

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK OHIO  
HELD ON TUESDAY, APRIL 4, 2017**

The meeting was called to order by Council President Astorino at 7:03 p.m. The clerk called the roll and the following Members of Council responded:

**SCOTT, BURGIO, SALVATORE, TROYER, POWERS, MENCINI**

Also in attendance were Mayor Coyne, Finance Director Cingle, Law Director Horvath, Engineer Piatak, Service Director Cayet, Building Commissioner Hurst.

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**Motion** by Mr. Salvatore, supported by Mr. Scott, to go out of the regular order of business to address Resolution No. 9-2017.

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

**NAYS:** None. Motion carried.

RESOLUTION NO. 9-2017, HONORING MIA ASHRIEM FOR WINNING THE PLAIN DEALER/CLEVELAND SPELLING BEE AND DECLARING AN EMERGENCY. Introduced by Councilmembers Salvatore, Burgio, Scott, Mencini, Troyer, Powers and Council President Astorino.

**Motion** by Mr. Salvatore, supported by Mr. Scott, to suspend.

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

**NAYS:** None. Motion carried.

**Motion** by Mr. Troyer, supported by Mr. Salvatore, to adopt.

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

**NAYS:** None. Res. No. 9-2017 adopted under Suspension of the Rules.

Adopted.

The clerk read the resolution in its entirety as requested after which Councilman Salvatore congratulated Ms. Ashriem and presented her with the Resolution on behalf of the Mayor, Council and residents.

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**Motion** by Mr. Troyer, supported by Mr. Mencini, to return to the regular order of business.

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

**NAYS:** None. Motion carried.

**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

**Motion** by Mr. Troyer, supported by Mr. Mencini, to remove the August 8, 2016, Special Council Meeting Minutes and the December 20, 2016, Regular Council minutes, as they have been approved.

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

**ABSTENTIONS:** Powers.

**NAYS:** None. Motion carried. 5 – 1 with one abstention.

**APPROVAL OF MINUTES OF PRECEDING MEETINGS: (cont.)**

**Motion** by Mr. Troyer, supported by Ms. Powers, to adopt the October 4, 2016 Regular Council minutes.

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Council discussed the format of the unapproved minutes prepared by court reporters that were hired by them to prepare backlogged minutes. There were some objections to approving them and it was suggested that they could either be approved as presented or the Clerk of Council could be authorized to amend them to identify the speakers and make adjustments or corrections so as to avoid any possible legal ramifications in the future. It was pointed out that Council agreed to hire the court reporters and their reports should be accepted as a lot of time has already been spent on this and more time will be invested in amending them.

The Mayor commented that the Clerk is responsible for minutes even if outsourced. The court reports should have been advised that speakers had to be identified and someone should have assisted them with that. Why are we paying for them if they are not in the complete acceptable format?

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The clerk called the roll by Mr. Troyer, supported by Ms. Powers to adopt the October 4, 2016 minutes.

**ROLL CALL: AYES:** Troyer, Powers.

**NAYS:** Mencini, Scott, Burgio, Salvatore. The motion failed 2-4.

**Motion** by Mr. Troyer, supported by Ms. Powers, to adopt the October 18, 2016, Regular Council minutes.

**ROLL CALL: AYES:** Troyer, Powers.

**NAYS:** Mencini, Scott, Burgio, Salvatore. The motion failed 2-4.

**Motion** by Ms. Powers, supported by Mr. Troyer, to adopt the November 1, 2016, Regular Council minutes

**ROLL CALL: AYES:** Powers, Troyer.

**NAYS:** Mencini, Scott, Burgio, Salvatore. The motion failed 2-4.

**Motion** by Mr. Troyer, supported by Ms. Powers, to adopt the November 12, 2016, Special Caucus minutes.

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Ms. Powers suggested the remainder of the minutes be a blanket motion in the interest of saving time and have the same result.

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**ROLL CALL: AYES:** Troyer, Powers.

**NAYS:** Mencini, Scott, Burgio, Salvatore. The motion failed 2-4.

**APPROVAL OF MINUTES OF PRECEDING MEETINGS: (cont.)**

**Motion** by Mr. Troyer, supported by Ms. Powers, to adopt the November 15, 2016, Regular Council Meeting Minutes.

**ROLL CALL: AYES:** Troyer, Powers.

**NAYS:** Mencini, Scott, Burgio, Salvatore. The motion failed 2-4.

**Motion** by Mr. Scott, supported by Mr. Troyer, to adopt the December 20, 2016, Special Council Meeting Minutes.

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

**NAYS:** None. The motion carried.

**Motion** by Mr. Scott, supported by Mr. Mencini, to adopt the January 17, 2017, Regular Council Meeting Minutes.

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

**NAYS:** None. The motion carried.

**Motion** by Mr. Mencini, supported by Mr. Scott, to adopt the December 6, 2016, Regular Council Meeting Minutes.

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

**NAYS:** None. The motion carried.

**Motion** by Mr. Troyer, supported by Ms. Powers, to adopt the August 16, 2016, Special Council Meeting Minutes.

**ROLL CALL: AYES:** Troyer, Powers.

**NAYS:** Mencini, Scott, Burgio, Salvatore. The motion failed 2-4.

**Motion** by Mr. Troyer, supported by Ms. Powers, to adopt the August 17, 2016, Special Council Meeting Minutes.

**ROLL CALL: AYES:** Troyer, Powers.

**NAYS:** Mencini, Scott, Burgio, Salvatore. The motion failed 2-4.

**Motion** by Mr. Scott, supported by Mr. Mencini, to adopt the February 21, 2017, Regular Council Meeting Minutes.

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

**NAYS:** None. The motion carried.

**REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee – Chairwoman Powers

Ms. Powers stated that Brook Park will be a bicycle friendly town since the new state law was passed, which improves environmental problems as cars cause pollution and bikes do not.

Finance Committee – Co-Chairman Troyer

Mr. Troyer stated Finance committee has one item on tonight's agenda to be disposed of as the sponsor is no longer interested in pursuing it.

**REPORTS OF STANDING COMMITTEES: CONT.**

Legislative Committee – Chairman Troyer

Mr. Troyer stated Legislative committee has two items are on tonight’s agenda, with a few pieces still in committee that may be pulled out upon request.

Parks & Recreation Committee – Chairman Mencini

Mr. Mencini’ s report is attached to these minutes.

Planning Committee – Chairman Troyer

Mr. Troyer was unable to attend yesterday’s meeting, but reported that the request to maintain a honey bee hive at 23220 Switzer Road in the U1-A2 zone was unanimously approved. There was a request for approval of a lot split at 23025 Switzer Road to consolidate with adjacent parcel 341-04-015 in the U1-A2 Zone, PPN 341-33-035 was tabled looking for more input on legal

Planning Committee - Chairman, Troyer: cont.

issues before it comes back to Planning.

Safety Committee – Chairman Salvatore

Mr. Salvatore stated no report this evening.

Service Committee – Chairman Burgio

Mr. Burgio stated no report this evening.

Board of Zoning Appeals – Chairman Scott

Mr. Scott stated no report from the Zoning Board. Just a reminder the Citizen of the Year Committee meets tomorrow to discuss nominations and possibly make a decision, if no decision is made, another meeting will be scheduled for April to pick a finalist for the committee.

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**REPORTS OF SPECIAL COMMITTEES:**

Southwest General Health Center – Trustee Salvatore

Mr. Salvatore reported that Ms. Dee Weber is the new Human Resources Vice-President and will assume that position on April 10th. Baldwin Wallace University students provided music for patients, employees and physicians. In February more than \$6,000,000 was committed in capital improvements including modernization to maternity unit, redesign of wireless infrastructure and second phase of health center’s expansion. Southwest has participated in events with Baldwin Wallace, Strongsville Recreation Center, Brook Park Recreation Center, Brunswick Recreation Center and a number of community senior centers. At the close of the first quarter, employees, physicians and volunteers continue to carry out the mission statement, which is health is our passion, quality is our focus, and compassion is our way.

Berea Board of Education Committee Representatives Burgio

Mr. Burgio stated the kindergarten parent invitation night is May 4th. The Berea-Midpark musical, Anything Goes, will be from April 21st through 23rd. During April the district will be conducting district wide assessments occurring each day. The Alumni Hall of Fame dinner will be at the end of the month. Mr. Burgio thanked Council for sponsoring two students to be honored at the Best of Brook Park dinner to be held on May 4th.

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**REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

The Mayor thanked Mr. Kenny Crumpton from Channel 8 for visiting and making citizens aware of the exercise program, Operation Type Tush, at the recreation center. Mayor Coyne thanked Mr. Mencini for getting the word out about his recent operation and for the cards/letters received. With a clean bill of health, the Mayor announced running for another term as Mayor. Mayor Coyne commented on the allegations against him in Ms. Barbour's letter that was read into the record at the last meeting. The Mayor said residents always have the right to speak their mind at meetings and are entitled to their opinions; no one is paid to speak at meetings. The Mayor disagreed with some criticism, but will accept it; however, some criticism made of citizens is not warranted. The Mayor commented about Ms. Barbour calling the police and people being removed from a previous meeting, which was unwarranted; the Mayor is responsible for protecting lives and property of the city. The budget will be posted on the website for citizens to see where their money goes, and there is no increase in personnel in any department. The budget is contested, discussed, and presented timely. The Mayor continued regarding behavior problems, it is not the citizens that are causing embarrassment and commented on a partial statement made by Mr. Astorino taken from a Fact Finder's Report dealing with Firefighters' 1141. Negotiations are held and there are all kinds of language in Fact Finder's Reports and it was suggested that if the city did not engage in this the city would have hundreds of thousands of dollars to hire police officers. The union's job is to fight for benefits and they fight hard and it's the Mayor's job to protect the city's interest. The analysis of what they demanded through the process and what we would have lost had we prevailed on some of those points would be over \$1.5 million in one contact. Just as monies are expended by the unions to extract what they think is right, we have to spend money, unfortunately, to protect the city's rights. What is ideal is to have mutual goals and shared opportunities, but that does not happen often. We are working toward a peaceful coexistence and things are getting better, but they will not get better if we are at odds, negotiations are over now. For someone to go on social media indicting that something negative is befalling those who go through a tried and true process of collective bargaining, is just not being honest.

Mr. Mencini asked about having a local newspaper to which the Mayor said in the past Council and the administration did together, however, did not see that working in the current climate. People have been encouraged to come up with a local paper that the city could put publications in but did not think that could occur in an election year. The Mayor hoped the Chamber of Commerce would do a paper and Mr. Dolan has had discussions with them; it would be nice for them to put together something that would just pertain to Brook Park. The city is covered by Sun News and cleveland.com., however, it would be better coming from the business community and the community at large.

Mr. Mencini said coming from the business community would be exciting and could also provide some financial backing. Did the city apply for the monies from the casinos; a lot of municipalities got \$50,000.

**REPORTS AND COMMUNICATIONS FROM THE MAYOR: CONT.**

The Mayor was not aware of a general distribution and would have the finance director check into it.

Mr. Mencini asked if any businesses were coming to the city soon regarding community development?

Mayor Coyne responded there may be some development around the Athens' property and in a couple of weeks a meeting will be a meeting in Detroit regarding the Ford site.

Mr. Troyer asked if extra part-time personnel in the recreation center was budgeted?

Mayor Coyne responded yes, a few.

Mr. Troyer asked if there was any information on the Luni-Wurz company coming forward?

Mayor Coyne responded no, but Blue-Line signed a lease.

Mr. Troyer asked can the development director provide monthly reports?

Mayor Coyne responded everyone will be providing annual reports this week. Mr. Dolan will be coming forward to make a report.

Mr. Astorino stated his comments had nothing to do with the Fact Finding Report, but with a grievance arbitration, and did not get involved in any contract negotiations. Mr. Astorino was alarmed by language in a grievance arbitration saying the city's actions were wholly unreasonable and vindictive in nature. A grievance is a dispute on a contract clause and the way he read it was that there was a clause the city did not apply properly throughout the presentation of the case. The arbitrator ended up ruling that it was wholly unreasonable and vindictive in nature.

Mayor Coyne interjected stating that Mr. Astorino's comments were directed at the Fact Finding and his statements were not accurate. So the presentation about Mr. Astorino's activities was less than honest, his comments were about a grievance arbitration.

Mr. Astorino questioned was the Mayor not aware of that and thought it was about Fact Findings?

Mayor Coyne stated he stands correct, that it is a grievance arbitration, nonetheless, Mr. Astorino took huge sentences out of that and applied it on Facebook. Mr. Astorino also indicated that the city is spending money on grievances, the city does not file grievances, they must react to them. With all due respect, you are bringing Firefighters' union into

**REPORTS AND COMMUNICATIONS FROM THE MAYOR: (CONT.)**

these discussions again when these matters have all been resolved. You are choosing to make a public spectacle out of them. As far as less than truthful, how you are trying to paint that, you know better. The city will go through all of the grievances the city has and post the results because this is how you seem.... what you did tonight is what you ought to do all the time. This is where these things should be discussed. Again, the firefighters are not raising these issues and will respond to them when I'm challenged. Mr. Astorino's insinuation, I believe, was incorrect. Mr. Astorino knows the language, just like in a divorce, there are disputes and it says the city. It does not say the Mayor, but you went in there and inserted the Mayor if I remember correctly; it is my job to respond for the City in these matters.

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

Engineer Piatak

Mr. Piatak responded the 2016 Sidewalk Repair Program Phase III, Smith Rd. east, has resumed. The contractor is doing soft cutting of blocks and anticipate getting some blocks poured within the week or so. The contractor started doing landscaping and punch-list items yesterday for the Smith Sewer Phase IV. With the Fry Road Reconstruction, the phases for this year is Sylvia north to Snow Road, traffic is limited to northbound only. The contractors will be working on catch-basin replacements and fire hydrant relocations and in the next two weeks or so will be getting into the pavement removal and replacement phase. Brookdale is moving forward the catch-basins, storm sewer and sanitary work repairs are all complete. A waterline crossing at West 130<sup>th</sup> over to the Parma side will be done on Sunday because a business on that line cannot be shut during the week. The only good down time is on Sunday and the contractor has been scheduled to perform that work on Sunday. The Snow Road Resurfacing signs have been up for a couple of weeks and starting tomorrow the zone will be set up between Fry and West 130<sup>th</sup> Street. It is anticipated to take about two days to set the zone up and contractors will start milling on Thursday weather permitting. The 2017 Sidewalk Project involving Engle Road west, the inspector has been out inspecting blocks as to what needs to be done and the advertising for bids started today and bid opening will be on April 18th.

Mr. Troyer asked if the road replacement program was still on track to be done this year?

Mr. Piatak responded yes, it was.

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Service Director Cayet

Mr. Cayet reported the rubbish truck and yard waste dumpsters are available for residents to bring their materials to the service garage. Crews have been addressing potholes throughout the city. First Energy will be doing helicopter surveillance inspections of power lines. Sewer cleaning and cambering is being done for the sewer lines for the 2017 Road

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

Program; the engineer can make preparations for the bids. Crews have been working on tree lawn repairs. Phase II of the Sidewalk Program will be going forward and inspectors are going into Phase III, which is everything west of Engle Road; residents will receive letters to see if they want to participate in that program.

Mr. Burgio stated a letter was received about a tree removed by city crews without any damage to the cables, the resident was very thankful the situation was resolved; please let the service workers know.

Mr. Troyer stated a neighbor wanted to thank the service workers for being professional and courteous in clearing out the storm water in the basement and for clearing the pipes so it would drain. Also, the sanitation workers that cleaned up the aftermath; the crews were very efficient and did a good job. There is a catch-basin at the southeast corner of Claudia and Merece that flooded over the weekend.

Mr. Troyer asked Service Director Cayet to email when that issue is resolved so the resident who complained can be informed.

Mr. Cayet responded the memo was received and the catch-basin is holding water and draining slowly. The Board of Control approved money for a new Vactor pump that is temporarily out of commission. Sewer cleaning for the road project will resume when the Vactor is up and running and will take care of the neighbor's drainage issue.

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**Law Director Horvath:**

Mrs. Horvath stated there are no pending civil law suits. Ms. Horvath voiced concern regarding not being recognized at several meetings to provide legal advice; it is her duty to provide legal advice to Council. This may have been an oversight, but in the future, in the event that she asks to be called upon, she would like to be recognized in order to provide the legal advice she feels is needed.

Mr. Salvatore asked the law director to provide an opinion regarding the minutes that were discussed earlier.

Mrs. Horvath's opinion was that the minutes should be as correct as possible and include who supported, corrected and seconded motions, they should be corrected as best as possible. Mrs. Horvath suggested having Council and/or Clerk of Council refer to notes and mark up a copy to return to the court reporter for correction. There is always an opportunity for deponents to correct errors in depositions and, hopefully, the court reporters will afford Council the same opportunity to make sure that everything they transcribed is fully and completely correct. Whatever method Council chooses is Council pleasure, but it should be done in the event there is an issue in the future when minutes need to be reviewed to make a determination, or they are looked at

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

Law Director Horvath: cont.

as a legal document in a court proceeding. It is important to correct them and Council should undertake a procedure to make sure that is done.

Mr. Mencini asked about corrections being sent back to the court reporter?

Mrs. Horvath responded by explaining the clerk could interlineate with the clerk's notes on copies of the pages of the minutes where the names are lacking and distribute that for everyone's review. Then it could be corrected however Council wants. Mrs. Horvath thought it would be easy and quick for them to make a change from the word "voice" to a name. Perhaps Council could divide them and work on them or leave it to the Clerk. There are a variety of way to do it and there is no wrong answer just what Council deems what is easiest procedurally from a workload standpoint, however, it is important that it be done.

Mr. Mencini felt the clerk could make the corrections and move on and further commented on how the situation got to this point with the minutes falling behind. This should be reviewed so it does not happen again, Mr. Mencini thanked Mrs. Horvath for promptly addressing these two resolutions.

Mr. Troyer said during roll call the person who made the motion is called upon first and the seconder (support) is next so it is easy to determine the names. Mr. Troyer asked if Ms. Horvath was a proponent of verbatim minutes since she said they should be as accurate as possible.

Ms. Horvath was not taking a position either way as it is Council's discretion as to whether minutes are verbatim or a synopsis; there are reasons to use verbatim and reasons not to. If you start with verbatim minutes, you have to at least follow through with the ones that are currently on the agenda. It is fine if Council decides later not to do verbatim minutes, but they should start out fresh with a particular meeting and indicate that they are changing it to no longer be verbatim. All the minutes to date from January, 2016, to the last Caucus meeting have been verbatim and that method should be continued for those minutes.

Mr. Astorino agreed with the law director that it should be whatever method Council chooses and then take some type of action. Council needs to provide direction and some authority, so based on the law director's answer; it would behoove Council discuss and adopt a motion.

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

Law Director Horvath: cont.

Mrs. Horvath indicated that it can take time for groups to come to a consensus, which can be frustrating, however, agreed that Council needed some time to come to a consensus and make a group decision.

Mayor Coyne understood what Mrs. Horvath is saying is Council could choose the method of either considering verbatim minutes or a summary of the motions and actions taken.

Ms. Horvath responded yes, said that was her understanding and in the past it was a summary type of motion and within the last couple of years or so it has been verbatim.

Mayor Coyne asked that if in her experience would it be absolutely necessary to identify those that made the motion and identify who voted on things. Are those necessary ingredients of a journal of a legislative body?

Ms. Horvath responded yes, that would be necessary.

Finance Director Cingle:

Mr. Cingle stated monthly reports for March will be distributed in the next few days. The sale of the General Obligation Bonds being issued to renovate the community center will occur on April 6th and will report the findings to Council at the April 18th Council meeting. Tax season is winding down and the tax department will still have extended hours for tax payers.

Mr. Mencini asked about the turn out for tax Saturdays?

Mr. Cingle said the department is averaging between 10 to 20 tax payers each time and there was a line at 9:00 a.m.

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

New Legislation

A Resolution in opposition to the proposed centralized collection of net property tax returns and declaring an emergency. Introduced by Mayor Coyne. **Placed in Legislative Committee.**

Ordinance amending Section 153.03 of the Ordinances for Leave of Absence for Temporary Military Training. Introduced by Mayor Coyne. Place in Legislative Committee.

A Resolution authorizing and directing the placement of a veteran parking space. Introduced by Councilman Mencini. **Placed in Legislative Committee.**

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

A Resolution urging residents to shop in the City of Brook Park during Shop in Brook Park Month, during the month of July. Introduced by Councilman Mencini. **Placed in Legislative Committee.**

A Resolution accepting the recommendation and approves the minutes of the Housing Council Community Reinvestment Area Agreements. Introduced by Mayor Coyne. **Placed in Legislative Committee.**

An Ordinance amending Ordinance No. 9993-2015 entitle 'Authorizing the Implementation of the Brook Park Home Maintenance Grant Program'. Introduced by Council President Astorino. **Placed in Legislative Committee.**

**OTHER COMMUNICATIONS:**

The clerk read two pieces of correspondence into the record that are attached to these minutes.

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**MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**

Mr. Astorino provided history regarding Ms. McCormick's resignation of March 15th and received on March 28th and acknowledged by the Mayor on March 29th. There were other times of Council office vacancies and in the past a public notice was placed in the newspaper requesting resumes for the vacant position with a deadline submission date of April 17th. Through research of other cities, Council can conduct interviews or work just from the resumes submitted. Mr. Astorino suggested placing the issue on next week's Caucus agenda under discussion. This selection has to be made before the thirty-day deadline. There can be a special meeting for the interviews and suggested they be done in public with some criteria that needs to be met.

Mr. Scott asked if copies of resumes could be provided to Council upon receipt?

The clerk responded resumes will be put in Council's mailboxes when received; notification will be given by email and/or phone advising members that resumes were received for review.

Mr. Salvatore voiced concern regarding confirmation of the date since the resignation made on the March 15th, and the date of the confirmation receiving the resignation from the Mayor being March 28<sup>th</sup> or 29<sup>th</sup>. Mr. Salvatore would like a definite date to be followed and did not agree with the April 17<sup>th</sup> deadline for submitting applications as it was not sufficient time to review and conduct interviews. If March 15<sup>th</sup> turns out to be official date then having April 17<sup>th</sup> as the date to turn in applications means Council will have missed the opportunity to be part of the process, thus, putting the burden on the Mayor to make the selection. There should be an established procedure to follow from beginning to end.

**MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS: (cont.)**

There have been several appointments like this over the years and the same method was not followed each time. Mr. Salvatore would like to see that date shortened and have a written opinion from the law director that the official date is going to be April 29th giving a full thirty days. Or, if that is a grey area and it is going to be the 15<sup>th</sup> would like to see that because then Council will be out of time and will not be able to participate in the process.

Mr. Horvath was researching the issue and said it is awkward that the date of the letter predates the date that it was communicated to the city. The Charter talks about a vacancy, not a resignation. The issue is, are there several acts that need to be taken prior to a vacancy occurring? Mrs. Horvath would endeavor, as soon as possible, send a legal opinion to Council as soon as possible to cover all those issues. Under the circumstances, if Council does not have any of these resumes until April 18th that leaves nine business days with which to make a choice and that does not seem very long. So from a common sense standpoint in addition to perhaps a legal one, it may be best to shorten the period of time for people to send a resume in and maybe you can consider alternatives, such as, a letter of interest rather than a resume; Council could have whatever procedures they feel appropriate. Nothing in the Charter or Council Rules covers this and an opinion will be provided as soon as possible. Mrs. Horvath understands Mr. Salvatore's concern as to the dates of the various documents; it's almost as though someone wrote a letter and placed it in their desk drawer for a week and did not communicate it to anyone, how would anyone know a resignation existed if not communicated. Those are her preliminary thoughts and probably the March 29<sup>th</sup> date where the Mayor acknowledged the resignation official created the vacancy, but wants to make sure with some case law and some authority to back that up.

Mr. Astorino commented that he and the clerk considered accommodating any interested parties by affording them as much time as possible in getting resumes together. With seven to ten days there could be special meetings so resumes could be received on April 17th, if interviews are conducted special meetings could be held on Thursday or Saturdays. The approach was to consider the residents' convenience, not necessarily the Councilmembers' convenience. It will be a lot of work if a lot of resumes are submitted, but a lot of interest is good.

Mr. Salvatore expressed concern that the appointment could be delayed for months if the procedure was not followed correctly and was disputed in court.

Mr. Astorino stated based on what the law director said, it is not necessarily the date of the letter. The Charter speaks to a vacancy, which the Mayor declared existed on March 29, 2017, that is the information relied on for setting up the time frame.

Mayor Coyne stated having been through this experience what has been established and I don't want to get into the settlement issue will be very careful with what is said. The letter

**MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS: (cont.)**

says immediately and in this process there allegedly was some form of resignation sent to Council that wasn't in writing, it wasn't processed. The Mayor's reading of the Charter under resignation is that someone can submit to the safety director, service director but finally that resignation has to be accepted by the Mayor, the Chief Executive of the city. If Council takes the day of March 15th as the real date that was even before the trial date that was set for the case; where the settlement was made. In my reading of this and talking to the Law Director and other people it was submitted and I received it, I believe, on March 28th through the law department. I accepted the resignation and informed Council of the process and don't think March 15th comes into play, whatsoever, and if anything was learned with this that was some criticism going forward. On the original issue, the law director and I acted properly and on this one acted properly but would encourage the law director to find case law; so Council is clear in what their duties are and will state for the record, I believe that I designated your time clock begins on March 29th as communicated to City Council. The resignation was accepted and Council has 30 days from that date and think the law will stand clear on that. So the Council is not put in that position with his discussions with all of you because if accepted on the 15th Council would have had no time to deal with the issue whatsoever. The resignation was not received on March e 15<sup>th</sup> so could not accept it.

Mr. Astorino clarified that Law Director Horvath will be checking on the timing of March 15th, March 28th and March 29th and will provide to Council.

Mrs. Horvath responded yes, obviously there are a variety of dates there but the idea being the final acceptance of the resignation letter creates a vacancy.

Mr. Mencini stated when this first started it was going to come to this conclusion and there are probably a lot of good candidates. It is a big chore for some to run and a commitment to themselves and their families; it's a lot of work. This wasn't made to be easy for Council but the March 28th date sets the tone for everything.

Mr. Troyer asked what day the resignation letter was received by the city?

Mrs. Horvath responded it was received by email on March 27<sup>th</sup>. The other paperwork regarding the lawsuit was received March 28<sup>th</sup> and I believe there was an Executive Session March 28<sup>th</sup> and the Mayor forwarded a letter accepting and acknowledging that resignation on the March 29th, that's the timeline.

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

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**INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):**

Note: Resolution No. 9-2017, was moved by motion to the beginning of the meeting.

- 2. RESOLUTION NO. 10-2017, TO EXTEND THE MORITORIUM ON THE GRANTING OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION PROCESSING OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, IN ORDER TO ALLOW THE CITY ADMINISTRATION, COUNCIL AND THE BROOK PARK PLANNING ACOMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE BROOK PARK ZONING CODE RELATIVE TO SUCH USE AND DECLARING AN EMERGENCY. Introduced by Councilmembers Salvatore, Burgio, Scott and Mencini, Troyer, Powers and Council President Astorino.

**Motion** by Mr. Salvatore, supported by Burgio, to suspend.

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Mr. Troyer commented that he will be voting no on suspension because the law director will be providing information as to whether this is the appropriate way to handle this.

Ms. Horvath stated if Council desires the legislation can be passed and sees no reason not to pass. Mrs. Horvath was looking into what Columbus was doing with some of the rules and regulations for a more accurate determination of what could be expected in the event that the city didn't have this type of business. Unfortunately, I don't sufficient information to give any sort of outline of what that would look like due to the current workload from March 16th to the present; Council can proceed in extending the ban.

Mayor Coyne stated Columbus seems to be progressing on the cultivating processing issue the retail sales are pretty weak. Mayor Coyne is not in favor of retail sales in the city. That would probably have to be done through a pharmacy and those rules and regulations will be by them for medical marijuana; so that addresses the retail sales under the state. There is a major distribution hub in the city and are hearing that some of the distributors, other businesses are looking at possibly looking for the distribution and processing, that would be a substantial return to the city. I would request Council put this on First Reading as to not jeopardize their application deadlines. Information has been asked for to determine whether or not the cultivation, processing and distribution out of the city is something that should be examined. The greatest tool is the Conditional Use Permit where the Planning Commission and Council can strictly set requirements for that use in that use area; for peculiar circumstances rather than entertain any zoning change. Mayor Coyne's major concern is the cultivation and processing zoning issues and from what is being heard from about where it has to be located it will take care of itself. This is something worth taking a look at, particularly if there are legitimate long time distribution businesses in the city that would create some jobs and is clearly regulated.

**INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING): CONT.**

Mr. Astorino said based on the former comments, would the person making the motion and the second (support) consider withdrawing the motion to suspend.

Mr. Salvatore said no.  
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The clerk called the roll on the motion by Mr. Salvatore, supported by Mr. Burgio, to suspend.

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

**NAYS:** Mencini, Powers, Troyer. The motion failed 3-3.

Resolution 10-2017 has had first reading.  
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**SECOND READING OF ORDINANCES AND RESOLUTIONS:**  
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**THIRD READING OF ORDINANCES AND RESOLUTIONS:**

1. ORDINANCE NO. 10048-2016, AUTHORIZING THE MAYOR TO ENTER INTO AMENMDMENTS TO VARIOUS LABOR CONTRACTS TO PROVIDE FOR AN ADJUSTMENT TO THE VACATION SCHEDULE AND DECLARING AN EMERGENCY. Introduced by Council President Astorino.

**Motion** by Mr. Troyer, supported by Mr. Scott, to adopt.  
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Ms. Powers expressed with employees getting six weeks of vacation

The Mayor concurred with Councilwoman Powers and stated this has already been accomplished in the contracts.

Mr. Troyer said as stated earlier the sponsor was no longer interested in pursuing this and it should be defeated.  
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The clerk called the roll on the motion by Mr. Troyer, supported by Mr. Scott, to adopt.

**ROLL CALL: AYES:** Mencini.

**NAYS:** Troyer, Scott, Burgio, Salvatore, Powers. The motion failed 1-5.

Ordinance No. 10048-2016 was defeated.  
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**REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**

Mr. Jack Thomas  
15913 Remora Blvd.

Mr. Thomas challenged the process of filling the vacant Council position because he and others ran for office because of their interest in running the city; votes were garnered. It is not proper or fair for Council to throw away a thousand or more votes of the people and have six or seven individuals decide who will be the replacement, it could become a popularity contest and that is not what the people voted for. Applicants are not running, but are submitting a piece of paper with a resume on it when those that did run did the leg work, paid money, went out and spent time with fundraisers, etc., and it gets all thrown aside because it's convenient to have a resume. Mr. Thomas will go along with the system but would be looking into the legalities of the situation.

Ms. Joan Markusic  
13911 Bellbrook Drive

Ms. Markusic urged Council to stop the bashing on Facebook which is interfering with their jobs, conduct themselves professionally and responsibly in their positions, and focus on their jobs. Ms. Markusic would like to see legislation banning officials and their families from commenting on Facebook.

Ms. Susan Booker  
13855 Franklyn Blvd.

Ms. Booker stated there is a process used in business including city governments and recommended letters of interest and resumes be submitted and the candidates be interviewed. The applicants should be asked what they will bring to the city and how they will handle difficult behaviors. Ms. Booker suggested three community members be involved in the process along with Council in making the decision since the position is appointed rather than elected. A process should be put in place and a date established without delay as this voice is needed to represent the citizens. Ms. Booker was not aware of the settlement regarding the former Councilperson. There are laws that protect citizens and the city and the law director is working on how to convey information back to the residents of who should be privy to basic information because the costs are the residents' costs as well.

Ms. Liz Sayers  
23065 Cedar Point Road

Ms. Sayers thanked Mayor Coyne for his assistance and hopes that everything gets resolved this year.

Ms. Susan Barbour  
5819 Robert Drive

Ms. Barbour stated that she may have deserved the Mayor's comments or perhaps not and that she was not telling residents not to speak in her letter from a couple of weeks ago. Ms. Barbour is upset with people from other cities starting trouble and called the police

**REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER: CONT.**

because a resident's girlfriend from Berea said something very nasty to her on Facebook. Ms. Barbour referred to a letter from a couple of years ago involving possible defamation of character and said the resident needed to publically apologize; the police were called because she was confronted and did not feel safe. Ms. Barbour commented on an incident report regarding dogs getting loose last year, and read the ordinances regarding Animals Running at Large and what the penalties should be to make dog owners more responsible. Ms. Barbour is not in favor of the dog park and commented that gravel was not good for dogs' paws and questioned about possible liability issues and lawsuits. The money would be better used to fix up the city and for streets, etc., also the ordinances dealing with housing if enforced could help with revenue. Ms. Barbour would like a strict healthy city rather than one in chaos, that is untruthful and not serving its residents' and is not influenced by anyone on Council and no one tells her what to say. Ms. Barbour asked that Council update their emails to communicate via email.

Ruebensaal Callaghan  
14240 Newton Road  
Middleburg Hts.

Mr. Ruebensaal stated Ms. Barbour's opinion should be respected and validated. Mr. Callaghan stated that a proposed resolution was submitted about two weeks ago to Brook Park Council and now has the support of the Mayor in Middleburg Hts. and is being considered by Middleburg Hts. Council for a final vote. At the Middleburg Hts. meetings, a motion was necessary to allow Council to address the audience, only four residents attended, the meeting was fifteen minutes, and an officer was present even though nothing ever happens in that city. Mr. Callaghan requested that the proposed resolution be placed on the April 28<sup>th</sup> Caucus meeting and has a petition in support of this cause.

Mr. Tom Troyer

18352 Calvin Dr. (at the podium)

Mr. Troyer commented that when the budget passed there was no discussion to adopt because it was cut short by four Council members.

The Mayor commented Councilman Troyer can conduct business with Council from his seat on the dais.

Ms. Powers commented Councilman Troyer is also a private citizen.

Mr. Astorino stated other Council people have spoken from the podium and did not think there was any restriction and would be reluctant to put a restriction on anyone's freedom of speech.

The Mayor stated his point was not about his freedom of speech, which he has from the dais and this is a stunt.

**REMARKS FROM THE AUDIENCE ON ANY SUBJECT: CONT.**

Mr. Troyer stated that he was cut off and not allowed to speak during the motion to adopt the Appropriations' budget; the budget was done in a catawampus way and was processed in a catawampus way. After being promised since January that the budget would be received on March 1<sup>st</sup>, the Mayor called a Special Caucus meeting, not to introduce, but to discuss, the 2017 Appropriations' budget, for March 4<sup>th</sup> at 8:00 a.m. At that time there were a lot of documents that were not provided. There was no Estimated Revenue for 2017, no Capital Improvement Budget information and no 2017 Street Program proposal. Eight items of information, some of which contained multiple pages, were received three minutes before the meeting commenced. The budget was not officially introduced until the March 14<sup>th</sup> Special Council meeting called by the Mayor, following a Regular Council meeting, the budget was never at a regular meeting. They were all special meetings called ahead of time by the Mayor. Second reading was on March 21<sup>st</sup> and the third reading was on March 28<sup>th</sup> when Mr. Troyer attempted to make amendments that were not supported. Mr. Troyer's observations were that one Councilperson did not ask any questions or make any comments about the budget until the final reading and those were to go against whatever amendment he was trying to propose. It was never on caucus after introduction and when we tried to get it on Caucus agenda Council decided they did not want to discuss it at a Caucus and determined that it would be taken off the agenda. So, the budget, after it was introduced, was never discussed at a Caucus, never. There were never proposals, information or feedback from department heads unless they were asked during a meeting when they happened to be in attendance, which they were not for many of the special meetings for the budget. Council never had anything from the fire or police chiefs; safety director; service director, unless they were asked questions at the few meetings attended. There was nothing from the Recreation Director even though there were added employees there; the engineer was here a few times to answer questions; nothing from economic development; and nothing from the building department. No information, no report, nothing; but yet a budget was passed. Mr. Troyer believed as far as the numbers, it is exactly as the Mayor presented it.

Ms. Roseann Newman  
6289 Schaaf Drive

Ms. Newman stated the budget process is ongoing year round and if there are plans to add or remove items, start looking ahead for next year and investigating them now.

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**Motion** by Mr. Mencini, supported by Mr. Scott, to address the audience.

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

**NAYS:** None. The motion carried.

**Council/Administration responses to residents:**

Mr. Mencini said Ms. Newman is correct and some of the things proposed on that amendment, was it discussed back in June, December, January, with the Mayor about hiring three police officers, that Council did not find out until the ticking hour.

Mr. Mencini likes the idea of maybe one officer, maybe two, but did any one go to the Mayor in December? The procedure is year round and if a Councilmember sees something needed call the Mayor's office or Finance Director's office. Mr. Mencini continued there are a number of things that need to be discussed and that is one of Council's jobs too. Mr. Mencini concurred with Mr. Thomas and stated Council cannot go against the Charter. Mr. Mencini concurred with Ms. Markusic with social media and sooner or later someone may get sued for comments made. Mr. Mencini stated to Ms. Booker regarding a citizens' committee and the picking of three residents for a committee but how would those three residents be picked; when there may be 16 others complaining as to why they did not get picked. When you pick three then you will have 16 others complaining about why you did not pick them but it would be nice to have a citizens' committee. Mr. Mencini commended Mr. Callaghan for a good job especially for being 16 years-old.

Mr. Scott stated to Mr. Thomas rules have to be followed regarding the resignation and was effective in December the people would have a vote but there is nothing that Council can do about that, rules are rules. Mr. Scott addressed Ms. Markusic comments about Facebook and said we've talked about that. To Ms. Booker who always comes up with good ideas and to Mr. Callahan keep up the good work. Mr. Scott addressed Ms. Neuman by stating that a reference was made and knows where that reference was directed to. There are a lot of things that can be done other than on the floor or dais and contacts department heads when there are questions. There was a reference about an amendment that was made that Mr. Scott voted against and continued that he contacted two months before the budget was brought out about bringing manpower on. Mr. Scott did not comment until the eleventh hour because he speaks with the department heads to find out what they need and to discuss issues with them. So if someone wants to take a cheap shot at Mr. Scott, again, get the facts, pick up the phone and ask. Mr. Scott does not debate issues that he can get the answers to and does due diligence.

Mr. Salvatore clarified my position hasn't changed and believe Councilmembers have a seat at the table because the people put them there and Mr. Salvatore takes issue with Members of Council speaking from the podium to make a speech based on whatever reason. Letter P on the agenda is Remarks from the Audience not time for Councilmembers to leave their seat and give a speech. Mr. Salvatore is a little puzzled because during a conversation with Mr. Troyer who said to me that this was the best budget seen since being on Council and he can deny it if he wants. Mr. Salvatore continued that he was a shocked that Mr. Troyer said that and it was a good budget. Mr. Troyer you have a seat at the table, the residents of Ward I put you there and you have every right to make a comment from the chair you occupy.

**Council/Administration responses to residents:**

Mr. Burgio understands what Mr. Thomas said about people being chosen for a position and gave an example when he ran for the school board in 1989 and lost by 186 votes of about 16,000, almost enough for a recall; the person that won relocated shortly after winning and leaving someone to be appointed. There must be a process that is fair as possible and the selected candidate has to run in November and that candidate will be removed by the people on election day if that person has not done a good job. That person will have to prove worthy of the job and that they are doing what is best for the people. Council wants the best person up here that will be representing the interest of Brook Park.

The Mayor stated to Mr. Troyer (as a resident out there) about the budget process and said a meeting is called to present the budget and begin discussions, which is what that Saturday meeting was for. Council received various reports and capital improvements and no action was expected to be taken at that meeting, the purpose was only to begin discussions. Somehow, fundamentally, you cannot comprehend that you can have discussions at these things at a regular meeting of Council. Every meeting you make a statement that if anyone wants anything pulled out of your committees to contact you. Legislation, most times, is introduced timely and should be taken out for discussion for information purposes so that statement, generally, again shows I do not think you understand how this process is going to work. The majority of Councilmembers pass the budget that is presented by the Mayor and he has to operate. Department and division heads submit suggestions and the Mayor makes the final determination and almost always, they have great wish lists and they change them. For example, at the Board of Control, the amount had to be increased for the fire truck, it was \$11,000 and ended up being \$26,000 and we must live within that budget. This is the best budget since returning to office and everyone forgets how it got there. Council always has the right to make amendments, but if they get defeated that means the majority was not convinced. There is no division that will ever say that they will take less personnel. If you cannot make a decision on a budget in the time that we did the process, then you do not belong up here.

Ms. Powers felt the Mayor had just been disrespectful to a fellow colleague yet he expects total respect. Mr. Vecchio's letter read into the record was not pleasant and had derogatory comments; not conducive to good relationships. Ms. Cates letter read into the record addressed concerns about the cost of preparing minutes and how well they were done and it is admirable of her to be concerned about how the city spends money or how Council spends its budget, but all six members agreed to hire a court reporter to prepared minutes. It is upsetting that she is concerned about Council's little expenditure, did not mention one word about the Brewer Garrett contract that was upwards of \$7 million when it could have been as low as \$2 million.

Mr. Troyer said Mr. Salvatore stated he should make his comments at the dais and believed Mr. Salvatore made the motion to call the question under adoption of the budget

**Council/Administration responses to residents:**

on the March 28th being the instigator in trying to impede conversation, discussion or remarks on the motion.

Mr. Salvatore - Point of Order when did calling for the questions and calling for a vote become instigating?

Mr. Mencini said we are supposed to be answering the audience.

Mr. Troyer retracted the word "instigator" and said the motion was made to call the question, therefore, killing any discussion on the motion to adopt. Therefore, he was not able to read, talk about, or discuss what he just read at the lectern. If you do not want him to go to the lectern then allow him to speak at the dais on a motion, especially on something as important as adopting the budget. The Charter reads that the finance director provides the budget to the Mayor, the Mayor reviews it and does whatever he needs to do, then he introduces it to Council. That is how it is supposed to work. We had issues like this about salaries a few years back. We wanted to adjust them and the law director ruled that the Charter says you have to wait for the Mayor to introduce it before you can change the salaries. We cannot do anything to the budget before it is introduced. It was introduced on the 14<sup>th</sup> so we had two weeks from the date it was introduced. He said there was only two weeks to try to propose anything to the budget. On March 21<sup>st</sup> amendments were proposed to add \$50,000 to the crack sealing, which did not go well. He had some ideas as to where it could come from, but he wanted the finance director to come up with an idea and he was told at the time because of the recreation center grant issue we could not take any of our reserve and use it for that. At that time, he was going to ask for the money for the police officers, but he did not. He did not continue because he knew he had to go and find it and pull it out of the budget as it is. That is why he introduced that on the 28<sup>th</sup>, funding more money, that amendment, to put more money into the police and have more police officers. That is how that happened and he had two weeks to do anything. The first chance he had to try to do it he was told it was not appropriate because we could not take any money out of reserves so then he did not do it on the 21<sup>st</sup>. He knew he had to do it so that is why he brought it forward on the 28<sup>th</sup>. That is why he tried to make the motion for that amendment on the 28<sup>th</sup>. Just because the Mayor says it is so does not make it so. The Mayor tries to disparage him by saying he does not know what he is talking about or he does not know what he is doing, but he does. Mr. Troyer agrees with Mr. Thomas and hoped Ms. Barbour feels better and thanked Mr. Ruebensaal and will get the resolution introduced.

Mr. Astorino commented on audience concerns about letters the clerk read written answers will be provided; but pointed out some contradictions. The Mayor commented on audience criticisms elected officials are subject to, which he understands, however, someone said he refused to answer, flat out lied and said he is not honest or transparent. The letter says on January 23, 2017, he responded to questions as follows: Working with the Council Clerk I put information on the Council website. In correspondence from the clerk she stated a

**Council/Administration responses to residents:**

total contradiction of what he stated to him on the same day. Her response reads in part: I have nothing to do with the website except send agendas, adopted legislation and the meeting minutes to be posted. Let me explain to Mr. Vecchio, when she says except sends agenda, adopted legislation and meeting minutes to be posted, that is what he meant when he said working with the clerk. The clerk sends him the information and he posts it. When you say she stated a total contradiction of what he stated, you were incorrect on that point. You then mentioned who is currently adding the information to the web page. He responded to him at least twice to tell him that he is adding the information to the web page. The reason for the question is that you stated, you were responsible for this operation in an earlier response to me yet the following email from the former Councilwoman at large says something totally different. On January 9, 2017, she wrote the part that she did. His response to him was on January 23. So, yes, she did do something on January 9<sup>th</sup>. When he responded to him he was doing it because she was no longer doing it. Your ability to twist and spin it is simply meant so you can put in words that there is neither honesty nor transparency when everything is just that. As far as other things that have gone on, he will provide written answers and explanations once again. Maybe you will move on to a subject that is more concurrent, but you asked when did approval come from members of Council to build and operate the website? Council Rule 28 approved January 4, 2016, reads, "Council shall have its own website (brookparkcitycouncil.com) separate from the City's official website, cityofbrookpark.com., which shall be linked from the City website and which will also link back to the City website. All agendas, minutes, and other information shall be posted to the Council website by a person or persons designated by Council". In answer to your question of who authorized the website, all Members of Council did because the Council Rules were actually adopted unanimously and so they determined to have it. I will provide additional answers, but when you sit there and say that someone has flat out lied to you, it is a nice thing to say, but usually if someone flat out lied to you there should be some facts to back up the statement and there are no facts. The questions are not there. Mr. Astorino continued with addressing of Ms. Cate's letter about the minutes and hiring temporary clerical help. As the office administrator, through the Clerk, we became aware of it and, yes, we did bring in someone on a temporary basis. The Council President is authorized to spend up to \$500 without Council approval so we did that on a trial basis to see how it would work. It did not work so we came to Council and got three different proposals from three different clericals. On February 7<sup>th</sup> Council provided verbal approval to go forward. Multiple prices were provided to compare and quotes were brought to Council. He did not take it upon himself as everything was done with Council's approval. How could we hire given the budget was not passed? The finance director said the money was there and did not raise concerns. The money was put in the, to be appropriated form, a common practice within the City. How am I going to compensate residents? I do not actually know what that means because the money was not wasted and it is not incumbent on me to compensate residents for Council's actions. Are you going to fix the fiasco? We are in the process of fixing the problem. It is not necessarily a fiasco. I have explained in the past, the variety of reasons why we ended up in the situation that we could not reasonably anticipate. He

**Council/Administration responses to residents:**

said he will provide additional responses in writing so all questions are answered because I have no problem answering the endless supply of questions you all seem to have. Once I answer a question and point something out, rather than admit that the question has been answered you just say, well, what about this and what about that and just move to the next issue. Ms. Markusic made a statement about passing legislation preventing elected officials and their families from commenting on Facebook, which I have no intentions of recommending. The law director would have civil lawsuits because that would be a violation of the first amendment. However, there should absolutely be more civility on Facebook. I discuss issues, not personalities, on Facebook and answer questions. Some are not within my realm and it is not my responsibility to look up information for you. Questions about something going on in the City are fine, but when you ask about Parma Heights, Berea and Middleburgh Heights, you can look that information up because I do not need information about what those cities do. I am very comfortable on my position. I am in favor of hiring three more police officers. I have asked the people questions on where they stand on that issue and they just come at me with more questions. So it is just a case of, if questions are asked I will not answer all of them because not all of them, believe it or not, are relevant. I understand taking criticisms at the meetings. I welcome these letters and your comments. The Charter establishes the process for filling a vacancy. Some Council people support your comments. Either residents can come forward with proposed Charter amendments, or if Council members think it is valid they can come forward with valid Charter amendments too. We welcome all ideas, but not all ideas are great ideas. We are restricted to follow the current procedure in the Charter. It is our obligation and we will do as much work as it takes to do that.

Mr. Salvatore thanked those who stayed for the entire meeting and those who offered suggestions on how the vacancy should be filled. The decision is important and the process is clear but still had concerns about the date and was sure the law director would come up with the right answer. The process is that Council has 30 days to fill the vacancy and if Council fails to do so it is the Mayor's responsibility to fill it; all comments and suggestions made on behalf of individuals that would like to fill the seat, will be taken into consideration. Mr. Thomas mentioned he ran and he should be given some consideration; I do not disagree with that. There are also a lot of people that used to serve on Council who may want to seek an appointment who were elected. They have earned the right because they were elected before and the people have spoken. Mr. Von Duhn almost captured a seat this time around so he should be given some consideration but everyone who wants to put their application in has a right to seek that position. I just want to make sure that it is a fair process so and that everyone has an opportunity to be interviewed. We really do not have set criteria, we have filled four vacancies that I can recall and I do not remember all of them being the same way. The Clerk researched the process that took place in 2009 that was how far back she could go so she did the right thing in securing that process, but the applications we had could not be identified.

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

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

**NAYS:** None. The motion carried.

There being no further business to come before this meeting Council President Astorino declared the meeting adjourned at 10:25 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.

10,746 words

4-4-17 Read into record

April 3, 2017

Mayor, Council President and Council,

I am hoping that this letter gets some important answers to questions for the residents of Brook Park. Also, I am hoping for the transparency we were promised during the last campaign from certain members of this council.

On March 21, 2017, I went to the podium to inquire about the minutes. There were multiple reasons why I did this, the first being the violation of the Ohio Sunshine Laws. Minutes from a meeting must be available to the public in a reasonable amount of time. These minutes are a requirement as they reflect the official record of motions and votes that take place during meetings. They also include a summary of what took place during the meeting. They do not need to be verbatim. A majority vote of council is required for the minutes to be transcribed verbatim. Being almost seven months behind is a violation that could require court proceedings if not taken care of.

Council President Astorino, you stated that the reason for the minutes being behind was due to meeting length and that we had more meetings than prior years. I am sorry, but according to the Ohio Supreme Court that is not a valid reason. The public and residents have a right to obtain a copy of the minutes "within a reasonable amount of time". I requested the August 2, 2016, minutes that were not approved until February 21, 2017. This is not a reasonable amount of time, thus a violation of the Law.

Also, these minutes that you are behind on caused you to come up with a way to fix the problem. The first thing I am aware of that you did was hire temporary clerical help for twenty hours per week not to exceed \$500. This was Aimee. Her

APR 3 9:00 AM

Red  
fix  
clerical

name was mentioned at a council meeting and nobody was aware of this action. She was hired by the Council President and the Clerk per Ordinance number 7654-2001 and 7870-1993. Aimee then emailed Ms. Blazak January 5, 2017 that she had nothing to tell her with whom was in attendance at the meetings and was not familiar with the voices. Aimee was unable to distinguish the voices, keep that in the back of your mind. The answers I received were that Aimee could not finish the transcriptions due to her own time restraints, so she did not feel that they should pay her.

Next, on February 7, 2017, I was informed by the Clerk of Council, via email, that executive session was to be held to approve new temporary clerical help. Once again under the same Ordinances. Let me cite these to you:

Codified Ordinance 121.07

(a) Council is hereby authorized to employ, from time to time as it deems necessary, temporary stenographic and clerical help to assist Council in carrying out the essential work of the Council office. (Ord. 7654-1991. Passed 10-25-91)

(b) Compensation for temporary clerical help shall be fixed by Council for the hours actually worked, and shall not exceed thirty-nine hours per week. Hourly rate shall not exceed ten dollars (\$10.00) per hour. (Ord. 7870-1993. Passed 10-5-93)

Now this is a bit confusing. You cannot hire a person under this same ordinance, you just cannot have it both ways. In my opinion, one of these are a violation of the codified ordinance stated above. Being that it states "Council" I request the Law Director to answer the question of whether or not a Law was broken and what should be done about it.

Last, it was decided that although we have a full-time clerk, a part-time clerk, and now a temporary clerk, it was necessary to hire a court reporter to transcribe minutes to get us caught up and in compliance. This may have worked, but remember what happened with Aimee? The court reporter was unable to

distinguish whose voices were whose. So upon reviewing the minute drafts myself, I found that these were unacceptable and, quite frankly, irresponsible, if not illegal, to approve these minutes in their current form. So almost \$14,000 for a "quick fix" was a waste of the taxpayers money.

Now for the questions that we all deserve:

Mr. Council President, since you have stated this is your office, why did you neglect your duty to keep the minutes up to date?

Who gave you the authority to hire temporary clerical help?

Given the cost of the court reporters, did you get multiple prices to compare? Did you then take those quotes back to the council members after the Verbal approval? Or did you take it upon yourself to decide with whom to hire?

How did you even hire anyone given the budget wasn't passed? A bit hypocritical don't you think?

Now that the work is done and the money is essentially wasted, how are you going to compensate the residents?

The \$14,000 that was wasted is half the cost of the dog park that can benefit the residents or crack seal for the streets. At least that would be money the residents would see used as beneficial to them.

How are you going to fix this fiasco?

The residents of Brook Park elected all of you on the dais to serve ALL the people in the city, not only the ones they choose to. That being said, I am requesting that these questions and any others addressed to this council be answered in an appropriate amount of time with straight answers without being political. If these questions could be answered at the council meeting this would be best. Answering them on social media is a disservice to those residents who do not use that type of medium.

Thank you,

Lavaine Cates

15499 Remora Blvd.

It is with great concern that I feel I must write this letter to be read into record as it appears that we the residents of the City of Brook Park are unable to get answers to questions we have asked of some of our elected officials.

On January 17, 2017, I spoke from the podium as a follow up to questions I submitted via email to Council President Jim Astorino regarding the brookparkcitycouncil.com website. Some of my same questions were reiterated prior to me speaking by Brandi Reynolds.

The questions that were asked by me are as follows:

- 1) Who is the Webmaster for the brookparkcitycouncil.com Website (The person who maintains the website)?
- 2) Who is the Website Administrator for the brookparkcitycouncil.com Website (person who adds and maintains content on the page)?
- 3) Cost breakdown for the following
  - Website creation tool for the brookparkcitycouncil.com Website (this is the tool used to design/make the webpage)
  - Website creator for the brookparkcitycouncil.com Website (person who used/uses the tool to make and maintain the page layout)
  - Website host for the brookparkcitycouncil.com Website

On January 23, 2017, you responded to the questions with the following answers:

*"Working with the Council Clerk, I put information on the Council website. The information I place on the site is the agenda packet that is posted, adopted minutes and adopted legislation.*

*The cost for 2017 is \$93.53, which averages out to less than \$8 per month.*

*As was stated before, the website is provided through GeekStorage."*

On this same day, I was also in correspondence with the Council Clerk, Michelle Blazak. In our correspondence, she stated a total contradiction of what you stated, to me on the same day. Her response reads in part:

*"I have nothing to do with the website except send agendas, adopted legislation and meeting minutes to be posted".*

You then, on February 6, 2017, sent the following email to me:

Mr. Vecchio,

*In addition to the previous answers provided, this information should complete the response to your inquiry.*

*The website was created with the open source content management system (CMS) called Wordpress. The installation script and software are free to use, and have no cost. The theme was also free. This was chosen because it makes it easy for almost anyone to update and add to the website, without having to have technical knowledge.*

*The At Large Councilwoman initially set up the website (installed Wordpress, configured settings, and customized design, etc.). There was no cost for this as she volunteered her time and talents, and asked for no additional compensation, receiving only her regular council salary.*

*I hope this answers all of your questions.*

*Sincerely,*

*Jim Astorino  
Brook Park Council President*

**Mr. Astorino, there are few issues with the responses you have sent, that I and the rest of the residents would surely like and are entitled answers to.**

- 1) The At-Larger former councilwoman setup the website as you stated. This means that she has full access to the site and its content. She would have needed to setup an email account, login and password for access. With her now confirmed resignation from office, can you tell us if the user name, email recipient(s) and password have been changed? Has the domain name been purchased by council so as to eliminate a resident of the city from having the ability to access, redirect, add/remove content or shut down completely?**
- 2) Who is currently adding the information to the Webpage? The reason for this question is that you stated you were responsible for this operation in an earlier response to me, yet the following email from the former Councilwoman At Large says something totally different.**

**On January 9, 2017, she wrote:**

*"The city council website is back up and running. I updated all of the pages so they are current, and am working now on the calendar. I was just wondering if you could look over the page for approved minutes and let me know if I missed anything there? There may have been some files I never got? Not sure.*

*<http://www.brookparkcitycouncil.com/agendas/approved-minutes/>*

*Also, the council email addresses are also working again, so I would think that we should go back to using those primarily.*

*Thanks.*

*Julie"*

The contents of this email tells me that you have been neither honest or transparent with the residents when asked questions.

- 3) When did, approval come from members of council to build and operate the website? Seeing that it would have to be during this elected council session, why and how was the Website domain opened on November 9th, 2015? Is this date not prior to you taking the oath of office?
- 4) Why are there no supporting receipts for payment of this website domain prior to a September to December 2016 receipt?
- 5) Can you also clarify why on December 13, 2016, in an email transmission between you and the former Councilwoman, she asked about repayment due to her credit card being charged through August of 2016? In this transmission, you asked why and if she was aware of the reason the site was down.
- 6) Can you explain the reason for the inaccessibility of the site from December 13, 2016 to January 9, 2017?
- 7) Can you explain why on January 17, 2017, receipts for repayment on two (2) separate occasions, signed by and submitted by you are to the former Councilwoman At Large and not the Brook Park City Council office?

With all of the questions you have refused to answer or have flat out lied in response to, leads me to ask one final question of you. What else is being hidden from or presented by you to mislead the taxpayers of our city?

Having asked all of the questions above, I am formally requesting the voting members of this council, open an investigation of Council President Jim Astorino, the happenings of the brookpakcitycouncil.com website, from its inception and the continued missteps taking place within the Council office he is charged with overseeing.

Respectfully,  
Mike Vecchio  
14417 Park Drive

