energy and NOPEC that were not their customers so there will be some legal challenges with NOPEC. The entire issue has been confusing. It is up to individuals to examine the offer. Lastly, some Mayoral appointments will follow later during the meeting at the appropriate time.

Mr. Troyer concurred regarding NOPEC over charging utilities for projects rather than passing the savings to customers. He then asked about dispatch and Mayor Coyne said Safety Director Cayet would discuss it.

Mr. Mencini asked if there was a break down for the recreation center numbers to which Mayor Coyne said bond counsel, financial advisers and Brewer-Garrett crunched the numbers and the law director is reviewing it, we will get Council back on that project in about a week.

REPORTS AND COMMUNICATIONS FROM THE MAYOR: cont.

Mr. Astorino asked about the status of the snowplow program to which the Mayor said 300 people are in the program and the price is the same as last year. Mr. Astorino then said a couple of pieces of legislation were pushed back at the last couple of Caucus meetings because the police chief was not present to answer questions. He asked if he could attend next week's meeting to which the Mayor said written responses were provided, but Mr. Astorino wanted him present to answer questions so the Mayor said he would request that he attend. Mr. Astorino asked if planning commission would be reviewing anything regarding recommendations for the medical marijuana as the six-month moratorium is up in March. The Mayor said legislation was passed for hearings to be held with an expert panel to advise the city. The State is finding direction and the new attorney general may have a different view. Mr. Astorino said Ms. Jennifer Roth was to provide answers last week to which the Mayor said there was a preliminary and we are waiting Mr. Stuczynski review.

Mr. Salvatore said he understood the panel would be seated after the first of the year and asked if there was a change to which Mr. Astorino responded that there was not.

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS AND OTHER PUBLIC OFFICIALS:**

Mr. Piatak said work on the 2015 Sidewalk Project was suspended and will resume weather permitting and would like it complete in the spring. To date approximately 2,600 square feet of sidewalk is complete and the 2016 Crack & Joint Sealing Project is complete. Over 9,100 gallons of crack-fill was used on about 3.82 miles of road. The Smith Sewer Project Phase IV main line sewers and service connections are installed; restoring pavement should be completed by Christmas and landscaping finalized in the spring. The Michael Drive project is complete. The Fry Road Reconstruction Project Phase I is almost finished, landscaping will be finalized in spring and the barrels and signs should be cleaned up by early next week. The Holland Road Reconstruction Project application was submitted through Ohio Public Works Commission's State Capital Improvement Program. We ranked 19 in the funding tier and 19 were funded. An appeal was submitted to solidify the project's position to ward off a lower ranked appeal that could bump out the project, the final decision will be December 15th.

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS AND OTHER PUBLIC OFFICIALS: cont.**

Engineer Piatak: cont.

Mr. Burgio said Fry Road looks good and people will be pleased with the outcome. He asked about the tree lawns and Mr. Piatak said a mulch and fertilizer seed mixture was applied the final seed will be applied in spring.

Mr. Scott asked what information he could give Brookdale residents in his newsletter.

Mr. Piatak said the project would go out to bid with anticipated spring construction.

Mr. Mencini concurred that Fry Road is good and asked what was the growth rate of the trees that were planted.

Mr. Piatak said they are Cleveland Select Pears that are street and sewer friendly. They do not grow large and the root system is less invasive than a Silver Maple.

Mr. Mencini thanked the police, service and safety directors for the quick response regarding the pothole at Smith Road that damaged some vehicles and there were other holes.

Mr. Piatak said it eroded and created damage, it was a lateral repair to a house. The trenches were backfilled with stone and they put a cold patch on top. Due to rain and snow, the cold patch did not pack in and there was ponding water. Water and cars running over it splashed material out of the trench causing the potholes and damage to some tires.

Mr. Mencini said the guys are doing a great job on all the projects and are resident friendly.

Mr. Troyer asked if all the streets on the list were done for crack and seal?

Mr. Piatak responded no and he would provide the wish list; it is difficult to estimate how much material will do a particular street.

Mr. Troyer said regarding the Holland project ranked at 19, do we get more money the higher we go on the list or do we just make sure we want to stay on the list?

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS AND OTHER PUBLIC OFFICIALS: cont.**

Engineer Piatak: cont.

Mr. Piatak replied we want to stay on the list. The appeal process does not allow modifications to funding requests; points are awarded based on the project. They run through the highest ranked projects that scored the most points and go down the list until the money runs out which happened up to the point of our project. The appeal helps solidify our position and give us better odds in making the final project selections.

Mr. Troyer asked if the water line must be done first regarding Brookdale in Ward 4 and would it be a winter project?

Mr. Piatak said it would be a late winter or early spring project and the road would be part of the same project.

Service Director Cayet

Mr. Cayet stated leaves would continue to be picked up weather permitting. Rubbish trucks are parked inside for winter so residents must arrange to bring rubbish to the service area. Bids were received for rubbish collection and disposal and a report will be prepared for the next Caucus. Mr. Cayet continued that he will work with the finance director on the capital end with the cost. The capital end will be with us during disposal along with the cost of the bids that came in for the collection disposal for private entities to perform that task.

Mr. Burgio asked that a pothole heading west on Sylvia on the south side of the street by Sylvia and Smith near a loop detector be looked at because the wire could be severed; causing problems with the light not changing heading westbound on Sylvia.

Mr. Mencini thanked Mr. Cayet for his quick response regarding the Smith Road issue, for taking care of the barrel situation, and for the leaf removal.

Safety Director Byrnes

Mr. Byrnes stated dispatching is scheduled to make the conversion to the Parma Dispatching Center effective December 14th. Notices was given to the four remaining dispatchers that they will be transferred to Parma and that their Brook Park positons have been eliminated; they will be operational with the Parma center on or before December 14th.

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS AND OTHER PUBLIC OFFICIALS: cont.**Safety Director Byrnes: cont.

Mr. Mencini said he sees patrols doing more radar that he requested. Paramedics have been busy the past four or five days and are doing a great job. It is great news that both Barr girls are home and are going through some tenuous rehabilitation every day.

Law Director

Mrs. Horvath stated the Charter provides for an investigation not limited to any topics. Section 17.06 says the Mayor and the Council can cause an investigation to be had. Section 15.02 talks about Council people and their possible removal; those two sections work together. There are topics listed for removal not related to criminal matters but related to misfeasance, malfeasance and conduct. A paragraph addresses a procedure where whoever is being investigated would have the ability to make a case. Those provisions are very short on procedure and do not give guidance as to what would be the appropriate procedure. Probably because whoever drafted the Charter did not anticipate some of the circumstances we have, but research should be able to fill in those gaps. Regarding the legislation appearing to be altered, she advised it should be investigated in two memos she directed to Council and she still feels they should be investigated. If her house were burglarized, she would want a police investigation, but would probably follow up herself to find out how it happened and what could be done to prevent it happening again. Therefore, it would be appropriate for Council to investigate and after reviewing the matter she felt it her duty and obligation to report the situation; especially since circumstances indicated it could be a possible criminal act. Therefore, she initiated an instant report that caused Brook Park police to take a report and some statements and they are following through, procedurally, with regard to that investigation. In addition to what Council is contemplating, the law department has also initiated an investigation through the police department, details of which she did not want to discuss as it is under investigation, but wanted to address some ancillary issues. Council Rule 5 that talks about standing committees and the rules for standing committees would prevent these two particular pieces of legislation from ever possibly being introduced by committee. There was no meeting or quorum, and no one discussed the particular legislation so it is not possible in this particular case that a committee or the finance committee would ever be able to introduce legislation of this type. That is not to say that in the future there could not be circumstances where a committee could introduce legislation. She preferred not to expand on

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS AND OTHER PUBLIC OFFICIALS: cont.**

Law Director Horvath: cont.

that much, but wanted to indicate her deep concern for this happening because each Council member has a right to vote on legislation and to introduce legislation. It is unfair to place a Council member's name by implication on something they have never considered, reviewed, discussed, or voted on. It is also unfair to change legislation without Council people having the ability to do their job and discuss that change. When she drafts and approves legislation as to form and correctness, she expects Council will receive whatever is drafted without any changes or alterations because only Council in open meetings can make those changes. It is totally inappropriate to have something changed in between from the law department to the Council office. She noted the rule of law is very important and is the cornerstone of democracy. It is the principal that laws should govern us and not arbitrary decisions of officials. We all took an oath of office, promising that we would support the rule of law. She was not directing her comments to any particular individuals but rather to everyone and she included herself in that admonition. She said we have to be very careful to obey the rule of law and be sure we stay within the boundaries of our offices, be sure that we do our jobs to the best of our ability, but be careful not to cross over into someone else's job or attempt to try and enforce something we do not have authority to do. She was very concerned that if we do not attempt to stay strictly within the rule of law, follow the Charter and other rules, we will see possible destruction of the legislative process and we do not want to see that. We love the City of Brook Park and want to do the best that we possibly can for the city. The matter regarding the legislation has been reported and is in the process of being investigated.

Mr. Salvatore asked if there was any other litigation we should be aware of to which Ms. Horvath replied there is one case she has not had the ability to brief for Council. It is Bank of America vs. City of Brook Park and she would only discuss it in executive session.

Mr. Troyer said regarding standing committees, early in the year we broached attempting to have three members try to do things a little differently, however, it was ruled that it could not be done and it was discontinued. We went back and stood fast with the Council as a Whole procedure. If we are now three members who are all chairs, 1st, 2nd and 3rd chair, and the standing committees are actually just chairs, because it is Council as a Whole, so they are just chairs, so why would the 2nd or 3rd chair

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS AND OTHER PUBLIC OFFICIALS: cont.**

Law Director Horvath: cont.

have to be notified if anything was done with the standing committee because it is really up to the 1st chair. The only time the 2nd and 3rd chair have any authority or ability is if the 1st chair is not present. He asked the law director if that was correct or if she read it differently.

Ms. Horvath said if he is asking whether or not the 2nd or 3rd chair steps in for the 1st chair at a meeting of the committee, which would take place by your rules under the second or the fourth Tuesday, then she supposed that is true, but if she reads Rule 5, it says the committee consists of 4 ward council persons and three at large, so all of Council is on each and every standing committee and in order for the committee meeting to take place, you have to have a quorum, which by Rule 5 is defined as 4 Council members. Therefore, you can only have a committee meeting if you have four members and the designated times really are the times that we have caucuses. That is what the rules say and that is the only time you can have a committee meeting unless by a vote of at least four you determine you are going to do it at a later date. Therefore, the fact that you have a 2nd or 3rd chair is good. That person can fill in for the 1st chair, but it is really more of a title rather than something that is practical because the entire committee does consist of each and every Councilperson.

Mr. Troyer said regarding Bank of America, we are supposed to receive monthly written reports.

Ms. Horvath replied she would try to have that out by the end of the week.

Mr. Mencini said he is on the recreation commission and on the zoning and planning commissions. He keeps abreast of what is going on which is in the best interest of anyone on a committee. Is it not important that everyone on a committee have a little knowledge of exactly what is going on?

Ms. Horvath said that is best. It is divided up so there are some people who will make a special effort in a certain area to learn everything so they can come back to the Committee of the Whole and report, but it also behooves every Councilmember to know as much as they can about each of these individual topics that we have committees for.

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS AND OTHER PUBLIC OFFICIALS: cont.**

Law Director Horvath: cont.

Mr. Astorino said under Charter Section 6.02 Duties it states Director of Law shall serve the Mayor, the Council, the administrative officers and departments, and the commissions and boards. If we go forward with an investigation; she represents all members so she would be on both sides.

Ms. Horvath said you can never be on both sides of anything. Her interpretation is that she serves to provide recommendations to Mayor, Council, departments, but case law says that her client is the municipal entity and her duty and obligation is to step in and represent that entity if there is a conflict as to what Mayor or Council may want. Her first duty is to represent the City of Brook Park rather than any particular department. If the question refers to an investigation and what the law department's role would be, that would be something she would have to research further and come up with what is an appropriate procedure and define what everyone's role in the entire procedure would be. It is an unusual situation and something she has never encountered. Either practically or nor has she encountered case law on it so it would be something she would have to make inquiries about and report back.

Mr. Astorino understood she needed more specifics, but if she is counsel to Council people and there is an investigation going on and they have questions they should be able to come to her, but if her office is doing the investigation how does that get handled because he did not see if her office is able to conduct an investigation because she is to provide legal counsel to all parties.

Ms. Horvath said she cannot wear two hats. Her office is not conducting the investigation. The Brook Park Police Department is conducting it presently and may refer it to another entity for reasons that she is hesitant to discuss in an open meeting. To complicated things, she provided them with a witness statement and so did her administrative assistant, which will complicate things even more because they both have the potential of being one of your witnesses. It is a situation that is like an onion where you peel layers off to get to where you want to go. It will take some time and concerted thought to determine what would be the best method.

Mr. Astorino said there have been inquiries to the law department regarding the current Brewer-Garrett contract. In December 2015, legislation passed

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS AND OTHER PUBLIC OFFICIALS: cont.**

Law Director Horvath: cont.

to bid and they were selected. We have tried to get a copy of the contract, which her office, apparently, does not have.

Ms. Horvath said that was her understanding from her administrative assistant was there was some material in the file; however, the full contact was not there. She asked Mr. Cayet for assistance and he sent what he had, which was referred to Council. As far as she knew, the materials Council received were all that we have within the legal department, there is no other place to look.

Mr. Astorino asked if the law department could contact Brewer-Garret and request a copy of the contract to which Ms. Horvath replied that she could make inquiries.

Mr. Cayet said he sent Mr. Astorino the contract along with bid tabs, sign in sheet, and everything, which he would resend to Mr. Astorino.

Mr. Astorino voiced his appreciation.

Ms. Horvath indicated when she took office in January she noticed the law department did not have all of the contracts and she is trying to obtain a copy of everything. Many of the departments ended up with the contracts and they are the ones dealing with the specifics of the contract and for some reason the law department did not receive copies.

Mr. Cayet made every effort to look for everything that he does have within his office and has forwarded everything that he has to the law department and we forwarded it on to Council.

Finance Director Cingle

Mr. Cingle stated monthly reports for November would be distributed shortly and thanked Council for considering legislation tonight that will finalize year-end reporting requirements for the city's finances. The Board of Review authorized and approved purchase orders for the senior snow removal program this evening.

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS AND OTHER PUBLIC OFFICIALS: cont.**

Finance Director Cingle: cont.

Mr. Mencini thanked the finance director for reviewing many items with him that helped with some numbers and some heavy questions.

Mr. Astorino referred to Section 2 of the Charter and said if Council people have a meeting with the finance director to deliberate on legislation that is not being done in an open meeting. Should the questions and answers be brought forward at an open meeting so people know what they are?

Ms. Horvath's interpretation of Section 2 was that all formal actions take place in open meetings. That refers to Council-matic action rather than one or two city employees or a Councilperson discussing a particular financial issue with the finance director. The key point is whatever action Council takes is in open meetings rather than a particular member asking someone a question, which is not problematic.

Finance Director Cingle said he and Mr. Mencini did not discuss ordinances on the agenda this evening, but rather discussed rubbish disposal.

Mr. Troyer compared the temporary appropriation's budget to last year. The General Fund was appropriated \$5.564 million dollars and for 2017, it is \$4.965 million dollars, almost \$600,000 less. Personal services are \$3.868 million dollars for 2016 verses next year, which will be \$3.560 million dollars, \$308,000 less. How has the General Fund been decreased by nearly \$600,000 from last year?

Mr. Cingle said these are estimates, when preparing the document this year he looked at activity for the first three months of 2016 and adjusted figures accordingly. Once approved work will begin on the 2017 budget and once there are final figures for the year that will be debated by Council.

Mr. Troyer asked why the estimate was so much different?

Mr. Cingle responded he took the 2016 first three months' activity and adjusted accordingly based on union contracts and prepared a document accordingly.

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS AND OTHER PUBLIC OFFICIALS: cont.**

Finance Director Cingle: cont.

Mr. Troyer ask that the reduction for Personal Services be explained. Two full time positions were added, one in the Mayor's office and one in the recreation department, and there were others throughout the year. In addition to the employees' 2% wage increases, how did the personnel expenses decrease? Additional people and the 2% increases would cost more money; how is there still a \$308,000 reduction?

Mr. Cingle said he took the first three months of this year and adjusted based on the union contracts approved by Council, which are estimates. He can review 2016's to see the difference between 2016 and 2017, but this is an estimate that provides spending authority for the first three months of the year. The 2017 budget will be prepared and debated with Council in the near future.

Mr. Troyer said interestingly if dispatch happens, line item 411 - Safety Building- 821 Personal Service, is \$6,000 less than last year. This year it was \$37,168 and next year it is \$31,000, a reduction of a little over \$600,000. Now we are looking at dispatch, maybe, coming in early. Will that change? Do we have to amend this? Has the dispatch move been factored in and, if so, why not a bigger reduction. Basically, that should go away.

Mr. Cingle said last year there were dispatchers in the safety building. For the first three months this year there are not since they are moving next week. A couple employees will still be charged out of the safety building, which was factored in accordingly on this document; that is the majority of the reduction in Personal Service.

Mr. Troyer said, so for central dispatch the savings is only \$6,000 over last year.

Mr. Cingle replied he would have to review the 2016's temporary budget to see how it was prepared last year.

Mr. Troyer said perhaps they could talk later because he had the document with him. 821-Personal Service was \$37,168 and for 2017, it is \$31,000, almost a \$6,000 difference. He asked if that would change or be amended?

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS AND OTHER PUBLIC OFFICIALS: cont.**

Finance Director Cingle: cont.

Mr. Cingle replied this document would not have to be amended. In 2016, \$59,291 was appropriated for line item 874-Miscellaneous Executive, for the first three months of next year, \$75,000, a \$15,709 increase. With all labor contracts settled for 2017 why is more being budgeted for 2016? Are other expenses anticipated to increase? Where is the increase? He received the breakdown of where some of this money went, so where is this increase going and what is the need?

Mr. Cingle said it is an estimate, but if you looked at the last few Board of Controls, we have been running significant attorney fees due to ongoing labor negotiations.

Mayor Coyne commented that not all negotiations are over.

Mr. Troyer asked what fund does Communication's appropriations come out of?

Mr. Cingle replied he would check as he did not have the information with him and he would send Mr. Troye an email regarding same.

Mr. Troyer said the 2017 temporary appropriation for Special Revenue Funds is \$5,116,000 and for 2016, it was \$4,102,000, an increase of \$1,000,000. Why did appropriations for accounts 210 through 290 increase by over \$1,000,000 from last year?

Mr. Cingle stated this estimate was arrived by taking the first three months of this year and projecting for the first three months of 2017. One reason for an increase in Special Revenue Funds is in the Economic Development area for the 2016 Sidewalk Program. The Council President asked two weeks ago, about the \$300,000 estimated appropriation for contractual services. The majority of that is going to be for the 2016 Sidewalk Program. If weather is favorable the first quarter of 2017, some dollars may be expended due to that program.

Mr. Troyer said \$1,000,000 more on the Sidewalk Program?

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS AND OTHER PUBLIC OFFICIALS: cont.**

Finance Director Cingle: cont.

Mr. Cingle said partly and he would have to check the other part; had he known there would be so many questions he would have brought last year's information; there may be an increase in projected transfers for city income tax.

Mr. Troyer asked Mr. Cingle to email the information.

Mr. Cingle responded call tomorrow to talk.

Mr. Troyer asked Mr. Cingle if the Brewer-Garrett contract was in the finance department.

Mayor Coyne stated we have the contract that was publically bid; it is not even \$34,000; two years ago, when he came into office, he could not find anything and now almost all contracts are kept in a central area in law department.

Mr. Astorino asked if requests are made annually to the county for tax revenues?

Mr. Cingle replied yes.

Mr. Troyer continued can we anticipate how much we will collect or is that provided once requested? When is it provided and collected?

Mr. Cingle said the county provides an estimate of the projected property tax revenues. It is collected during the second to third week of December. Schedule A with projections is received; this is the first half estimate. Depending on how many advances the county process, if they process two advances and one final payment, this allows us to receive money in the first advance and the second advance rather than waiting until all collection is finalized. Sometimes that happens in February and depends on how fast the county processes the collected property tax dollars and would know about the monies after he sees the scheduling.

Mr. Astorino referred to an email he sent to Mr. Cingle, regarding amending the year-end appropriations, which asked if a document could be created

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS AND OTHER PUBLIC OFFICIALS: cont.**

Finance Director Cingle: cont.

comparing the appropriation's ordinance to the one we have. The recently amended original appropriation ordinance had about 140 amendments and now there are almost 80, it is difficult to compare and the amendments do not tell the effect.

Mr. Cingle did receive the email; however, he has provided information to Council with more detail. He is looking into better software that may provide such a report as requested by Mr. Astorino.

Mr. Astorino mentioned a recent Channel 19 report about the city being in financial distress and if the finance director considered that true. The fund balance has been increasing.

Mr. Cingle said the city has challenges. There would be a volatile impact on finances if something happened with the largest taxpayers, NASA and Ford, the city has weathered the storm. Difficult decisions have been made over the years by the Mayor and Council to financially strengthen the city. Currently the city is in solid financial condition, which we always must be aware could change with a negative announcement from NASA and/or Ford. The challenge is to continue diversifying the tax base to lessen the impact or lessen the percentage of income tax revenue that comes from those entities. In doing so, the city would have a stronger case to strengthen the bond rating with rating agencies when borrowing money. We have to watch our dollars closely, spend within our means and diversify the tax base to lessen collection from Ford and NASA.

Mr. Astorino said the report also mentioned that a loss of confidence in Council due to what is going on with Council might hurt our ability to get a levy to fund some recreation programs. He asked Mr. Cingle if he was aware of any levy or tax increase to which Mr. Cingle said he was not.

Mayor Coyne said the city is not in financial stress. The operating side is stable if we maintain the numbers. Benefit packages are competitive and some benefits were changed and Council will be having some legislation. Capital is the challenge. If Council is not brought under control, it will impact the city's ability to borrow money or attract businesses, and may affect the ability to insure public officials. Reporters put a spin on things and

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS AND OTHER PUBLIC OFFICIALS: cont.**

Finance Director Cingle: cont.

the city's challenges are no secret. We have recovered from them to some degree and we are not distressed. However, we are not floating with a lot of revenue. We must continue what we are doing to ensure the city does not get distressed, which the budget will reflect. As illustrated by Mr. Cingle, if there is a challenge to NASA, hopefully, there will not be now with the leadership and our voice there, or a challenge to Ford. Perhaps the new president will convince them that work should come here rather than Mexico and that would enhance our ability to do things. If there are corporate decisions or government budget decisions that challenge that, it could reflect immediately and have a great impact on the city.

Mr. Astorino appreciated the comments and said residents are anxious when they hear Channel 19 saying we are in financial distress and a tax levy will not pass, so he confirms that with the finance director, it is good to know that Channel 19 is not necessarily accurate.

Mayor Coyne said what was the report that brought that to the people's attention, as they would be paying more attention to the topic rather than the reporter's comments; generally, if those kinds of things occur in your community it could affect you.

**OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL
APPROVAL: (INTRODUCTION OF NEW LEGISLATION):****Communications:**

1. CORRESPONDENCE RECEIVED REQUESTING TO BE READ INTO THE RECORD.

The Clerk read correspondence received from Mr. David A. Morris that is attached to these minutes.

Mr. Scott asked to read a letter to which Mr. Astorino replied he could not since it was not received 24 hours prior to the meeting.

Mr. Salvatore asked if the letter had been presented to the Clerk?

Mr. Scott replied it had been and said he could read it.

Communications: cont.

Mr. Salvatore asked the Clerk if a copy was given to her to which she said she did not have a copy.

Mr. Astorino asked when he gave her the letter?

Mr. Scott responded Sunday night and told her to call him about an item he would like to have read and asked if it was possible for him to read it and she said yes.

The Clerk clarified that conversation took place.

Mr. Astorino said if it was not present to the Council office prior, it would not be appropriate, but he did give it to the Clerk, therefore, he could read it, but it should have been presented to all the Council members.

Mr. Scott read the letter addressing the oath of office and the two Councilpersons that have forgotten their oaths and responsibility to the city and themselves.

Ms. Powers - Point of Order - stating this is a campaign statement to which Mr. Mencini, temporarily acting as president pro tem, said he would allow Mr. Scott to continue.

Mr. Scott continued...

Mr. Troyer - Point of order - stating he is disparaging other Council members, which is against Council Rules, not to mention false accusations.

Mr. Scott asked where are the false accusations?

Mr. Astorino said Mr. Mencini was running the meeting in his brief absence and said Mr. Scott is allowed to read the letter, but the rules of order do not allow impugning members. If that is what his comments are doing, they would be out of order.

Mr. Mencini asked Mr. Troyer if he could say where Mr. Scott read an objectionable statement.

Mr. Troyer said he did not have a copy of the letter, as is normal practice, so he could not.

Communications: cont.

Mr. Scott provided Mr. Astorino with a copy of the letter and Mr. Astorino said it goes outside the borders of a Council meeting for proper decorum by impugning and attacking personalities and ruled that Mr. Scott could not continue reading the letter.

Mr. Scott stated he would send it to every resident in the city.

INTRODUCTION OF NEW LEGISLATION:

1. AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER FUNDS TO THE SPECIFIED ACCOUNT. Introduced by Mayor Coyne
Note: (Per Council Rule No. 12)

Mr. Astorino said the Finance Director had asked for this to be placed on first reading tonight, therefore, per Council Rule No. 12 it will appear under first reading M-5 as Ordinance No. 10056-2016.

2. AN ORDINANCE REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAX REVENUES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne **Note:** (Per Council Rule No. 12)

Mr. Astorino stated that was also requested under Rule 12 to be placed on tonight's agenda and will appear as M-6 as Ordinance 10057-2016.

3. AN ORDINANCE AMENDING NO. 10038-2016, THE APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne **Note:** (Per Council Rule No. 12)

Mr. Astorino stated this is under Rule 12 and will be M-7 as Ordinance No. 10058-2016.

This ordinance and the prior two are assigned to the finance committee because they are going to first reading; they are not placed in committee they are just assigned to the committee.

INTRODUCTION OF NEW LEGISLATION: CONT.

4. AN ORDINANCE TO PROVIDE FOR THE TEMPORARY APPROPRIATIONS OF THE CITY OF BROOK PARK, STATE OF OHIO, FOR THE THREE MONTHS ENDING ON MARCH 31, 2017 AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne **Note:** (Per Council Rule No. 12)

Mr. Astorino said this will appear as M-8 as Ordinance 10059-2016 and is also assigned to finance committee.

These four ordinances that have been added to first reading were posted with the agenda packets so when we get to them under first reading they will not have to be read in their entirety.

Mr. Astorino said there is a Resolution introduced by Councilwoman Powers commemorating the 75th anniversary of Pearl Harbor in honoring WWII veterans and declaring an emergency.

This has also been asked under Rule 12 to be placed on tonight's agenda under first reading. It will appear as M-9 as Resolution No. 41-2016; assigned to the legislative committee.

5. AN ORDINANCE AUTHORIZING THE CITY OF BROOK PARK TO PROVIDE A JOB CREATION GRANT TO PLUM MARKET Introduced by Mayor Coyne Placed **in Finance committee**
6. AN ORDINANCE AMENDING CHAPTER 153.06 OF THE CODIFIED ORDINANCES DEALING WITH THE PAYMENT OF HOSPITALIZATION BENEFITS Introduced by Mayor Coyne **Placed in legislative committee**

Mayor Coyne asked if that could be on the next caucus agenda because it deals with payments to retirees.

Mr. Astorino asked the Mayor to have his assistant email the request so it is in writing.

7. AN ORDINANCE AUTHORIZING A CHANGE ORDER FOR THE 2016 SIDEWALK REPAIR PROGRAM Introduced by Mayor Coyne. **Placed in Service committee**

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

Verbal Approval:

Mayor Coyne had five members to reappoint to the Zoning Board of Appeals and one new appointment. Their terms are not staggered and all expire at the same time. They are Ray Barr, Kristy Colburn, Jeff Duke, James Paponetti, Beth Porch, and Mike Lane.

Motion by Mr. Salvatore, supported by Mr. Burgio, to approve the Mayor's appointments.

Mr. Troyer said he received this tonight and would have like to have received it a few days ago. He would probably approve of this but would abstain since he did not have sufficient time to look it over.

Mayor Coyne said Mr. Troyer served with all these people and knows who they are.

Ms. Powers agreed with Mr. Troyer and said we will never be notified in advance of anything if we accept last minute items and pass them the same night. She said she did not know any of the appointees, but if you serve one term or two, at most you should be there. It should not be continuous with the same people as many residents are interested who want to serve and everyone should have a chance to be appointed. It should be advertised along with every job and contract and the positions should be filled by those that are interested.

Mr. Salvatore said he served with most of these people who did an outstanding job and they deserve another term. He was zoning board chairman for many years and said Mike Lane did a very good job as a Councilman and served on a board or two. He highly recommended these people who deserve an extension on their term and his motion stands.

Mr. Astorino asked Mr. Salvatore if there is anything he has not done for the city to which Mr. Salvatore jokingly stated he did not replace the bathroom door that Mr. Astorino broke.

Mr. Scott said he is the Council representative on the Board of Zoning and knows all of these people who have done an outstanding job. Mr. Lane served with him on the board; they are all outstanding and well known throughout the city.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS: cont.

Verbal Approval: cont.

Mr. Astorino did not hear anyone say there was a problem with these people of the two Council people who spoke, one did not like the idea that he received the request this evening. The other was not sure about it and did not get advanced notice, but there were no comments that they did not like or trust the people.

The clerk called the roll on the motion by Mr. Salvatore, supported by Mr. Burgio, to approve the Mayor's appointments.

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

NAYS: Powers.

ABSTENTION: Troyer. The motion carried with a vote of 4-1 with one abstention.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORDINANCE NO. 10054-2016, AUTHORIZING THE CONSULTING ENGINEER TO PREPARE PLANS AND SPECIFICATIONS AND THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR CONSTRUCTION OF THE 2017 SIDEWALK REPAIR PROGRAM AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Motion by Mr. Salvatore to suspend, supported by Mr. Troyer.

ROLL CALL: AYES: Salvatore, Troyer, Powers, Mencini, Scott, Burgio.

NAYS: None. The motion carried.

Motion by Mr. Mencini to adopt, supported by Mr. Burgio

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

NAYS: Powers. Ord. No. 10054-2016 passed under Suspension of the Rules. Adopted by a vote of 5-1.

2. ORDINANCE NO. 10055-2016, AUTHORIZING THE MAYOR TO HIRE INSPECTOR(S) FOR THE 2017 SIDEWALK REPAIR PROGRAM AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Motion by Mr. Burgio to suspend, supported by Mr. Mencini.

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

NAYS: Powers. The motion failed with a vote of 5-1.

Mr. Salvatore said the project cannot go forward without an inspector and asked Ms. Powers to reconsider her vote on suspension to which Ms. Powers agreed to reconsideration.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING): cont.

Motion by Mr. Salvatore, supported by Mr. Mencini, to reconsider the vote on suspension.

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

NAYS: None.

ABSTENTIONS: Powers. The motion failed with a vote of 5-1 abstention.

Mr. Astorino stated Ordinance No. 10055-2016 has had first reading.

3. RESOLUTION NO. 39-2016, SUPPORTING THE PASSAGE OF HOUSE BILL 154 WHICH WOULD REQUIRE A MOTOR VEHICLE WHEN PASSING A BICYCLE, THE SAFE PASSING DISTANCE TO THE LEFT IS THREE FEET AND TO ALTER THE PROTOCOL FOR PROCEEDING INTO AN INTERSECTION THAT HAS MALFUNCTIONING TRAFFIC LIGHTS AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini, Council Members Troyer, Powers, Scott, Burgio, McCormick, Salvatore and Council President Astorino.

Mr. Astorino said Resolution No. 39-2016 has had first reading.

4. RESOLUTION NO. 40-2016, HONORING THE CLEVELAND INDIANS 2016 AMERICAN LEAGUE CHAMPIONS AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore, Council Members Troyer, Mencini, Powers, Scott, Burgio, McCormick and Council President Astorino.

Mr. Salvatore stated Cleveland Indians representatives were unable to attend tonight's meeting and requested to have it placed on the next Council agenda under second reading.

Mr. Astorino stated Resolution No. 40-2016 has had its first reading.

5. ORDINANCE NO. 10056-2016, AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER FUNDS TO THE SPECIFIED ACCOUNTS Introduced by Mayor Coyne.

Mr. Astorino stated Ordinance No. 10056-2016 has had first reading.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING): cont.

6. ORDINANCE NO. 10057-2016, REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAX REVENUES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mr. Astorino stated Ordinance No. 10057-2016 has had first reading.

7. ORDINANCE NO. 10058-2016, AMENDING ORDINANCE NO. 10038-2016, THE APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mr. Astorino stated Ordinance No. 10058-2016 has had first reading.

8. ORDINANCE NO. 10059-2016, TO PROVIDE FOR THE TEMPORARY APPROPRIATIONS OF THE CITY OF BROOK PARK, STATE OF OHIO, FOR THE THREE MONTHS ENDING ON MARCH 31, 2017, AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mr. Astorino stated Ordinance No. 10059-2016 has had first reading.

9. RESOLUTION NO. 41-2016 COMMEMORATING THE 75TH ANNIVERSARY OF PEARL HARBOR AND HONORING WORLD WAR II VETERANS AND DECLARING AN EMERGENCY. Introduced by Councilwoman Powers, Council Members Troyer, Mencini, Scott, Burgio, Salvatore, Council President Astorino.

Motion by Mr. Salvatore to suspend, supported by Mr. Mencini.

Mr. Astorino noted that Section 1 states the Council of the City of Brook Park does hereby designate December 7, 2016, as Pearl Harbor Remembrance Day in Brook Park.

The Clerk read the resolution in its entirety since it was not properly posted

Ms. Powers said she received the resolution today from the law director and tomorrow is Pearl Harbor Day. In order for it to be for Pearl Harbor Day, for the anniversary, it has to pass tonight under suspension of the rules.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES: CONT.

The clerk called the roll on the motion by Mr. Salvatore, supported by Mencini, to suspend.

ROLL CALL: AYES: Salvatore, Mencini, Powers, Troyer, Burgio, Scott.

NAYS: None. The motion carried.

Motion by Mr. Troyer to adopt, supported by Mr. Burgio.

ROLL CALL: AYES: Troyer, Burgio, Scott, Salvatore, Powers, Mencini.

NAYS: None. Res. No. 41-2016 passed under Suspension of the Rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

THIRD READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 10051-2016, AUTHORIZING THE MAYOR TO ALLOW TRANSFER OF A PARCEL OF PROPERTY LOCATED AT 16513 HUMMEL ROAD AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Motion by Mr. Scott to adopt, supported by Mr. Burgio.

Ms. Powers said she contacted Economic Developer Dolan about making an offer on the property. He would not consider it and said no one would want to use property so close to the railroad tracks. He did not seem to realize that there are four streets closer to the railroad tracks than where this piece of property is located. He said if she put a house there, no one would buy it that close to the tracks. There is a house on the opposite side of the street and also there was a house down further away from the tracks was on the market for maybe a month and was sold, so people will buy in that neighborhood. Mr. Dolan said that the Mayor said it is not a buildable lot though it had a house on it before; the property is 65 x 120 and is wider than most lots in that neighborhood and her land is 45 x 135. A house could be reconfigured on that lot and would be an excellent house. Alternatively, it could be two properties. If the city tears down houses one way to get the money back would be for the city to build an energy efficient house using the latest technologies in energy efficiency and conservation. It needs to be looked at as a piece of property to be developed rather gifting it to the next door neighbor. About a year ago a house on W. 149th had a piece of property adjoining it that was, maybe, 20 feet wide, it obviously could not be

THIRD READING OF ORDINANCES AND RESOLUTIONS: CONT.

a buildable lot. The man that wanted to buy the property had to pay over \$5,000 for it. This piece of property, the land alone, according to the tax value, is over \$8,000. Why would we gift something to someone that has an offer on it and when we charged someone else for a piece of property? Who is the man that we want to give this property to and why do we want to give it to him?

The clerk called the roll on the motion by Mr. Scott, supported by Mr. Burgio, to adopt.

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

NAYS: Troyer, Powers. Ordinance No. 10051-2016 passed with a vote of 4 to 2. Adopted.

Motion by Mr. Salvatore to adjourn, supported by Mr. Mencini.

ROLL CALL: AYES: Salvatore, Troyer, Powers, Mencini, Scott, Burgio.

NAYS: None. The motion carried.

There being no further business to come before this meeting, Council President Astorino declared the meeting adjourned at 10:53 p.m.

RESPECTFULLY SUBMITTED 
Michelle Blazak
Clerk of Council

APPROVED  _____

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

16567 words

Mr. James Astorino, President
Brook Park City Council
6161 Engle Road
Brook Park, OH 44142

Dear President Astorino:

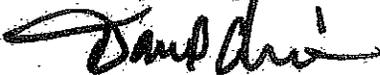
In recent weeks, the actions of Councilmembers Troyer and McCormick have resulted in a variety of charges stemming from unrelated incidents. The charges include disorderly conduct, interfering with an emergency, and theft. To make matters worse, these most recent charges aren't the only time that either of them have been in trouble with the law. While it would be easy to rush to judgement, it is not vigilantism or political gamesmanship for one to suggest that action is needed by the Council considering these events.

While none of us yet knows the outcome of either of the cases against them, it is the ethical dilemma of what can and should be done now, where my comments are focused on. In a case, such as this one, a solid practice in determining what to do can often be determined by using the "ethics triangle". The three points of the triangle represent three approaches to a dilemma: *Results, Rules, and Virtue.*

The "rules" and the "results" are already clearly pointed out for us in the Charter. If either of them are found guilty, the Charter is very clear about what kinds of results should follow. Unfortunately, the Council has previously ignored the Charter as evidenced by a lack of action once Councilman Troyer's case was resolved in 2014. Thus, a need for a reminder is in order too. But, it is from the standpoint, then, of virtue which is the ethical dilemma before us.

In simple terms, how should these individuals and how should the Council itself respond to these latest events. If Mr. Troyer and Ms. McCormick are unwilling or unable to resolve that dilemma themselves by either temporarily or permanently stepping aside, then the Council needs to make that decision for them. I would encourage you, as the Presiding Officer to guide them to either resign or seek a temporary leave or suspension until the pending matters are fully adjudicated. If they are unwilling or unable to do so, then I further encourage you and the Council to suspend them accordingly.

Respectfully,



David A. Morris

Dear gentlemen,

12/6/16 Council Read by resch

I have been watching and attending council meetings since mid February and have, for the most part, been fairly tame when voicing my concerns about the happenings in the community. After 10 months of observation, I can say without hesitation that I feel as though I have been stranded at a performance of the same theatrical tragedy playing out nonstop. The show is getting old, folks!

Back in August, I wrote to council members Burgio, Mencini, Salvatore, and Scott expressing my concerns about a growing "cancer" on this council. This cancer that needed to be cut out before it spread its destruction throughout our community. Fast forward to three months later and not only has this cancer metastasized, it has extended well beyond our community. It's toxicity is going to lead to this downfall of this city.

I did not grow up here, but for the past 20+ years I have lived here, paid taxes here, coached baseball here, raised my children here, and built a life here. That life has now been threatened and I am not about to sit on my hands and watch it implode because our city government is content to sit back, remain silent, and do nothing. I used to brag about how great our city was and how wonderful it was to raise a family here. Hate me if you like, but I am embarrassed to say that I live here and that saddens me. Do we not all share a stake in the success of our community? I thought so...once. There is a dark presence within this council that is hostile and stifling to the betterment of our community and I want to know what you four intend to do about it.

At what point does enough become enough? Is it not time to yell WHEN? From what I have witnessed over the past several months we are well past catastrophic, let alone enough. When does the madness end? This wait and see approach you have adopted thus far is clearly not working for you and it's time to change strategies. I have begun to see a small fire being lit by Rich Scott but it can't end there. We need some dynamite!

I am reaching out to you once again, today, to think long and hard about WHAT direction this city is moving in, WANTS to move in, and NEEDS to move in and do the right thing. We need a HERO on this council - someone who will rise to the occasion, take the bull by the horns, and be the LEADER this community so desperately needs AND deserves. Which one of you will it be? Who has the strength to be that guy? We look to you for the answer but have yet to hear one. You have support here in the community but you HAVE to make a move! Please don't keep us and our city in perpetual limbo any longer.

I thank you for your time and consideration. Feel free to share my letter publicly at the meeting if you wish. I have nothing to hide.

Respectfully,

Deborah Frenchik
6359 Schaaf Drive
2163745444

