

**SPECIAL COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, APRIL 11, 2017**

The meeting was called to order by Council President Astorino at 8:28 p.m., who read the Meeting Notice. The clerk called the roll and the following Members of Council answered:

SCOTT, BURGIO, SALVATORE, TROYER, MENCINI

Also in attendance were Law Director Horvath and Finance Director Cingle. Councilwoman Powers was properly excused.

REMARKS FROM THE AUDIENCE ON SUBJECTS ON THIS AGENDA ONLY:

The Clerk read a letter received from:

Bill Schmidt

6464 Claudia Drive (attached to these minutes)

Jack Thomas Sr.

15913 Remora Drive

Mr. Thomas stated regarding the candidate appointment, I have researched the Charter and Sunshine Laws and the surrounding communities. An election was held and people have shown their interest by applying for the office, getting the required number of signatures and campaigning. There is nothing to preclude this Council from doing the correct thing in one of two ways. Appointing the person who is next in line with the number of votes or restricting it to people who are already on the ballot. I had 1,563 people show their confidence in me to fill that position, we are being ignored. These are registered voters and there is nothing written as to the method and procedure. With the meeting minutes there should have been quality control with a timeline set up showing what needed to be done, were the funds secure that wasn't approved by Council, with the expectations given to the person who is going to be doing it. Was that process reviewed after one session to ensure that all items on the agenda were being met, was there an actual approval. Instead of trying to affix to blame, try to fix the problem; the expectations were not made clear. I implore you to listen to the voice of the people in your selection process and the proper thing for Council to do is to set up their own method as they feel is the right thing to do.

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

Mr. Troyer objected, because it is not normal procedure. Are we going to now reply to questions before we have a chance for our discussion on the matter?

Remarks from the audience subjects on this agenda: only: cont.

Mr. Mencini said that since this is a Special Meeting we can allow some leeway. I would like to respond to the gentleman if the Council President agrees.

The clerk was asked to call the roll on the motion by Mr. Mencini, supported by Mr. Scott, to address the audience.

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

NAYS: Troyer. The motion carried.

Mr. Mencini addressed Mr. Thomas by saying you don't pass blame, but you just did. I do agree with you on the Charter. I was at a fundraiser and heard people suggesting things but didn't hear a lot about the minutes; this matter has to get fixed. The communication here could be better and Council needs to get to the bottom of the minutes soon. While I agree it should be by a vote of the people, I have to go with my colleagues and Charter.

VERBAL APPROVAL:**1. FINALIZATION OF COUNCIL OFFICE INVESTIGATION.**

Mr. Scott stated that he is not comfortable with anything but an external investigation. We were given three names and calls have been placed calls to all three with only one returning the phone call. Mr. Scott had a good conversation with Mr. Slattery who also spoke with Councilmembers Burgio and Salvatore. I feel very comfortable with Mr. Slattery to do an investigation into Council office operations.

Mr. Burgio stated that his concurs with Mr. Scott and looked at Mr. Slattery's resume and it is quite extensive

Mr. Salvatore commented this should be finalized today.

Mr. Mencini concurred.

Motion by Mr. Scott, supported by Mr. Burgio, to acquire the services of Mr. Slattery.

Mr. Troyer asked if it was a police officer that was going to investigate Council and what is he investigating?

Mr. Scott replied the operations of Council office, he called everyone on this list, there were no return calls from two of the three people on the list. Mr. Slattery spoke with me for 20 minutes, explained his business and procedures.

VERBAL APPROVAL:**2. FINALIZATION OF COUNCIL OFFICE INVESTIGATION. (cont.)**

Mr. Troyer asked if he ever investigated a Council before?

Mr. Scott replied yes and suggested to Mr. Troyer to pick up the phone and speak with him; there is confirmation that Mr. Slattery has worked on investigations in other cities.

Mr. Salvatore asked the Law Director if she had any conversations with this gentleman?

Mrs. Horvath said that her recollection was that she had three conversations with him and could review notes. Mrs. Horvath has called a number of individuals who may be appropriate and after speaking with Mr. Slattery and viewing his resume and a follow-up courtesy phone call Mrs. Horvath felt that Mr. Slattery was appropriate. The issues that are being put forward here were raised around November 15, 2016 and were further, partially investigated by the Brook Park Police Department and subsequently investigated by the Sherriff's Department.

Mr. Salvatore asked about the other two recommendations that were on the list.

Mrs. Horvath spoke with the other two individuals but Mr. Slattery was the only one that made a follow-up call.

Mr. Troyer stated that Council has no specific idea of what is being investigated and asked Mrs. Horvath if the city's assistant law director isn't from the City of Brooklyn?

Mrs. Horvath replied that going back about 15 years, yes he was employed by the City of Brooklyn and doesn't have any knowledge of whether or not Mr. Sackett would know this particular individual, Mr. Sackett was not the individual that gave the person's name.

Mr. Troyer stated that if Council wants this investigation he will vote with Council but Council should get more candidates, the other two have fallen away quickly. The investigator should be someone who understands Councils and Robert's Rules and understands procedures. Mr. Troyer has reservations about this.

Mr. Scott asked of the three persons mentioned here, did you have a conversation with any of them? You were questioning Mr. Slattery's ability to understand

Verbal Approval:

Finalization of Council Office Investigation (cont.)

Robert's Rules of Order. If you would've spoken to him about this and asked him if he understood parliamentary procedure, he would've told you that he is on board and has done municipal investigations.

Mrs. Horvath stated that there is nothing preventing an individual Councilperson from continuing a search outside of the three names provided. The law department has made their best effort to come up with names, we consulted other areas, we did the best that we could. If you feel that these names are inappropriate then you could have certainly come up with your own candidate. It would've been better if you would have expressed this to your colleagues before this, this has been lingering for a number of months. We did the legwork and provided it to council for them to follow up from there.

Mr. Astorino stated that as a point of information there was an additional name that was provided to all Members of Council as someone that is more familiar with the legislative process. Mr. Astorino is curious if the three Members of Council who said they did their due diligence had a conversation with this woman. She is a director at Cleveland State University, she is a former Safety Director and is very well-educated. Mr. Astorino believes that at one point it was discussed that they could work together, one of them coming from a police background, and the other coming from a legislative/administrative background.

Mr. Burgio answered the question as to what is being investigated and stated on January 24th the Law Director sent a memo to all Members of Council encouraging the investigation of Councilmembers and Council office operations. Further stated that it should be investigated as to why the minutes are so far behind and additionally investigate the Council website issues.

Mr. Mencini suggested that each Councilmembers submit several questions that this person could look into; perhaps this person would see something that Council doesn't or maybe not.

Motion by Mr. Scott, supported by Mr. Salvatore, to call the question.

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

NAYS: Troyer. The debate will continue because the call for the question was not successful.

Mr. Troyer said that this was an example of due diligence, if someone wants to bring something forward something for Council to pass, that person should bring supporting evidence. This was discussed in Executive Session and is not allowed to disclose that discussion. There were other candidates that the residents and

Verbal Approval:

Finalization of Council Office Investigation (cont.)
public weren't privy to but because Council has this investigation Mr. Troyer will vote yes

Mr. Astorino stated that he is in support of an investigation and believes no wrongdoing will be found; Mr. Astorino did express concerns about the way that this was handled. There were several Executive Sessions to be able to speak about hiring someone to do this investigation and last week asked last week if Council should go into Executive Session to discuss this further and was told that wasn't necessary. To do this at a Special Council meeting limits time to express opinions until just before the vote is taken. Mr. Astorino is concerned the Council wants to hire someone with a criminal investigation background, while ignoring someone who has experience with the legislative and administrative processes, this could be a two-pronged approach. There has been no discussion regarding who is going to contact this gentleman or what is going to be investigated; is Council going to direct this investigation or will it be the Mayor or the Law Director? Mr. Astorino doesn't appreciate Council trying to exclude him from this process by changing how things are done in midstream.

The clerk called the roll on the motion by Mr. Scott, supported by Mr. Burgio, to verbal approval of acquiring the services of Mr. Slattery to investigate Council Office operations.

ROLL CALL: AYES: Scott, Burgio, Salvatore, Troyer, Mencini
NAYS: None. The motion carried.

3. CANDIDATE APPOINTMENT FOR COUNCIL AT LARGE.

Mr. Salvatore stated in reference to a comment made by Mr. Thomas regarding candidates, the City Charter is pretty clear; it is Councils' responsibility to fill a vacancy within 30 days of that date. If Council doesn't do that then it is the Mayor's responsibility; unfortunately, the issues leading up to this vacancy were not normal. Therefore, this Council had issues determining the date for this to begin and never really knew when it could be started. The clerk determined that in 2009 an ad was put in the paper and that was done; the most important issue is to be fair. The reason that this is on the agenda tonight is to bring this to a conclusion in the best way possible to collectively come up with the process of determining the appointment; criteria; resumes; interviews, etc.

Mr. Mencini suggested that Council meet with the candidates for 15 to 20 minutes open to the public to see what the candidates' thoughts are as to where Brook Park should go.

Verbal Approval:

Candidate Appointment for Council at Large (cont.)

Mr. Salvatore shared with Council that he doesn't think that Council has ever filled a vacancy the same way twice and should establish how this will be done going forward.

Mr. Astorino commented that in conversation with Mr. Salvatore the impression was that Council would sit and talk about that at tonight's meeting. Information has been shared with Members of Council on how other cities conduct interviews; some being in Executive Session and some in public forum. Since our Charter doesn't detail the process then Council gets to determine the process. If the interview is done in a public meeting then one candidate can be asked to leave before another candidate is interviewed so that they don't listen in on what the other person is saying, the candidates cannot be forced to leave but can be asked to leave. y cannot be forced to leave, but they can be asked to leave. The deadline for applications is April 17, 2017 and currently there are eight applicants.

Mr. Salvatore would prefer in Executive Session to provide the most relaxed atmosphere for the candidates.

Mr. Mencini stated that being on Council in public isn't easy and it is a challenge to find the person that can handle that; interviews should be held in a public session.

Mr. Scott feels strongly for a closed interview with a 20 minute maximum time limit. Council can ask candidates to leave when another candidate is being interviewed but no one has to leave. It would be a disadvantage for the first person who is interviewed and an advantage for the last person who is interviewed.

Mr. Troyer concurs with the Council President and Mr. Mencini the interviews should be open to the public. If a candidate is asked to leave and won't then Council doesn't have to vote for that person. Council should ask each candidate questions off of their resume, not just general off-the-cuff questions. The general questions that are asked should be determined in advance so they are not attacking kind of questions; this should be done in a public forum in a way that allows it to be fair.

Mr. Burgio stated that ideally an open session would be best but doesn't see how it can be done and prefers a one-on-one Executive Session interview.

Mr. Astorino asked if Council could start discussing dates for interviews since the deadline for the applications is April 17th, perhaps start interviews later that week.

Verbal Approval:

Candidate Appointment for Council at Large (cont.)

Mr. Salvatore suggested Thursday, April 20th.

Mr. Astorino suggested Saturday, April 22nd with a 20-minute time limit for each interview.

Mr. Mencini said that by the end of tonight the dates and times should be set up for each interview, so that the applicants can be contacted.

Mr. Astorino stated that the interview should be limited to questions from their resumes, and Council should design two or three general questions that each candidate should be asked.

Mr. Mencini stated that some of the candidates were from the public sector some of the candidates were from the private sector; so there could be variations of questions also. Council can ask how familiar the applicants are with Council functions and where they see the city and its future.

Mr. Salvatore said that he would like to have the latitude to ask a specific question of a candidate and wouldn't want to just have a script for the interview. If something would arise in an interview and would like to have the latitude to ask follow-up questions.

Mr. Astorino understands what Mr. Salvatore is saying but if a candidate takes one question from each person conducting the interview, that is six or seven questions. If one person wants to ask two or three questions instead then how does Council stay with the 20-minute interview?

Mr. Scott stated questions should be off the resume in two or three general questions; Council could give a little latitude to the time limit and say the interviews should be 20-minutes but no longer than 30-minutes.

Mr. Mencini said that he thinks 20 minutes is ample time.

Mr. Burgio commented Council is overthinking this and everyone has a different perspective on what they would like to ask. Mr. Burgio thinks that this will fall into place and the questions will be well-rounded.

Mr. Mencini thinks the interviews will flow, most are strong candidates and will come to the interview prepared. We could ask the candidates to each give a short speech of two or three minutes to the public as to why they feel they should be on Council.

Verbal Approval:

Candidate Appointment for Council at Large (cont.)

Mr. Astorino stated some kind of structure for the interviews and doesn't want anyone to feel that one person dominated questioning a candidate. As Chairman some direction from Council is needed as to how Council wants the interviews to occur.

Mr. Troyer suggested allowing two questions from each interviewer and possibly draw numbers to determine the order of the questioner. Whoever questions a candidate first will not go first with the next candidate and reiterated this be done in public session.

Mr. Scott concurred Mr. Troyer on the number system.

Mr. Astorino summed it up by saying, it is narrowed down as to how to do the questioning, dates are established, each interview is will be scheduled 20-minutes to 30-minutes apart. Council will have to determine their own questions for each interview and determine if this is being done in open session or Executive Session.

Mr. Salvatore reiterated his concerns about an open session and prefers Executive Session.

Mr. Mencini stated open session so the candidates will become familiar to the residents and gives the candidates an experience in what it will be like if they become a City Councilmember.

Motion by Mr. Salvatore, supported by Mr. Scott, to conduct interviews in Executive Session.

ROLL CALL: AYES: Salvatore, Scott, Burgio

NAYS: Troyer, Mencini The motion failed by a vote of 3-2.

Mr. Mencini asked if a simple majority isn't needed to which Mr. Astorino replied read the Charter, four votes is needed.

Motion by Mr. Salvatore, supported by Mr. Scott, to conduct interviews in public session.

ROLL CALL: AYES: Troyer, Mencini

NAYS: Salvatore, Scott, Burgio The motion failed with a vote of 2-3.

Mr. Astorino suggested placing this on the next Council agenda.

Verbal Approval:

Candidate Appointment for Council at Large (cont.)

Motion by Mr. Troyer, supported by Mr. Burgio, to agree for 20-minute interviews not to exceed 30-minutes and for Council to determine their own questions

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

NAYS: None. The motion carried.

Mr. Astorino stated at the next meeting Council can make the determination whether interviews are in Executive Session or open to the public.

Motion by Mr. Salvatore, supported by Mr. Troyer, to place under Verbal Approval at the next Council agenda.

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

NAYS: None. The motion carried.

4. CAUCUS AND COUNCIL MINUTES.

Mr. Salvatore acknowledged that some Members of Council would like to have the person making comments added to the minutes that were done by the court reporters. Mr. Salvatore suggested the clerk review those minutes and insert the proper names of the person speaking. Mr. Salvatore also suggested that verbatim minutes should end and minute should be a synopsis, verbatim minutes should only be used at the specific request of Council.

Mr. Troyer asked if the non-verbatim minutes could start with the next Council meeting.

Mr. Salvatore said that if past minutes haven't been started yet, they should be a synopsis format.

Mr. Scott asked if court reporters are still being used?

Mr. Astorino replied one court reported reporter completed nine meeting minutes and the other one has two or three left to do. Court reporters were set up to be reviewed in 30 days and the minutes are done verbatim.

Mr. Scott expressed that the court reporters should finish the job then the minutes should go to a synopsis.

Mr. Astorino stated there was discussion about this at the last meeting about some of the court reporter minutes provided to Council. Currently, Mr. Astorino and the clerk are reluctant to make any changes to the minutes until direction has been provided by Council. Mr. Astorino asked Mrs. Horvath if the memo sent today was viewed.

Verbal Approval:

Caucus and Council Minutes (cont.)

Mrs. Horvath responded after reviewing the Charter and Ordinances the question is could the clerk of Council President make modifications to the minutes presented by the court reporters. The clerk is the individual in charge of the preparation of minutes and the Charter reads that the clerk should keep an accurate and complete journal of the proceedings of Council. This is the first time the work was sent out to court reporters to do verbatim minutes. Mrs. Horvath doesn't know what arrangements were made with the two court reporters, if there was a contract but doesn't think there would be anything wrong with the clerk inserting the names of the speakers.

Mr. Astorino stated in speaking with the court reporting company if the information was provided they would make the changes. Mr. Astorino is looking to have verbal approval from Council for the clerk to make the changes in reference the first item on tonight's agenda. Mr. Astorino doesn't want to put the clerk in the position of changing documents without Council approval and when asked last week verbal approval was not given.

Mrs. Horvath stated it would actually be the court reporters making the changes with the clerk indicating what changes should be made to identify the speakers. Changes to transcripts from court reporters are done all the time and is glad to hear there won't be additional charges for the corrections.

Mr. Troyer stated the court reporter has certified the minutes and the biggest problem is that these minutes already appeared on an agenda; only Council can take items appearing on an agenda.

Mr. Astorino asked for a point of information, could someone from Council explain what the drawback is for Council to provide approval for corrected minutes; by allowing the clerk to make the changes to identify speakers.

Mr. Scott asked if the clerk needed more tools.

The clerk replied that minutes received from the assistant clerk and temporary clerical are edited and is looking for permission to edit the court reporter minutes as well.

Mr. Mencini is in favor of synopsis minutes and concurs with Mr. Scott that if help is needed the clerk should get it.

Mr. Salvatore disagrees with the statement that Council failed to act and would not vote for the minutes in present form. The minutes presented were in improper

Verbal Approval:

Candidate Appointment for Council at Large (cont.)

form and should not have been presented to Council. Mr. Salvatore doesn't think it needs a vote of Council to have the court reporter minutes corrected.

Mr. Troyer stated the process for the minutes is to distribute to Council for approval on an upcoming agenda. If there are changes then Council points out the corrections needed to be made and votes to allow the clerk to make those changes. Council should vote to allow the clerk to make the necessary changes to the court reporter minutes.

Mr. Astorino referred to Roberts Rules of Order and stated a member has objection to some of the content of the minutes he must offer a correction. Verbal approval was given to send those minutes to court reporters and were processed in a way that Council approved; now it is Council's authority and responsibility to make those corrections.

Mr. Salvador stated that is an instance when one correction to be made; this is correcting an entire set of minutes because of voices unknown, the Council President is responsible for watching the office.

Mr. Astorino stated that he did exactly what Council instructed him to do. Council voted to send these minutes to the court reporters and they came back in the format that Council saw.

Mr. Mencini questioned how the minutes got so far in the arrears in the first place?

Mr. Astorino responded last year there were 100 hours of meetings; in 2015 there were 48 hours of meetings. When decided to go with longer meetings with more participation it wasn't properly anticipated that it would take a longer time for the transcribed minutes. There used to be two full-time clerks in the Council office and now there is one full-time and one part-time. The workload has more than doubled and there are less work hours to do that.

Mr. Mencini said that there were a lot of errors in the court reporters' minutes with many corrections needed to be made.

Motion by Mr. Salvatore, supported by Mr. Troyer, to instruct the clerk to fix the minutes.

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

NAYS: None. The motion carried.

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

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

NAYS: None. The motion carried.

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

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.