

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, JULY 25, 2017**

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, MCDONNELL

Also in attendance were Mayor Coyne, Law Director Horvath, Finance Director Cingle, Building Director Hurst.

Council President Astorino excused Councilmembers Mencini and Powers from tonight's meeting.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING HELD ON JUNE 27, 2017.

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

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

NAYS: None. The motion carried.

DISCUSSION:

1. 2014-2015 RULES OF COUNCIL VS 2016-2017 RULES OF COUNCIL COMPARISON.
By Councilman Salvatore. **(Moved by motion from the June 27, 2017 Caucus Meeting to include the 2014-2015 Council Rules.)**

Mr. Salvatore stated there are three rules for discussion and for placement on the next Council agenda under verbal approval.

COUNCIL RULE #28 - WEBSITE AND EMAIL COMMUNICATION:

Ms. McDonnell reviewed other Council websites from surrounding communities, and noted several differences. Ms. McDonnell asked the following questions as to who owns the domain for the Council website, who is the master of the website and how many hits does the website receives as well if there is a rule stating that Brook Park Council must have its own website address?

Mayor Coyne responded there is no reason why the City of Brook Park and City Council cannot be all on one website.

Councilmembers Scott and Burgio mentioned that they rarely use this website, it is not necessary, and is more efficient to have only one website.

Mr. Troyer stated he uses the website and emails sent to Council goes to private emails; that the public can request to view. Mr. Troyer continued the site should remain even if it is lightly used, unless there is a replacement available.

Discussion: (cont.):

Ms. McDonnell agreed with the privacy issues and expressed concerns with who owns the website, if it goes through the city website there would be more security. On the City of Brook Park website, City Council has its own page and everything needed appears there.

Mr. Astorino stated information can be provided to Ms. McDonnell prior to the next meeting.

Mr. Scott mentioned that he does not conduct city business through his personal email, he received 18 non-Council emails.

Mr. Burgio stated he received redirected emails.

Mr. Troyer concurred with Ms. McDonnell's concerns and stated that someone neutral should be found to control this. Mr. Troyer stated the reason for the separate account was because the Administration was not posting in a timely manner.

Mayor Coyne disputed that comment.

Mr. Salvatore questioned who owns this website?

Mr. Astorino stated he is the person who puts items on the website when the clerk provides approved meeting minutes, meeting agendas and adopted legislation. That information a pdf. file is provided and posted to the Council website and he has the only administrative password.

Mr. Troyer commented that Council is a separate branch of government from the Administration, the website should be separate.

Mr. Astorino noted that the original intent was for this website to be linked to the city site, the city did not want this.

Ms. McDonnell noted that we represent the residents of this city and should be able to work with the Administration on this.

Mr. Coyne disputed Mr. Astorino's comment.

After a lengthy discussion on how to amend Rule #28 the following action took place.

Motion by Mr. Salvatore, supported by Mr. Scott, to delete Council Rule #28 in its entirety and place on the next Council agenda.

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

NAYS: Troyer. The motion carried with a vote of 4-1.

Discussion: cont.

Mr. Salvatore referred to **Council Rule No. 21 - Communications, Anonymous Communications:**

Mr. Salvatore would like to amend the 24-hours prior to Council meeting to read 96-hours prior to Council meeting.

Mr. Troyer stated this rule is written in stone and how can Council add a rule that this is written in stone, this rule must be followed.

Mr. Astorino noted that the 24-hours is too cumbersome for the residents to have time to review everything.

Mr. Salvatore noted that 24-hours was barely enough time to verify all communications, this would give the clerk ample time to review the communication.

Mr. Troyer noted that Council should also remove the second sentence.

Mr. Salvatore disagreed and stated that anyone can come to the podium to speak at Council meetings.

Mr. Troyer stated that this rule was designed to help someone who could not attend a meeting, and still want to be heard.

Motion by Mr. Salvatore, supported by Mr. Burgio, to amend Council Rule #21 by amending 24-hours to read 96-hours.

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

NAYS: Troyer. The motion carried with a vote of 4-1.

Mr. Salvatore referred to **Council Rule No. 5 - Standing Committees** to amend by adding a Caucus meeting prior to the Council meetings to allow legislation to move freely through the system. There would be no change to the current Caucus schedule this change would have Council having six meetings a month.

Mr. Troyer asked how this would help legislation move freely through the system, this is not for items on the Council agenda; this would be for separate items.

Mr. Salvatore concurred.

Mr. Astorino asked what would be on the agenda for the new Caucus meeting.

Mr. Salvatore replied anything Council wanted, it could be related to items on the next Council Agenda; and this has always worked up until about 18 months ago.

Discussion: cont.

Mr. Troyer thought this rule changed in 2008 or 2009 to have extra Caucus meetings for items to be brought up under discussion, and voted on to be brought up at the next Council meeting. This will have the effect of fast tracking legislation and by-pass committees that was done before.

Mr. Salvatore believes that having a new Caucus meeting helps put things into perspective; this has nothing to do with fast-tracking anything.

Mr. Astorino noted Council should change Council Rule #3 to correct the meeting start time of 7:00 p.m.

Mr. Burgio commented Council meetings used to begin at 8:00, not 7:30.

Motion by Mr. Salvatore, supported by Mr. Burgio, to move Council Rule No's 3 and 5 to the next Caucus agenda of August 22, 2017.

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

NAYS: None. The motion carried.

2. 2017 APPOPRIATIONS – (**Council recommendations for amendments**)

Mr. Astorino stated the Finance Department is looking at reallocating some of the proposed appropriation amounts within Capital Improvement and Council should take the opportunity to make recommendations to the Administration.

Mr. Troyer asked Finance Director Cingle what changes and how much money is being moved?

Mr. Cingle responded the department would be moving from funds department to department, with a net-zero change and does not yet have an exact amount.

Mr. Troyer suggested that Council consider what is not going to get done right now, perhaps for road crack-seal and road repair; money into the HMAP (Home Maintenance Assistance Program). Mr. Troyer continued if there is a substantial amount perhaps the pool roof and all the surrounding areas.

Mayor Coyne stated there may be enough for the road crack-seal program. A preliminary review over the pool shows that it is more than the roof and an engineer assessed the brick work and structure at a cost of \$20,000. As soon as the architect has a more detailed report it will be sent to Council and will be dealt within the next budget; there is not sufficient funds for the HMAP Program. Also, there is property for sale on Brookpark Road and if the city can get a good price those funds should go to Community Development, that assists the HMAP Program.

Discussion: cont.

Mr. Troyer asked Mr. Cingle if Council can transfer money from the General Fund to the Capital Improvement Fund.

Mr. Cingle responded yes, that is permissible.

Mr. Troyer asked if is permissible to move those same funds from the Capital Improvement Fund back to the General Fund.

Mr. Cingle responded yes, if those monies are not used they would go back to the General Fund.

Mayor Coyne commented that all the items that Councilman Troyer suggested except for HMAP is Capital Improvement.

Motion by Mr. Salvatore, supported by Mr. Scott, that item number two was discussed.

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

NAYS: None. The motion carried.

3. COUNCIL INFORMATIONAL REQUESTS

Mr. Astorino wanted a discussion between Council and the Administration regarding how some requested information is not being provided; for example, the Council office has always been provided the annual departmental reports; several requests have been made and yet the reports have not been provided. Also, a copy of the 2016 bid analysis Sidewalk Repair Program letter was requested through the engineer who told the clerk to go through the Mayor's office; as well as other requests that have not been provided.

Mr. Troyer noted the same that information has been requested and has not received a reply. Mr. Troyer also expressed concerns of having requests to the law department for legislation, legal rulings, and this past winter never received a ruling response from the law department on Executive Sessions.

Mrs. Horvath replied that it is her felling that instructing Council's behavior before an Executive Session isn't a legal opinion to be rendered. Mrs. Horvath continued that a recent 8th District Court of Appeals case states that there is no deadline by which a public office must respond to a public records request.

Mayor Coyne stated the annual reports will be provided to Council as well as the bid analysis letter. There may be attorney/client privilege issues on some of the other requests and city departments are not required to create a record when one does not exist. Both the Finance and Law Department may be reviewing records before releasing them and he will review Mr. Troyer's requests and provide the information in the form that it exists; nothing is purposely being withheld from Council.

Mr. Astorino noted that a complete requests list will be provided to the Mayor and it would make everyone's jobs easier if the process worked more smoothly.

Discussion: cont.

Motion by Mr. Scott, supported by Mr. Burgio, that item number three was discussed.

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

NAYS: None. The motion carried.

LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER:

1. A RESOLUTION HONORING DOROTHY MAKUCH FOR CELEBRATING HER 100TH BIRTHDAY ON AUGUST 15, 2017 AND DECLARING AN EMERGENCY. Introduced by Councilwoman Powers, co-sponsored by all Council Members.

Motion by Mr. Salvatore, supported by Ms. McDonnell, to amend the first 'Whereas' by correcting the birth year to read 1917.

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

NAYS: None. The Motion was passed

Motion by Mr. Salvatore, supported by Mr. Scott, to place on the next Council agenda.

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

NAYS: None. The motion carried.

SAFETY COMMITTEE – CHAIRMAN, SALVATORE:

1. AN ORDINANCE AMENDING SECTION 141.02 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'COMPOSITION: EXECUTIVE HEAD' AND DECLARING AN EMERGENCY. Introduced by Council President Astorino.

Mr. Salvatore questioned how this item was placed back on the agenda?

Mr. Astorino responded it has been in committee without official action for more than 60 days and provided a timeframe (listed on the legislation) as to when this legislation appeared on previous meeting agendas. Mr. Astorino continued as of today, this legislation has been in committee for more than 150 days without official action.

Mr. Salvatore commented putting legislation on an agenda is an action.

Motion by Mr. Scott, supported by Mr. Burgio, to table this item until the new seating of Council in 2018.

Mr. Astorino asked for a moment while the clerk gets clarification as to whether something can be tabled until that time. There is something in the rules stating that if something is in committee for more than 60 days without official action of discussion be placed on the next Regular Caucus agenda.

Mr. Scott stated if my recollection is correct, I think Council had this issue about tabling the Council salaries, that was tabled until April, 2017 from the previous year; that was more than the 60 days. If it worked back then I'm not sure why there's an issue now. I

Safety Committee - Chairman, Salvatore: cont.

remember Councilman Troyer tabled an item that was being discussed and tabled until the following April, 2017.

Mr. Salvatore stated to Mr. Scott was it your intent to move this legislation to the new year, with the new seat of Council?

Mr. Scott commented as a budget issue.

Mr. Salvatore perhaps you could remove your motion by removing the word 'table' and refer to a specific date, that would satisfy that problem by taking the word table out.

Mr. Scott withdrew his motion and Mr. Burgio withdrew his support.

Motion by Mr. Scott, supported by Mr. Burgio, to place this item on the first Caucus meeting in January, 2018.

Mr. Astorino asked why the legislation is being pushed back from nearly a year from when it was introduced; the intent of the legislation was to address something that never occurred. Both Council and the city were told of the financial and budgetary matters dictated by certain actions that had to be taken. At that time, Council was told that there was a \$3 million-dollar deficit and by the end of the year there would only be \$2 million-dollars in reserves. Currently the city is running at a \$3 million-dollar surplus in the General Fund. \$1.75 million-dollars in 2015 and \$1.1 million-dollars in 2016 and as it turned out there wasn't a \$2 million-dollar in the General Fund; I believe at the end of that year there was a \$5 million-dollar reserve. At the end of 2015 there was over an \$8 million-dollar reserve and a \$10 million-dollar reserve as of last year; those numbers have all been talked about. So these changes that were made and this ordinance is meant to do, the reasons for the changes never came about. There were comments made that once these changes were made Council may need to review afterwards and that's what I'm looking to do and have been looking to do that since February. It wasn't discussed during the budget process, this was introduced on February 7th and the Appropriation Ordinance wasn't introduced until March 14th and passed on March 28th; leaving only two weeks for Council review. I'm being denied a hearing on legislation that I introduced and think it's important legislation because this isn't just my idea, this is what I've been told by many people that they would like to see. If the reductions occurred, they understood the uncertainty that existed in budgeting that the administration felt were needed. As time went on and history has shown it really wasn't needed and the reason for the reduction was because of financial and budgetary matters of the city, that never came to fruition. Council had the money to make those changes and for the last couple of years operated lower than I think should be operating and lower than a lot of people think should be operating. So by pushing this back I would anticipate what is going to happen because this was tried once with a wage-survey that it's either too early or too late to do the wage-survey. I have talked to many Councilmembers that the intention of this was not that it would be passed immediately or fast-tracked but think it's a discussion that Council should be having at Caucus

Safety Committee - Chairman, Salvatore: cont.

meetings because there's a lot of information that should be looked at on an annual basis. Back in 2008/2009 the ordinance was changed that allowed for flexibility that the administration needs but guidelines are also needed from Council and shouldn't have free-reign to do what the administration wants. I think it is Council's job through legislation to tell the administration what the people want; so by kicking this back is ignoring a very important issue of the city and delaying things. I don't think it's appropriate or right and would ask that Council take a serious look at these things.

Ms. McDonnell stated to better understand she had a lot of questions and went through the proper channels and spoke to the Safety Director and the Chief of Police and information received was from February. While this conversation is important I feel we're missing some of the big picture because the safety director isn't here to answer any questions about safety. In the real world people would never want to deny having more police officers but what I don't know and need to research is what 2016, 2017 and 2018 would foresee with what is happening in cities. In February when I spoke with both the safety director and police chief Brook Park is a safe community as far as statistics that can change. No one is against having more police officers but we need to research as to what the requirements are of a progressive safety force; for instance, needed Task Force for illegal drugs. I'm in between for tabling this for the next Council but also have a question that if the budget was already approved for this year, where would money come from to allocate changing the task force or the officers the city currently has now and in lieu of all the new things as far as professional development money how would that factor into personnel. Ms. McDonnell concurred that there are a lot of things that needs to be discussed but how to move forward is the question.

Mayor Coyne stated not sure what the 2016 annual report has to do with this and concurred with Council President Astorino that this should not be delayed until the next Council is in place. This should be read in committee to allow the new Mayor and Council to deal with the budget. This city does not have less police officers on the road than before; there was an inflated time in the past administration of a rash of people retiring. There was a point in 2013 where the city laid-off police and fire personnel; that is where the money came for the roads program and so forth; the \$1.75 million-dollars and the \$1.25 million dollars were generated by making cuts in operations. The police officers went to 12-hour shifts with new technology being used and as it is right now there is a sufficient force in this city. What has happened through negotiation is these are fragile numbers that we have and I stated at that time \$3 million-dollars was needed to address city problems. As a result of taking actions took that's where the \$3 million - dollars came from the operating fund to be transferred to the roads program. I challenge anyone saying that this city is not safe and this should be part of the budget discussion should be next year. A report will be created showing how many police officers other cities our size employ, at one time this city had 44 police officers and 44 firefighters because we could afford it and the population was higher. Mayor Coyne suggested that this legislation be read in committee and wait for a full budgetary discussion next year.

Safety Committee - Chairman, Salvatore: cont.

Mr. Astorino commented he did not say the city is unsafe and thinks the city would be safer with three (3) more police officers and quoted previous cost projections from the finance director. Mr. Astorino commented Council did not get the budget this year until March 14th which only left two (2) week for review.

Mayor Coyne - Point of Order by saying that March 14th is the customary date to provide the budget to Council.

Mr. Astorino stated looking at neighboring cities and how they are run if a city pays overtime to cover vacation time, it would be cheaper to pay another available officer at regular rate, overtime is increasing. Council would not be doing their job by just reading this in committee.

Ms. McDonnell commented the Safety Director and Police Chief are not here and should be part of these discussions. Ms. McDonnell doesn't agree how the legislation reads currently due to being too specific and that it does not give the opportunity to use the people put in those positions to make the necessary decisions; budgeting decisions cannot be all of it and the people hired should be for their expertise.

Mr. Salvatore stated the legislation has had ample discussion time and sometimes there is a thin-line when overtime is more cost-effective than hiring.

Mr. Astorino stated that Councilwoman McDonnell spoke to the Safety Director and Police Chief and when he asked to speak to these individuals the Mayor told him to submit his questions in writing for answers; that is not sufficient and gives the impression that the Mayor is trying to control information to Mr. Astorino.

Mayor Coyne - Point of Order, there is no evidence of that.

Mr. Astorino asked that information be provided to Ms. McDonnell regarding the tax fund that appropriated \$5 million-dollars, where in the past six (6) to eight (8) years the city did not pay more than \$400,000.

Mayor Coyne commented the liabilities are payable on demand and the city must provide for potential liabilities.

The clerk called the roll on the motion by Mr. Scott, supported by Mr. Burgio, to place this legislation on the first Caucus meeting in January, 2018.

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

NAYS: None.

ABSTAIN: Troyer. The motion carried with a vote of 4 with 1 abstention.

There being no further business to come before this meeting a motion by Ms. McDonnell, supported by Mr. Scott, to adjourn.

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

NAYS: None. The motion carried.

Council President Astorino declared this meeting adjourned at 9:28 PM.

RESPECTYULLY 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.