

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
HELD ON TUESDAY, APRIL 18, 2017 AT**

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

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

Also in attendance were Mayor Coyne, Law Director Horvath, Safety Director Byrnes, Service Director Mr. Cayet, Finance Director Mr. Cingle, Building Commissioner Hurst.

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**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. SPECIAL COUNCIL MEETING HELD ON JANUARY 3, 2017.

**Motion** by Mr. Mencini to approve, supported by Mr. Troyer.

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

**NAYS:** None. The minutes were accepted.

2. REGULAR COUNCIL MEETING HELD ON FEBRUARY 7, 2017.

**Motion** by Mr. Scott to approve, supported by Mr. Burgio.

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

**NAYS:** None. The minutes were accepted.

3. REGULAR COUNCIL MEETING HELD ON MARCH 7, 2017.

**Motion** by Mr. Mencini to approve, supported by Mr. Scott.

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

**NAYS:** None. The minutes were accepted.

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**REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee – Chairwoman, Powers

Ms. Powers stated that the RTA rapid station finally opened.

Finance Committee –Co-Chairman, Troyer

Mr. Troyer stated the Finance Committee has three items on tonight's agenda. One of the items is Resolution 11-2017 about the CRA, this is just an approval process, the building department has noted that all the buildings are up to code. The Board of control met earlier and approved smaller rubbish cans for seniors, the administration will come up with a program to get them out there.

**Reports of Standing Committees: (cont.):**

Legislative Committee – Chairman, Troyer

Mr. Troyer stated the Legislative Committee has one item on tonight’s agenda.

Parks & Recreation Committee – Chairman, Mencini

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

Planning Committee - Chairman, Troyer

Mr. Troyer stated no report this evening.

Safety Committee – Chairman, Salvatore

Mr. Salvatore stated Safety Committee has one item on tonight’s agenda.

Service Committee – Chairman, Burgio

Mr. Burgio stated no report this evening.

Board of Zoning Appeals – Chairman, Scott

Mr. Scott stated no report this evening.

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**REPORTS OF SPECIAL COMMITTEES:**

1. SOUTHWEST GENERAL HEALTH CENTER – TRUSTEE MR. SALVATORE:

Mr. Salvatore stated the next meeting is scheduled for next Wednesday.

2. BEREA BOARD OF EDUCATION COMMITTEE – MR. BURGIO:

Mr. Burgio stated the next meeting will be next Monday and encouraged everyone to attend the spring musical at Berea Midpark, from April 20th through April 23rd.

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**REPORTS OF BOARDS AND COMMISSIONS:**

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**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**

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**REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Coyne no report this evening.

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

Service Director Cayet:

Mr. Cayet reported that the city had shred-it day this past Saturday and took in about 3,200 pounds of paper. The Snow Road project is moving along, with the Fry Road project catch-basin replacement is taking place, contractors are pouring concrete on Brookdale and the 2016 sidewalk program is progressing. 17 bids were opened this morning for the 2017 Sidewalk Program and lighting work is continuing on Route 237. Last Monday was Bulk Monday and crews picked up about 70 tons of bulk material. Crews are taking trees down that residents' have

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

Service Director Cayet: cont.

signed the release form and asked for residents to be patient because this involves grinding out the stump and putting topsoil down.

Mr. Mencini asked how are things going with rubbish being taken to the service garage?

Mr. Cayet replied the city started a week early and residents have been taking advantage of it. For every resident bringing yard waste there are probably five bringing rubbish.

Mr. Mencini asked about Bulk Monday are residents calling or just placing items on the tree lawn?

Mr. Cayet replied hopefully the people call.

Safety Director Byrnes:

Mr. Byrnes reported that a first request from a Councilperson has been received for the speed trailer and asked Council if there is a request for the speed trailer in a certain spot; send an email to the Mayor and myself to be put on the list. Residents having animal problems please notify the city so that traps can be set.

Mr. Salvatore asked where the city stands on testing for new police officers?

Mr. Byrnes replied that appeared on tonight's Board of Control agenda and currently are trying to establish a list and will be advertising shortly for the exam, the current list expired.

Mr. Salvatore asked what would be the earliest that he could consider a new police officer.

Mr. Byrnes replied that the testing procedure has an application period so the test will not occur before late June or early July; Civil Service will probably approve the test by August. Then it will be several months before a list established, perhaps by the fourth quarter of this year.

Mr. Salvatore noted it would be difficult to hire anyone in this calendar year.

Mr. Byrnes replied that the Mayor and I would have to discuss that because it would difficult without a standing list.

**Reports and Communications from Departments, Commissions and Other Public Officials: (cont.):**

Mr. Salvatore asked to be kept in the loop.

Mr. Mencini appreciates the speed trailer being out in the neighborhoods, and asked how patrols are doing on the side streets?

Mr. Byrnes replied that the dayshift police are busy, there is no falloff in enforcement.

Mr. Scott asked about response time since dispatchers have moved to the City of Parma? Mr. Scott also stated that a compliment was received last Saturday when police officers were at the resident's house in less than five minutes.

Mr. Byrnes responded there has been a lot of improvements since the new dispatch and he monitors the calls and they have been continually improving.

Mr. Byrnes announced that the police test will be set for June 3rd, just set tonight at the Board of Control.

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Ms. Horvath's stated that an opinion was circulated to Councilmembers concerning voting and in relation to Council business; an analysis of what would be a majority vote. The opinion indicates that when there are five members present a vote of three (3) to two (2) would be a majority vote. Mrs. Horvath also shared a conversation with Economic Development Commissioner Dolan on the HMAP (Home Maintenance Assistance Program). The commissioner is concerned about term eight in the legislation the low limits for a one-person home is lower than for a two-person home or a five-person home. So while five people may have less income after you take that and divide by five the one-person home would actually have the lower income; there might be some inequality in that area.

Mr. Salvatore asked after your ruling that a three to two vote is a majority vote and in light of a verbal approval that's coming up later this evening, would one be able to assume that that past at the last meeting with a three to vote?

Ms. Horvath replied the three (3) to two (2) vote would indicate passage rather than failure at the last meeting. Based on the fact that it's not an ordinance or resolution, a majority of those who were present at Council had a quorum rule, and Ohio revised code section 731.17 (b) which says it is not something not related to legislation, instead relative to internal Council business a three (3) to two (2) vote would be sufficient.

**Reports and Communications from Departments, Commissions and Other Public Officials: (cont.):**

Mr. Mencini stated opposition in having the Executive Session, and still seemed there was a majority vote.

Ms. Horvath agreed and thought there was a passage that time.

Mr. Troyer stated that four (4) is a quorum, in a non-legislative verbal approval setting.

Ms. Horvath said let's take for example Council wants to place something on the agenda and you have five members present; you are right four (4) is a quorum. If it were a situation that there was legislation then Mrs. Horvath would defer to the Ohio Revised Code, because there is nothing else in the Charter that four (4) votes are needed. Looking at Ohio Revised Code 731.17 (b) states action by the legislative authority not required by law to be by ordinance or resolution, may be taken by motion by at least a majority vote of the members present at the meeting. There were five members present at that vote, a majority vote would be 3-2. That would be allowed because it is not legislative but is Council business.

Mr. Astorino stated not enough time to review the opinion but Council rule number seven speaks about the order of business and states that the business of all regular meetings of Council shall be transacted in the following order unless the Council by a majority of four (4) suspend the rule and change the order. The rule states that a majority of four would need to change that; that sounds in conflict with this decision. Page 2 of the Council Rules talks about changing the regular meeting date and states it shall take a majority vote four (4) of the elected Members of Council to change the meeting date. In both cases where five (5) Members of Council are present, a majority vote would be four (4). On page 3, Council Rule number five states copies of these detailed minutes shall be available to Council, the Mayor and President of Council and shall be accepted by a majority of four (4) votes of Council at the next regularly scheduled meeting; none of these items are moving legislation and indicate it still indicates a majority vote is four (4), not three (3). On page 8, Council Rule eight, states no candidate for President of Council Pro Tem shall be declared elected unless a vote of all elected Members of Council. No vacancy which Council is allowed to fill shall be filled except pursuant to a majority four (4) votes of all voting members elected to Council; Rule number 10, on page 9, also requires four (4) votes. Finally, last week after the vote there was no challenge to my decision that a majority of four (4) was needed the vote failed. According to Roberts Rules of Order, absent a court order to reverse that, your opinion that the vote should of been approved on a 3 to 2 vote should of been provided and challenged at that meeting. Once that meeting was adjourned the Members of Council no longer had the ability to raise

**Reports and Communications from Departments, Commissions and Other Public Officials: (cont.):**

that challenge. Tonight's verbal approval on the same issue is valid as it stands. Mr. Astorino doesn't think the law director has the right to change the vote at last week's meeting once the meeting was adjourned.

Mr. Salvatore - Point of Order - stating Council does have a right to rethink the vote from last week's Council meeting and can be brought up at the next meeting.

Mr. Astorino stated looking at the Roberts Rules of Order on page 315 speaks about reconsidering, (B) reads the making of this motion has a time limit. In a session of one day the motion to reconsider can be made only on the same day the vote to be reconsidered is taken. Mr. Astorino ruled Mr. Salvatore's point of order invalid.

Ms. Horvath pointed out that the vote was for determining the process to fill a Council vacancy. There is nothing in the Council Rules that directly addresses this matter; the rules don't determine what process Council would use to fill a vacancy. Council rule number seven is for the order of business and does say that a majority of four (4) can suspend the rules, but this is a different topic. Council rule number eight pertains to the Appointment of Council Pro-Tem and doesn't have to do with filling a vacant Council seat. Council rule number 10, speaks to voting and she is addressing what method or process Council uses to determine which candidate Council should pick to fill the vacancy. Mrs. Horvath believes that all of those rules are inapplicable to the question before the Council this evening and also believes that the Ohio Revised Code should have precedence over Roberts Rules of Order. The City Charter should be considered first, then the Ohio Revised Code (ORC) 731.17 (b) then the Roberts Rules of Order. O.R. C 731.17 basically states this is Council's business and a majority of the Councilmembers present at that meeting may vote and determine Council business. Mrs. Horvath apologized that occasionally Council receives opinions late, any delay is completely unintentional.

Mr. Astorino stated that doesn't really answer his questions, the law director's minimization of Council rules tends to create problems. Council rule number 25 gives Council the parliamentary authority where it states that any rule not specifically covered by this list of rules shall be determined by referral to Roberts Rules of Order. So in a situation where there isn't a specific rule, Council has determined to use Roberts Rules of Order. The people have adopted a charter, and have allowed Council to adopt rules that say if the rule is not specifically covered, the Council goes to Roberts Rules of Order. There is only one week to fill this vacancy and all Council has to do this evening is pass under verbal approval to fill this vacancy and start interviewing candidates; this opinion came out a week late.

**Reports and Communications from Departments, Commissions and Other Public Officials: (cont.):**

Mr. Mencini stated that after the vote last week he stated a majority had voted and it was brought up the majority had voted but Council just moved on. Mr. Mencini's question is with only five voting members does Council go to the Council rules, the Charter, Robert's Rules of Order of the Ohio Revised Code; what casts a majority when the voting membership is short?

Ms. Horvath responded that it was appropriate for her to write the opinion and did everything possible to make sure that the opinion is correct and is the best opinion that can possibly be given. This opinion was given by a prior law director in 1993, the hierarchy is the Charter, Ohio Revised Code and Council Rules, and Roberts Rules. None of the Council Rules cited dealt with filling a vacancy and it is not a vote on legislation so a simple majority of three to two (3 to 2) is correct. As the city's law director she is the only person in the City of Brook Park that is allowed to give a legal opinion, everyone else can have their opinion, but it is the law directors' in the only acceptable legal opinion. The legal opinion given is good for the future and in her opinion last weeks' vote is valid and carried; the law director is duty-bound to let Council know that it was a valid vote.

Mayor Coyne asked if the Council's vote from last week to place this on the agenda for tonight that vote took place?

Ms. Horvath replied that her recollection was that if there was a vote as to whether the interviews would be in an Executive Session or public session.

Mayor Coyne asked what was the vote to put this on the agenda.

Ms. Horvath replied 5-0.

Mayor Coyne said it has been a tradition here that reconsideration can take place immediately or at the next regularly scheduled meeting of Council. Many of the candidates are nervous about being interviewed in public and have expressed that to me. It is the Mayor's suggestion that Council can do both, allow the candidates to make an open statement prior to being interviewed and conduct the interviews in Executive Session. After the interview if the candidates wish can make a closing statement. Chartered cities are overruled in the courts all the time and it is the obligation of an elected official if believed the process is incorrect to advise the Mayor and the Council; to do less than that would be remiss in her duty as Law Director.

Mr. Salvatore suggested that we conduct the interview in Executive Session.

**Reports and Communications from Departments, Commissions and Other Public Officials: (cont.):**

Mr. Astorino stated current issue is that the Law Director gave her opinion as to whether or not last week's vote went through, Council is moving out of the agenda order.

Mr. Salvatore stated that if he was allowed to continue he thought that we would be able to move the meeting along and thinks the interviews should be conducted in Executive Session. Council can offer each candidate the opportunity to come before Council to answer a few simple questions such as why do you want to be a Councilperson and why should you be selected.

Finance Director Cingle

Mr. Cingle stated that the city entered the capital markets on April 6th and successfully sold \$4,980,000 of municipal bonds at an interest of approximately 3.2%. The total from that actual bond issue is approximately \$118,000 lower than the projections sent to Council; the city was fortunate that the interest rates had a slight decrease. The bond issue is scheduled to close on April 26th and at that point the city will receive full funding for the Energy Conservation Project.

Mayor Coyne asked about the amount 4,970,936 that pays for the contract at the recreation center correct?

Mr. Cingle concurred and stated there was also a premium issued to pay the fees for the underwriters, the issuance fees. The total overall was just under \$5.2 million and the Ordinance allowed for sale of \$5.2 million in bonds all inclusive.

Mr. Troyer asked if the interest was over and above.

Mr. Cingle concurred.

Mr. Troyer asked what that amount would be?

Mr. Cingle replied once the bond issuance is closed an amortization schedule will be given to Council for review.

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

**Motion** by Ms. Powers, supported by Mr. Troyer, to go out of the Regular Order of Business to allow audience participation.

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

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

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER (GORB)

Anthony Krystynak  
16084 Harrison Drive

Mr. Krystynak expressed appreciation to the city for the awesome job done by the city's safety forces (police and fire) recently and is very grateful for what they did for his family during this trying time of his father's passing.

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

1. AN ORDINANCE AMENDING CHAPTER 131.01 OF THE BROOK PARK CODIFIED ORDINANCES FOR SALARY. Introduced by Councilman Troyer. (Mayor's Salary) **Placed in Finance Committee**

Mr. Astorino stated this is introduced under Council rule number 12 and will appear under M-4 as Ordinance No. 10075-2017.

2. AN ORDINANCE AMENDING CHAPTER 137.01 OF THE ORDINANCES FOR THE SALARY OF THE FINANCE TAXATION DIRECTOR. Introduced by Councilman Troyer. **Placed in Finance Committee**

Mr. Astorino stated this is introduced under Council rule number 12 and will appear under M-5 as Ordinance No. 10076-2017.

3. AN ORDINANCE AUTHORIZING AND APPROVING THE MAYOR TO ENTER INTO A CONTRACT WITH MUSCO LIGHTING FOR THE PURCHASE OF CERTAIN ITEMS AND THE INSTALLATION OF OUTDOOR LIGHTING SYSTEMS FOR THE HUFSEY AND FORBES FIELD. Introduced by Mayor Coyne. **Placed in the Recreation Committee.**
4. AN ORDINANCE AUTHORIZING AND APPROVING THE MAYOR TO ENTER INTO A CONTRACT WITH ENDLESS POOLS AND RADIANT HEAT SYSTEMS FOR THE PURCHASE OF TWO DUAL PROPULSION ENDLESS POOLS SYATEMS WITHOUT PUBLIC BIDDING. Introduced by Mayor Coyne. **Placed in the Recreation Committee.**
5. AN ORDINANCE AUTHORIZING THE CITY OF BROOK PARK TO PARTICIPATE IN THE ODOT COOPERATIVE PURCHASING PROGRAM FOR THE PURCHASE OF A TRUCK. **Placed in the Service Committee.**

VERBAL APPROVAL:

1. CANDIDATE AT LARGE INTERVIEWS TO BE CONDUCTED IN OPEN MEETING OR EXECUTIVE SESSION.

**Motion** by Mr. Salvatore, supported by Mr. Burgio, to conduct the interviews in Executive Session.

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Mr. Troyer is adamantly against having the interviews in Executive Session, the residents' need to know what is going on with the selection of a new Council at-large representative. Mr. Troyer would like to see how the person spoke in a meeting, before the public as part of their qualifications of being the Councilperson.

Ms. Powers agreed that the interviews should be open so the audience knows what's happening and will be able to witness how Council makes the selection.

Mr. Mencini agreed that interviews should be in the open and there are 14 good candidates that have applied for this position.

Mr. Burgio thinks that one of the reasons why Executive Sessions were created is for personnel matters. This is the process that has been in place for several years and an Executive Session is appropriate.

Mr. Scott supports the Executive Session. When considering the questions' Council may ask candidates thinks they should go through the law department to make sure the questions are legal to ask. Mr. Scott continued in open session a nominee may hear the answers the speaker is giving which could be an advantage to the nominees waiting to speak but also a disadvantage to the speaker. Council can ask the nominees to leave an open session but cannot force that upon them. Mr. Scott would like to see each nominee give a short dissertation about what they thing about the City of Brook Park and why they feel they are qualified.

Mr. Troyer asked if Councilmembers will be asking different questions in an Executive Session or in public?

Mr. Scott stated Council should have a set of questions and nominees should be asked the same questions and have the same opportunity to reply.

Mr. Mencini concurred with Mr. Scott and stated questions are asked and each nominee responds.

Mr. Salvatore stated that he agrees the question should be the same for everyone, though no questions have been established yet.

**Other Communications and Petitions, And Verbal Approval: (Introduction of New Legislation): (cont.)**

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

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

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

Mr. Astorino stated the issue before Council is to hold interviews in Executive Session.

**Motion** by Mr. Salvatore, supported by Mr. Burgio, to hold interviews in Executive Session.

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

**NAYS:** Mencini, Powers, Troyer. Council President Astorino casted a

**NAY** vote, therefore, the motion failed with a vote of 3-4.

**Motion** by Mr. Troyer, supported by Mrs. Powers, to hold interviews in open session.

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

**NAYS:** Salvatore, Burgio Scott. Council President Astorino casted a

**AYE** vote, therefore, the motion carried with a vote of 4-3.

Mr. Astorino stated that Council decided to conduct interviews on Thursday, April 20th and Saturday, April 22nd, there will be Special Caucus' meeting called for Thursday, April 20th at 7:00 p.m. and Saturday, April 22nd at 1:00 p.m. to hold interviews. The drawing could be random with a certain number of applicants on Thursday and the remainder on Saturday.

Mr. Salvatore suggested that Council should not be interviewing more than four people at a time, and that a Special Caucus be called to determine questions that each candidate will be asked. Mr. Salvatore said that in light of doing interviews in public he would feel very comfortable having the law director review the questions Council will ask so the city is not put at risk by asking inappropriate questions. that we ask so that we don't put the city at risk by asking inappropriate questions.

Mr. Scott expressed an issue with starting the interview process on Thursday since there are no set questions.

Mr. Astorino commented it was his understanding that there were not going to be set questions; each Councilperson would have their own questions could ask the questions most relevant to that member. Mr. Astorino stated it would be difficult to ask the same questions to 15 different people with different resumes.

**Other Communications and Petitions, And Verbal Approval: (Introduction of New Legislation): (cont.)**

Ms. Horvath stated obviously the safest direction would be to ask the same questions of all the candidates and Council could run into problems by deviating questions. With regard to where Council could keep the questions, the meetings are live streamed, so candidate eight could easily watch the livestream before arriving. Ms. Horvath thinks that standard Human Resources procedures would be to have standard questions for all candidates. It is the recommendation of the law director to keep all the questions the same to all candidates.

Mr. Mencini asked if the interviews will be conducted as to the order the resumes were received.

Ms. Horvath replied that may be one way but Council may find that some candidates have other commitments on Thursday evening or Saturday afternoon, so Council will have to be flexible.

Mr. Troyer likes the idea of the general questions all being the same and perhaps Council could ask each nominee two questions; the open question would be off the resume received for that nominee.

Mr. Burgio asked Law Director Horvath if there are any questions that Council is not permitted to ask?

Ms. Horvath responded there is a large body of questions not allowed to be asked and that is why an approved set of questions would be good to have.

Mr. Burgio stated this interview process should be done fairly so that everyone gets a chance.

Mr. Astorino stated all the nominees will be contacted for scheduling of interviews and during that process Council can work with the law director to determine the questions to be asked.

Mayor Coyne asked if background checks will be done and who is going to facilitate those? Is that a proper request of the police department by the City Council? There will be lead time needed for that and the law director can set the parameters with the police department.

Mr. Troyer asked if this background check would just be pertinent to Council rules.

Mr. Coyne responded arrest records and convictions would be pertinent; are the candidates' current with their taxes with the city and/or county?

**Other Communications and Petitions, And Verbal Approval: (Introduction of New Legislation): (cont.)**

Ms. Horvath asked that since time is of the essence, could the clerk provide her office with a list of the names of the candidates?

Mr. Astorino replied a list of the candidate names and resumes will be provided tomorrow morning.

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**MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**

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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):**

1. ORDINANCE NO. 10073-2017, AMENDING ORDINANCE NO. 9993-2015, ENTITLED QUOTE AUTHORIZING THE IMPLEMENTATION OF THE BROOK PARK HOME MAINTENANCE ASSISTANCE GRANT PROGRAM (HMAP) AND DECLARING AN EMERGENCY. Introduced by Council President Astorino.

Mr. Troyer had an amendment to the amendment, term number eight by adding the yearly period when residents can enroll in the Home Maintenance Assistance Program (HMAP) runs from January 1st through April 15th, and shall include qualified applicants from the previous year.

**Motion** by Mr. Troyer, supported by Mrs. Powers, to amend.

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Mr. Troyer stated there was support for this last week and all that was needed is the proper wording. Instead of just starting from January 1st, this way anyone qualified from the year before but didn't get the grant would get it in the current year, with the highest priority given to the lowest income.

Mr. Scott stated that if there is a one-person family income of \$12,000 a year and a family of five with the lowest income of \$28,700; then the family of five would qualify for this money.

Mr. Troyer replied the minimum for one-person income is \$30,000, in that range and it gives it to the lowest income, whether a family or single person that can least afford to fix up their house.

**Introduction of Ordinances and Resolutions: (First Reading): cont.**

Mr. Scott asked if Mr. Troyer is saying that that a family of 45 on the poverty level will not qualify for this money?

Mr. Astorino stated that to provide clarity, once all the applicants are received then would look to see what the income is? There might be six houses at \$12,000, and there might be eight houses at \$20,000. The city will start at the lowest income that are qualified and distribute the funds until the money runs out. It doesn't mean the people at \$20,000 or \$30,000 won't get the loan, it means that the household that has less money will get the grant first.

Mayor Coyne stated that the Councilman is mirroring what the Economic Development Commission stated and has no idea how this program works. Is Mr. Troyer aware of any problems with this program that needs to be changed? The reason the commissioner does not want this change is because it is unnecessary. If one person applies and the limit is \$37,350, if two people apply at \$42,650 they are disqualified and that is not fair. It is \$48,000 for three people and asked Council to defeat this legislation because it is not necessary.

Mr. Mencini stated that the residents that have used this program have had no problems.

Ms. Powers asked if the federal recommendation for poverty level income is being used. Does it say that income will be based on the number of people in the household?

Mayor Coyne replied yes, these are the guidelines for the hospital program.

Mr. Troyer stated that last year Councilman Salvatore made the motion to add this language and it passed but somehow it did not get into that original legislation. Last week after discussion of this, except for the exact language, Council was in favor, and also last year there were five people that qualified that didn't get in. If those five people are considered first in the current year and haven't had higher income than the first people who qualified this year, then the neediest people don't get the money first. Mr. Troyer stated there were a lot of things that he knows about that is never actually experienced. This was approved in January and should be approved now to give the money to the neediest.

Mayor Coyne asked if the city wants the program to be accessed equally by lower income families regardless of household size. Any information that has been asked for is confidential relative to household income of an individual and is confidential to the administrator of the program, there is no reason to change this program.

**Introduction of Ordinances and Resolutions: (First Reading): cont.**

Ms. Powers stated the way this is written it does not address what happens to the people who applied last year and did not get funds because the funds were exhausted; the amendment is trying to put them back in so they don't have to reapply.

Mayor Coyne replied they are not excluded from it either, if the city has done the research on someone they reapply the next year and can be processed quickly.

Ms. Powers commented that should be in writing.

The clerk called the roll on the motion by Mr. Troyer, supported by Mrs. Powers, to amend.

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

**NAYS:** Mencini, Scott, Burgio, Salvatore The motion failed with a vote of 2-4.

**Motion** by Mr. Scott, supported by Mr. Mencini, to remove term number eight (8) and replace with term number nine (9).

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Ms. Powers asked if term number eight is removed that means people can come in after the enrollment period.

Mr. Astorino stated the legislation reads under letter F the funds will be administered under a first-come first-served basis until the funds are exhausted.

Mayor Coyne made a point of clarification we would argue that they are permanently enrolled as long as they meet the requirements; they are considered new when new funds are available.

Mr. Astorino commented that in January, 2016 the language for term eight was voted to be put in by the Members of this Council by unanimous consent to add the language. In the final drafting of the ordinance the language was not inserted that was discussed at a Caucus Meeting in November of last year. It appears the Council is reversing its position and it is a very inconsistent way to legislate.

Mayor Coyne - Point of Order, Council rules say the presiding officer should summarize the debate; you engaged in the debate.

Mr. Astorino replied that the Council President is allowed to insert a point of information or summarize opposing views at the time of the final vote; may then express his own opinion before Council.

**Other Communications and Petitions, And Verbal Approval: (Introduction of New Legislation): (cont.)**

Mr. Salvatore - Point of Order - stating that Mr. Astorino gave himself too much latitude and not enough latitude to Mr. Mencini when his comments weren't heard. The real issue is why didn't this rule make it into the final legislation?

Mr. Astorino replied as far as your point of order, it says that I can express opposing views immediately prior to the vote; that means that when the Council President is done the vote is taken. I have to chair the meeting and provide information along the way and then at the end I'm allowed to either summarize the arguments and offer my opinion immediately prior to the vote. I was not allowed to input during your discussion, I am allowed input at the end.

The clerk called the roll on the motion by Mr. Scott, supported by Mr. Mencini, to remove term number eight (8) and replace with term number nine (9).

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

**NAYS:** Powers, Troyer. The motion carried with a vote of 4-2.

Mr. Astorino stated Ordinance 10073-2017 has had its First Reading.

2. ORDINANCE NO. 10074-2017, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SIGNAL SERVICE COMPANY, WITHOUT PUBLIC BUILDING, TO PROVIDE FOR THE MAINTENANCE OF TRAFFIC CONTROL DEVICES AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore.

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

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Ms. Powers expressed opposition to suspension because the agreement received today was entered into January 1, 2017.

Mayor Coyne commented Mrs. Powers is reading an unsigned contract.

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

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

**NAYS:** Powers. The motion failed.

Mr. Astorino stated Ordinance 10074-2017 has had its first reading.

**Introduction of Ordinances and Resolutions: (First Reading): cont.**

3. RESOLUTION NO. 11-2017, ACCEPTING THE RECOMMENDATIONS AND APPROVING THE MINUTES OF THE HOUSING COUNCIL ON THE CITY OF BROOK PARK'S COMMUNITY REINVESTMENT AREA (CRA) AGREEMENTS AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

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

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Mr. Troyer commented this was approved by the Housing Council.  
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**ROLL CALL: AYES:** Troyer, Burgio, Salvatore, Scott, Powers, Mencini

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

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

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

**NAYS:** None. The motion carried. Resolution No. 11-2017 has passed under Suspension of the Rules. Adopted.

4. ORDINANCE NO. 10075-2017 AMENDING CHAPTER 131.01 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED SALARY AND DECLARING AN EMERGENCY. Introduced by Mr. Troyer.

Mr. Troyer stated there are two varieties to this ordinance and some numbers were changed between when this was sent to the law department and when returned. The first amendment would to change the salary from \$93,660 to \$106,712 and the piece in front of Council includes 'declaring an emergency.'

Mr. Salvatore asked which piece of legislation the Council President accepted?

Mr. Astorino stated the one entitled Amending Chapter 131.01 of the Brook Park Codified Ordinances Entitled Salary and Declaring an Emergency. The other piece what went to the law department to be changed to add the emergency language; in the process of adding the emergency wording there was a change to the dollar amount.

Ms. Horvath stated both pieces were sent over with my signature as to approving true to form and legal correctness.

Mr. Salvatore stated for the record that at one-time Council was going to lower the salary to \$92,000, is that where the \$93,660 came from?

Mr. Troyer concurred and stated that was rejected by Council.

**Introduction of Ordinances and Resolutions: (First Reading): cont.**

**Motion** by Mr. Troyer, supported by Mrs. Powers, to amend.

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

**NAYS:** Mencini, Scott, Burgio, Salvatore The motion failed with a vote of 2-4, the salary will remain at \$93,660.

Mr. Troyer had a second amendment with Section 4 that states this ordinance is hereby declared to be an emergency measure meaning necessary for the public peace, health, safety and welfare of said city, and for the further reason to amend section 131.01 of the Brook Park Codified Ordinances related to the Salary of the Mayor. Therefore, this Ordinance should take effect and be in force immediately after its passage and approval by the Mayor. The word Council is incorrect and wants the amendment to read ' is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said city and for the further reason to amend the legislation before the Board of Elections filing deadline. Therefore, provided this ordinance received the affirmative vote of five (5) Members elected to Council shall take effect and be enforced immediately upon its passage and approval by the Mayor to the earliest period of allowable by law.

**Motion** by Mr. Troyer, supported by Mrs. Powers, to amend as stated.

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Mr. Troyer stated that Section 4 has to be changed because it stated Council, and the new wording the emergency clause better.  
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The clerk called the roll on the motion by Mr. Troyer, supported by Mrs. Powers to amend.

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

**NAYS:** Mencini, Scott, Burgio, Salvatore The motion failed with a vote of 2-4.

Ordinance No. 10075-2017 has had its first reading

6. ORDINANCE NO. 10076-2017 AMENDING CHAPTER 137.01 OF THE ORDINANCES FOR THE SALARY OF THE FINANCE TAXATION DIRECTOR AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer.

Mr. Troyer stated the amount has to be changed, and the wording has to be changed in section 4. The amendment would be changing the salary from \$73,500 to \$92,896.

**Introduction of Ordinances and Resolutions: (First Reading): cont.**

**Motion** by Mr. Troyer, supported by Mrs. Powers, to amend.

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Mayor Coyne stated generally all of the salaries of the elected officials should be cut, except this one, the Finance Director. Cities across the area are having a hard time finding a Finance Director and asked Council to review any similar positions across Cuyahoga County and average the compensation out.

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The clerk called the roll on the motion by Mr. Troyer, supported by Mrs. Powers, to amend.

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

**NAYS:** Mencini, Scott, Burgio, Salvatore. The motion failed with a vote of 2-4.

Mr. Troyer stated the second amendment is similar to the previous one where the word Council is inserted.

**Motion** by Mr. Troyer, supported by Mrs. Powers, to amend.

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

**NAYS:** Mencini, Scott, Burgio, Salvatore. The motion failed with a vote of 2-4.

Ordinance No. 10076-2017 has had its first reading

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**SECOND READING OF ORDINANCES AND RESOLUTIONS:**

1. RESOLUTION NO. 10-2017, TO EXTEND THE BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY 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 BROOKPARK PLANNING COMMISSION 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, Mencini, Powers, Troyer and Council President Astorino.

Mayor Coyne stated the city has some distribution people located here that would be interested in applying and is opposed to having retail dispensaries entirely; doesn't understand why this can't be done through pharmacies. Mayor Coyne doesn't have any problems with the legislation as long as the words cultivation and processing is removed and the laboratory is under a conditional use permit. How these retail dispensaries are going to work is of great concern to and could be income for the city if the city's own community standards are created.

**SECOND READING OF ORDINANCES AND RESOLUTIONS: (cont.)**

Mr. Troyer tends to agree with the Mayor and stated with regards to the distribution the city has residents that need this they should be able to get it; someone has to retail so that other people can get it.

Mayor Coyne responded that he doesn't have a problem with the body of the resolution but doesn't want to limit the city's ability for the processing or distribution; the moratorium could continue on the retail dispensaries. Mayor Coyne thinks that the medical retail dispensaries should be prohibited under this moratorium. This is similar to the state liquor for the State of Ohio that created a lot of job. The legislation should be amended to still prohibit under the moratorium the retail and provide for a cultivator process to be considered under a Conditional Use Permit; it all has to be cash and how it's going to be accounted for and the banks are concerned about their Charters under the federal government.

**Motion** by Mr. Troyer, supported by Mr. Mencini, to place on the April 25th Caucus agenda.

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

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

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**THIRD READING OF ORDINANCES AND RESOLUTIONS:**

1. ORDINANCE NO. 10026-2016, AMENDING SECTION 121.01 (a) AND (b) OF THE BROOK PARK CODIFIED ORDINANCES, RELATING TO THE PRESIDENT OF COUNCIL AND MEMBERS OF COUNCIL AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer.

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

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**Motion** by Mr. Troyer, supported by Mrs. Powers, to amend to \$15,000.

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Mr. Troyer stated the amendment would be to 121.01 (a), where it reads the salary of the President of Council commencing January 1, 2018 until duly changed is hereby fixed at \$15,000.

Mr. Mencini stated in favor of the amendment.

Mayor Coyne stated any legislation relating to cuts of existing salaries for elected officials will be vetoed. These are important positions and are not overcompensated. Mayor Coyne believe that the public would think freezing of salaries would be fair but will not approve cutting salaries.

**THIRD READING OF ORDINANCES AND RESOLUTIONS: cont.**

Mr. Troyer stated this legislation was introduced in October, 2014 and at that time cuts were being made and thought that Council should take the lead in making cuts.

Mayor Coyne stated part of his job is to make recommendations for everyone's salary and Council can do whatever they want; I'm telling you what I'm going to do. The grade in equity is the finance director's compensation and wants to address with an increase in compensation, Mayor Coyne will agree to a freeze not a cut.

Mr. Troyer commented when the cut went to \$12,500 he voted no.  
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The clerk called the roll on the amendment by Mr. Troyer, supported by Mrs. Powers, to amend.

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

**NAYS:** Scott, Burgio, Salvatore. The Council President voted AYE therefore, the motion carried with a vote of 4-3.

**Motion** by Mr. Troyer, supported by Mrs. Powers, to amend 121.01 (b) change the annual salary of Councilmembers from \$12, 500 to \$14,000.

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

**NAYS:** Scott, Burgio, Salvatore. The Council President voted AYE. Therefore, the motion carried with a vote of 4-3.

Mr. Astorino stated Ordinance 10026-2016 has its Second Reading as amended.  
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**REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**

Joan Markusic  
13911 Bellbrook Drive

Ms. Markusic stated so that all the applicants have a fair chance at the questions they should be made accessible prior to the interviews; that allows no time to think about an answer. Ms. Markusic expressed with some Councilmembers constantly stating that information requested has not been received. Ms. Markusic would like to see the Council rules be more consistent across the whole Council. I would like to see Council rules be more consistent across the whole council.

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

Callahan Ruebensaal  
14240 Newton Road  
Middleburg Hts.

Mr. Ruebensaal stated that the Middleburg Hts. Legislative Committee listened to his proposal regarding proposed legislation. Mr. Ruebensaal thanked Councilwoman Powers for her kindness and consideration.

Lavaine Cates  
15499 Remora

Ms. Cates stated two weeks ago a letter was written asking questions and that a response from the Council President would be emailed, to date no email. Also, a question was asked to all Councilmembers of whether prices were received for minutes prepared by court reporters; these minutes are very important. Ms. Cates would like answers to her questions because the excuse of longer meetings doesn't work and this is the judgment of the Ohio Supreme Court; so residents should know why the minutes are so far in the rears.

Liz Sayers  
23065 Cedar Point Road

Ms. Sayers stated there are many issues as to why answers to the public go unanswered; meetings with Councilmembers being held at Burger King and the dislike of being recorded or videotaped.

Jeff Duke  
15914 Remora

Mr. Duke stated it is now day 19 into Council's 30-day window on the open vacancy and there seems to be many questions amongst Council as to what questions will be asked or what the process will be. The applicants need to know what is going on and this Council has a lot of work in the next 48-hours to make sure this process is consistent, fair, and equitable to fill this very important vacancy.

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

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

**NAYS:** None. The motion passed.

Mr. Mencini likes the idea of providing questions to the candidates prior to the interviews. There is a short period of time and Council will work hard to get this done.

**Remarks from the audience on any subject: cont.**

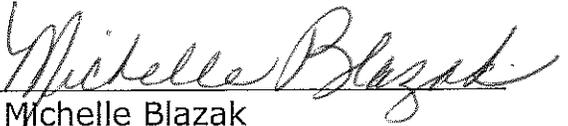
Mr. Salvatore stated the selection process will be done in the open with the nominations coming to the floor, there is a process in place for that. There are 15 resumes for one open position and there are many people in this community that would be an excellent choice.

Ms. Powers explained about the Burger King meetings by saying that in 2014 when the Mayor announced the recreation center was closing and all senior programs were being cut, including the senior meeting. After much thought I approached the pastor at Redeemer Lutheran Church to see if there could be a meeting held with adults and the answer was people can meet five days a week if they would like. When these adults outgrew the church I started looking around, McDonald's already has its own senior program. So I approached Burger King and they said yes and the restaurant can be used as an adult drop-in center; this is just a group of adults that talk, laugh, play different card games. An illegal meeting would consist of a majority of Council that would meet for the purpose of discussing Council business. Anyone is invited to come up and join us.

Mr. Troyer addressed Ms. Markusic' s comments and stated all concerns matter. Ms. Cates and everyone else should understand that Council cannot talk about what happens in an Executive Session; what was seen here is the official business for hiring of the court reporters. Mr. Troyer stated to Mr. Duke as always good points.

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There being no further business to come before this meeting a motion by Mr. Mencini, supported by Mr. Troyer to adjourn.

**ROLL CALL: AYES:** Mencini, Troyer, Powers, Salvatore, Burgio, Scott  
**NAYS:** None. Council President Astorino declared the meeting adjourned at 10:35 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.

