

**REGULAR CAUCUS MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
HELD ON TUESDAY, AUGUST 22, 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, POWERS, McDONNELL, MENCINI**

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

-----

**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. REGULAR CAUCUS MEETING HELD ON JULY 25, 2017.

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

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

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

-----

**DISCUSSION:**

1. WEBSITE/EMAIL/COMMUNICATION.

Mr. Astorino stated before I open up for discussion I would like to provide some background information to Councilmembers and residents. As far as the Council website and email communication, this was started in November, 2015, shortly after the election. The Councilwoman-at-Large Elect secured the domain and established and designed the website and was created with an open source content management system, CMS, called Word Press. The Councilwoman-elect initially set up the website, installed Word Press, configured the settings and customized the design, etc. There was no cost for this as she volunteered her time and talents and we are all aware of her talent in this field because, as we know, she managed the City of Brook Park website in 2014 and 2015 and was paid a monthly stipend for her work. If the former Councilwoman was reimbursed for any expenses for the Council website she did not go through the Council office. In January, 2016 the Council website was waiting to be put into effect. At the Organizational Meeting held on January 4, 2016, Council rule number 28 was adopted that established the Council website and Council emails and the website became operational; with the former Councilwoman being the administrator of the website. In January, 2017 the Councilwoman-at-Large was no longer on Council and I became the administrator by posting agendas, meeting minutes and adopted legislation to the Council site. Fortunately, for me, the former Councilwoman established the site using a format that made it easy for almost anyone to update and add to the website, even someone like me that had a limited technical knowledge on this activity. Also in January, 2017 payment for the site was needed to renew the subscription. Once the invoice was emailed to me I paid with my personal credit card and submitted paperwork to the finance director for reimbursement, which was received in the amount of \$93.53. Since that point in time there have been several questions that have been asked and I've tried to provide answers and am going to repeat some of those answers today hopefully to just refresh everybody's mind. One of the questions asked was 'Who is the Webmaster? As indicated to me that means the person who maintains the website and to my knowledge that would be Geek Storage; it is their program. Another question

**Discussion: cont.**

raised was 'Who website administrator? As indicated to me that would be the person who adds and maintains content on the page. In 2016 the administrator was the former Councilwoman and as I said earlier in January, 2017 that became me to make the entries. There have been additional questions recently that were asked earlier and I'd like to at least try to provide some answers. The question was, 'Who owns the site'? My interpretation could be different from others but I believe the City of Brook Park owns the site because the top line of the invoice reads the City of Brook Park with the city hall address; so to my knowledge Geek Storage would consider the City of Brook Park the owner because that is who they invoiced. Another question asked recently is 'Who is the administrator'? As of January, 2017 I am the administrator of the site and am the only one doing that currently. Another question asked 'How was email set up'? Council rule number 28 established Council having a uniform email address to be professional by using the first initial, last name at @me@brookparkcitycouncil.com, instead of using separate emails. Each Councilmember established their own password and the email was set up so that it could be forwarded to other email addresses if the Councilmember wanted to do so. The question was asked 'Who has access to these emails'? All emails are password protected and as the administrator I do not have access to individual emails. To my knowledge, the only way I would be able to obtain other people's emails is to change the password and then that Councilmember would get notified that the password has been changed. Also, going back to the Organizational meeting another reason for the established emails dealt with the fact that several Councilmembers had concerns with using personal email addresses that subjected Councilmembers to public records request. At that time, the law director did say that is a possibility by using personal email addresses there could be the possibility that all personal emails may be subject to a complete search.

Then on August 14th an email Councilmembers received a request from the investigator asking some of these questions and then on August 16th, Council received another request from the investigator asking for there to be a subpoena for some of this information. According to my email of August 16th, the clerk sent an email to the investigator letting him know that as of the Council meeting the night before Council took actions to discontinue the Council website and all future emails should be directed to the clerk to be distributed. Also on August 16<sup>th</sup>, Councilman Scott made a request to the law department asking questions on the possibility for the issuance of a subpoena and how that would occur. On August 17th a memo was received from the law director regarding the issuance of a subpoena and today another memo was received from the law director regarding the subpoena issue. Going back to August 16<sup>th</sup> the clerk sent a memo to the Mayor asking how some Councilmembers would be able to set up an email address to be used on the city's website. As far as the Council website if maintenance was needed or there were difficulties as the site administrator a written work ticket would be forwarded to Geek Storage to take a look at the problem and a response would be received the repair was made. So if the site was down for anytime it was just a matter of sending a work ticket for repair. So that's a little informational background as to the Council website and its history. There are questions that need to be asked here and actually there were a couple that I wanted to get some clarification on from the law director, if possible, based on the memo sent to Council today. Mr. Astorino referred to the August 22nd memo from the law director...one minor thing that could just be an oversight but depending if Council goes forward needs to be corrected. In the third

**Discussion: cont.**

Paragraph of the memo, there is a citation to Charter section 17.6 that is also contained in the provided in the sample subpoenas. Pursuant to the lawful authority granted by Charter section 17.6 I simply want to point out the section of the Charter cited is actually 17.06, so a correction would need to be made. The other question I have and would like clarification for is when reading Charter section 17.06 - Investigations. The section reads 'The Mayor or Council by a majority vote, may cause the affairs of any Department or the conduct of any officer or employee of the City to be examined. The Mayor or the Council shall have the power to compel the attendance of witnesses, the production of books, papers and other evidence, and to cause witness to be punished for contempt, as in conferred by law'. The clarification I have for the law department is with Section 5.01 - General Provisions that states 'There is a Department of Law, a Department of Finance an Office of Public Safety and a Department of Public Service. A Department of Administrative Services and a Department of Public Parks and Recreation are hereby established. The clarification I would have is the Charter defines what the actual departments are and in that definition the Mayor and/or the Council is not listed as being part of a department. Whereas, in Charter section 17.06 refers to investigations of the affairs with any department or the conduct of any officer or employee of the city. So my question is, is Council subject to this section since it's not actually a department and Councilmembers are not considered to be either officers or employees of the city. Councilmembers are discussed in Charter sections 4 and 5. So to the law director that would be the clarification and if you are prepared to respond today you can, if not is that something that can be provided at a later date. Mr. Astorino opened the floor for discussion.

Ms. McDonnell asked if the website is shut down, or has been turned off?

Mr. Astorino responded not to date because I have asked the clerk to check with the city administration as to some items on the site being considered public records and to retain those records prior to shutting the site down. That is currently in process but I am no longer posting anything to the site.

Ms. McDonnell clarified that meeting minutes and agendas are just being posted to the city's Council web page.

Mr. Astorino responded it is going to the City of Brook Park page and still have to figure out what records, if any, should be retained prior to dismantling the Council website.

Ms. McDonnell asked offhand, do you know what other public records would have been on that website other than the agendas and the minutes?

Mr. Astorino responded the agendas and my emails may be subject. There have been numerous requests for some of my emails as public records. Last time I looked I had over 13,000 emails with over 300 emails sent; so those would have to be looked at to see which one need to be retained.

**Discussion: cont.**

Ms. McDonnell asked when the invoice was sent did it say City of Brook Park in care of someone or just say City Council?

Mr. Astorino replied the invoice was sent to my Gmail account and copies can be provided; the invoice still has the former Councilwoman's name on it because she did this when transitioning from her being the administrator to me becoming the administrator.

Mr. Scott stated there have been some Councilmembers and residents that asked about the ownership of the website and the answer you gave today is that you were not 100% sure.

Mr. Astorino stated the question I would have is would be on the front top of the invoice that reads City of Brook Park and the city, in essence, has reimbursed me for payment. Does that reimbursement mean that the City of Brook Park owns the website? As far as Geek Storage their payment came from my personal email, so it's just a matter of question. I looked through the emails for February, March and April received from the various residents. There was no specific question asking who owns the website. The first time I saw the question in writing asking who owns it was around August 14th, when the investigator sent an email questioning ownership. Then over the next couple of days the investigator sent another one, you sent one and now this subpoena has a list of questions. That's where I'm saying sometimes the terminology, because the questions I was asked were 1. Who is the webmaster? 2. Who is the Web Administrator that may mean something different to me than the person asking the 4 question. Now, there is a list of eight questions with the document received today and I believe I've answered some of them, most of them today. all of them. a list of questions has been given with the document this list was given with the document that came today And I've got this list with the document that came today there's a list of questions that were provided. My overall comment would be, first is to question whether or not Council can issue a subpoena? To be honest I don't think Council needs to issue the subpoena I just needed to be provided with a list of questions and can provide answers to the best of my ability. If you need additional information or now that the website's been unauthorized, I can give to whoever needs it my access as the administrator to obtain whatever information is needed. I think the issuing of the subpoena is a little bit, lack of a better word, dramatic. As far as I'm concerned, the Council website is operated by City Council and now we are issuing a subpoena to get information from somebody else that is Council's...

Mr. Mencini interjected it's livestreamed on the Brook Park City Council website as well as the city's website.

Mr. Scott stated the reason I'm asking is because I was given information back in March or April showing that there was a proof of ownership and, my understanding, is right now if someone did a search right now the ownership is listed as private, so there are questions. I asked for the subpoena because residents have asked for it. I'm pretty sure there's been some questions about ownership, who owned it, and if I'm not mistaken, I think Councilwoman McDonnell asked that a few weeks ago. Council has yet

**Discussion: cont.**

to have an answer to that and to close this matter. Let's find out all the hidden agendas, if there are any, and if not well that's fine. I think this is something that needs to be done in order to move on with this.

Mr. Astorino commented its comments like that that are kind of disturbing because it's like implying something. Actually I'm glad to see Exhibit A that was provided today listing the eight questions because this is what is wanted. It seems to me when I answered certain questions back in February, March and April then there were other questions that were developed because they didn't like the answer or agree with the answer. As I stated earlier my terminology might mean something different than meant by them and I was trying to answer it to the best of my ability. When dealing with who the webmaster is to this day I couldn't even tell you what a webmaster is. As far as who manages the website it goes through Geek Storage and was established by the former Councilwoman at Large; when this came in January to Council most of us thought it was a really good idea to do; Council voted on it. The website is just another posting place to post approved minutes, agendas and adopted legislation. If Council remembers in 2016 it was discontinued where the police would actually do the physical postings at the different sites. It was determined that the police didn't have the manpower and/or time or resources to do that so it became incumbent on the Council Clerk to go around and do the physical postings. So Council by ordinance have designated posting spots, but also, through the Council Rules, by establishing the website made another place for postings. It was simply used as just another posting place and, again, it was an area for emails to come through that looked like it was Brook Park City Council email and not an assortment of emails. As I stated earlier I went through the emails from February, March and April and did not see a specific question asking who owns it? I do remember the Councilwoman asking that question, and when asked to me raised the question 'it depends on what is considered ownership'. To me, once the City of Brook Park reimbursed me for it, I would think the City of Brook Park then owned it because I paid for it upfront and was reimbursed; everything is always open to interpretation.

Mr. Scott asked do we know who actually owns the website?

Mr. Astorino asked are you listening to anything....

Mr. Scott responded yes, I am listening.

Mr. Astorino asked what do you consider ownership would be my question. The law director has her hand up maybe she can provide what is considered ownership; law director would you like to address?

Mrs. Horvath responded no, actually, I would like to go back to the beginning and cover the number of questions addressed to the law department. Ownership can mean many different things and think this is a valid question; to have no shade of gray. I can understand if there is some impediment to getting an exact answer to that question but there is a method of solving that that Council can use to get answers to that question and other questions. Such as how many hits did the website get, that Councilwoman McDonnell asked in the past. Perhaps other...

**Discussion: cont.**

Mr. Astorino asked Law Director Horvath to stick with the question of ownership before throwing out other questions. The question I have for the law director is given the facts that in January of this year I made payment for the website to be operational in the amount of 93.53 and submitted for reimbursement to the finance department; the finance department reimbursed me for that. When the invoice came on the top line it reads the City of Brook Park and said Julie McCormick at the city hall address. Based on those facts who does the law director think the owner of the website is?

Mrs. Horvath responded she can't make a determination because mixed facts are being given. For example, you are telling me that the invoice came to the City of Brook Park so the City of Brook Park should have been the person to pay it. Instead, you paid for it, which is very kind of you. But I'm not sure why you would pay for an obligation that is sent to the City of Brook Park and why that wasn't forwarded over to finance department for a payment through a purchase order. So I have nothing before me to make the determination as to who would, in fact, be the owner of that website; you certainly can't tell me from trying to research it online, I really can't tell you.

Mr. Astorino stated you answered the question, you can't determine who is the owner either. To Mr. Cingle I wasn't involved in the original set up, but when the former Councilwoman, was setting the website up there was some difficulty with making payment. Because the process the city uses doesn't necessarily mesh with what Geek Storage uses so the former Councilwoman made payment. Did the former Councilwoman seek reimbursement or did she just absorb the cost?

Mr. Cingle responded I don't recall, there are some companies that do not accept purchase orders. The proper channel is to prepare a requisition, send the requisition to the finance department for a purchase order to be printed. I am not sure if Geek Storage does or does not accept over, we then print a purchase order and when the invoice is received payment is made. I don't know if Geek Storage does or does not, but I'd have to go back and research to see how and/or if it was paid in the beginning.

Mr. Scott commented so we still don't know who it is.

Mr. Astorino responded it's open for interpretation, I think the City of Brook Park owns the site because they provided the invoice and payment.

Mr. Scott stated let's submit a subpoena and find out who actually owns it.

Mr. Mencini expressed disappointment of Council being in the 20th month and of all the items Council has before them as a city we are spending an hour or so overworking the Council website. I was asked to write an article about Ward 2 and spent time doing that and it never appeared. My residents in my ward can call me and I get many, many calls. My point is if I was getting emails, now that I'm thinking about it, was somebody looking at them? Was somebody getting into my emails? I don't know because I've never had a resident say I sent you something to city hall. Usually it goes to the clerk

**Discussion: cont.**

and a note placed in our mailbox. So my concern is, is somebody able to look at my emails?

Mr. Astorino responded I can tell you that since January, 2017 I haven't looked at your emails or anyone else's emails that have come in; the only emails I looked at were my own. So, as the administrator, I can speak that since January, 2017, there's been nobody looking at it and do remember when trying to add Councilwoman McDonnell it took some work to get added. Could I do it again, probably, but it would take me a while to get through it again. So, other than that, there's always going to be questions raised and I gave the best answers that I can. If they're not good enough I think this subpoena is a little bit overkill, but also think before moving forward. Council is going to need an answer to whether or not Council has the authority to do that. My question under Charter section 17.06 talks about investing into the affairs of departments; Council is not a department; Council, a department is defined in the Charter and we are outside of that definition. So it's not that I don't want Council to find the information, but I just don't think we need to do it by subpoena. There is a list of eight questions and I think in the subpoena, correct me if I'm wrong, it says bring with you and produce. Is there something in here that if it's produced beforehand it doesn't have to be produced on September 5<sup>th</sup>? Is there something like that Ms. Law Director, do you remember? On the answers to the questions that are found in Exhibit A, it was asked to bring them here to the meeting on September 5<sup>th</sup>. If the answers are provided in writing or all the answers are obtained before September 5<sup>th</sup>, would that satisfy?

Mrs. Horvath responded yes, it would. This is a typical records' deposition subpoena form with an affidavit attached on the fourth page. Usually, whoever the 'records custodian' fill in that affidavit and send the affidavit back with the response certifying that these are regular business records.

Mr. Astorino stated it says certified copies of the requested records may be mailed to the Clerk of the Brook Park City Council prior to September 5<sup>th</sup> in lieu of appearing with the records at the office. The solution that I would have for Council is just to request that these records be provided by September 5<sup>th</sup>. Either before or a certified response and I'll make sure that that happened, but I don't think you really need a subpoena. I think it's being overly dramatic and it's, until today, there was no actual list of questions provided. I have been trying to answer the other questions, provided answers, and those answers were misinterpreted there were discussions about that; we just seem to be talking about this all the time. Well, that's your answer, but what about this and what about that? If we want the answer for these eight questions they can be provided and chances are they'll be provided some time by next week.

Mr. Scott asked by who?

Mr. Astorino replied by me.

Mr. Scott stated so you're saying you're hesitant on signing the subpoena...

**Discussion: cont.**

Mr. Astorino interjected saying, if there's, I don't, I think...

Mr. Scott interjected why would you not want to find out and get this thing closed; get the answers and we're done with it, no more questions are going to be submitted and it's going to drag on.

Mr. Astorino stated the question I would have is does Council even have the authority to issue the subpoena? You can't sit there and tell me that Charter Section 17.06 gives that when I've asked the question and we need an interpretation on that. Rather than wait for that interpretation, by next week you'll have the answers to the questions.

Mr. Scott stated If I'm not mistaken, you had the law director answer your question on ownership. I don't think she was able to answer those because you said be specific to answer the question of ownership, I don't think she had a chance to answer those questions.

Ms. McDonnell stated so we're not sure who owns the right to the website. Because the Council President is the administrator do you think Geek Squad is going to give that information willingly? Or, because the invoice had City of Brook Park in care of former Councilwoman McCormick McDonnell; she has to be that person. That's where I'm saying if we request that information as Council at Whole, will they give us that information if it's set up as a private account?

Mr. Mencini asked for a point of clarification from Mrs. McDonnell.

Mr. Mencini stated to Ms. McDonnell, are you asking what happened in 2016. Was the former Councilwoman paid or did she use her own money; are these the things you want.

Ms. McDonnell responded no, I'm just saying now since its stated as a private account. Who has the authority to email the company and ask those specific questions? Does the administrator or does the person who owns the dot.com-site? If Council has that authority then I say let's send an email with all our names on there, but we don't know who can contact the company to find out that information.

Mayor Coyne stated the problem here is, ordinarily procedures with contracts for the city are submitted the Finance Director stated through a purchase requisition. If the company won't accept the requisition a check is cut and ordinarily every purchase that's made in the city I sign off on the purchase requisition. There are several cases that Council by a majority vote authorizes payment. In this particular instance, there should have been a contract with the webmaster and the ownership of the website should have been with the city. Why that wasn't followed subsequently after the former Councilwoman was no longer on Council seems to me that advice should have been sought from the law director, in all cases the law director has the final determination in making a ruling whether something is proper or not. My concern in going forward is for Council to get the information because, needless to say, people do want the live streaming of the Council meetings and we want Council information to be provided for

**Discussion: cont.**

the public. To go back this is important and I raised concerns when this occurred in 2016. The Council President did state that Ms. McCormick, as a contractor, had a contract with the city to be the city's webmaster and when she became a Councilperson that ended. No one is challenging her ability to deal with the web, that's not even an issue. What seemed strange to me is I didn't see any pertinent reason why there should be a separate website. I will send pertinent memos about that including the research done about cities that have separate websites for Council and the administration; there is no city our size that is in that situation. So I think it's imperative that Council get the answers so if there is a contract, the contract can be dealt with. We'll need to know from the administration's standpoint, I don't think it's a simple problem of linking and don't know if there's going to be any increased cost. If there is it would probably be minimal but it behooves us to move forward. So, I think possibly if there's confusion here, again, the law department is responsible for making sure effectually the contracts of the city are enforced. So maybe, on Council's request, the law director could request from the Geek Squad who, in fact, has the contract with them? Who, in fact, owns the website and if this Council desired to discontinue that relationship. If any money is owed or if the contract is paid forward the reimbursement gets done; we'd like to transfer those duties to the city's current webmaster, if that's what I think everyone wants to do. I think when a letter is received from an attorney there is a little bit of concern that it is a serious matter and maybe would remedy the situation in order to move forward.

Mr. Astorino stated and just to let Council know there is a purchase requisition the clerk drafted that went over to the Finance Department. So when the Mayor says that's the city's process, that's the process that was followed. It may not have fit in exactly the way other things were done, but you heard that there was a problem with Geek Squad where payment wasn't able to be made, so it had indirectly and paid up front and then seek reimbursement.

Mayor Coyne commented I don't disagree with that and, again, the majority of Council votes on approval; that to me is the department head approval by a legislative body. The issue I raised was is that ordinarily the contract is attached to the purchase requisition for filing of the contract in the law department; that's my only criticism and if you didn't have the contract, then that's not your fault.

Mr. Scott asked Law Director Horvath if Council has the ability to request a subpoena per Charter section 17.06 and the Ohio Revised Code 705.21?

Mrs. Horvath responded I believe they do in this instance. As perhaps everyone knows from watching TV there is often legislative investigations, legislative hearings and so forth and very often there's information that's subpoenaed. Sometimes it could be something as far as the State of Ohio or Congress would be concerned with; it could be something they're investigating. For example, maybe they're going to investigate a matter concerning hate groups because they're looking at developing legislation concerning that. In this particular case, there is a very short one paragraph section in Charter Section 17.06 - Investigations. I think the Council President is saying that this is more or less looking into the affairs of any department or conduct of any officer or

**Discussion: cont.**

employee; I think he's making it more of a conduct issue rather than a legislative investigation issue. I think this is broad enough because we do have a webmaster designation that this would fit under Charter section 17.06. I will tell you that Ohio Revised Code, certainly would allow some legislative inquiry into certain matters and there are cities in the State of Ohio as my research has shown that have created ordinances. Because those cities felt their Charter was somewhat deficient in the process for issuing subpoenas. For example, Avon Lake has two ordinances, one titled Subpoenas and the other Limitation on Subpoenas because their City Council felt that especially in the areas of planning and zoning. There were times when they needed to issue a subpoena. So they crafted those ordinances to make it easy and to define a process to do that. Now, I drafted two subpoenas at the request of Mr. Scott, one would be for a Committee chairperson to sign the subpoena or it would have to be a committee designated to undertake that investigation or inquiry. The other is for the presiding officer in the Council to sign the subpoena. As I said, I did that at the request of one your Councilmembers and believe he requested it because there is a long history of these questions being asked and no answers being received.

Mr. Astorino - Point of Order

Mrs. Horvath - I'm not...

Mr. Astorino - Point of Order, the questions have been answered. Please, be accurate.

Mrs. Horvath - I...

Mr. Astorino - you said the questions that have been asked haven't been answered.

Mrs. Horvath - I didn't say they hadn't been answered, I said questions have been asked.

Mr. Astorino - long history of questions being asked and not answered.

Mrs. Horvath - let me finish. I'm attempting to answer whatever questions and inform Council about another matter that I see somewhat problematic. The history of this, I think, the first time this came up was maybe around January 17, 2017. At that point in time, I believe, Mr. Michael Vecchio had asked a number of questions with regard to this issue. Councilman Scott has requested information, I think at least twice, Councilwoman McDonnell has asked these questions in most recent time. I believe at maybe our last or second to last Council meeting when Susan Anderson came up and asked many of these questions and there was an answer received. Now I'm not saying that it's anybody's fault that the answers aren't forthcoming; all I'm simply doing is crafting a method where Council would be able to receive these answers. I don't know in looking at the website information; it appears that Domains by Proxy privacy policy prohibits the release of customer account information without express permission from the customer except when required by law. To conform to the edicts of the law or to comply with the legal process properly served by Domains by Proxy or one of its affiliates; which to me sounds like it's a subpoena. I truly don't know who the owner of

**Discussion: cont.**

the website may be and can try and ask Domains by Proxy these questions, but I would think if you're not the customer they're not going to give you an answer. It seems to me after talking with Mr. Scott I drafted subpoenas and believe that the city does have the power to issue this and the really astonishing thing about this is we're requesting our own information, which is sort of crazy and stunning. I don't know why there is an impediment to get the information, I would be happy to do anything at anyone's request to help attain the information and I think it's important to know; it's important to have that in a file and move forward. These subpoenas were drafted at the request of a Councilmember and believe that Council does have the power to issue them. My fear would be after several inquiries from the public that if we don't get this information and satisfy everyone; someone from the public will go ahead and file a mandamus action and request that we provide them with this information and I don't think we have specific information available to answer those questions. I'm not saying that is anyone's fault I'm just saying that is the situation that we have to deal with. With regard to issues of ownership I would point out that this website was started, I believe, on November 9, 2016 and that would pre-date this Council taking office and probably also pre-date any sort of contract review or any sort of purchase order process, also. So, it's Council pleasure whatever you feel would be the appropriate action to take. I would be happy to help in any way possible to get this information because it seems to keep coming back, keep being questioned and it would be best to put all of these issues to rest. Do I believe in this particular instance that we have the power to issue a subpoena? Yes, I do.

Mr. Astorino stated just so Council knows there is always a risk of somebody filing some sort of court action on a records request. The documents I have before me where Mr. Vecchio asked several questions, those questions were all answered. Then he came to the podium in April and asked those questions and made accusations of refusing to answer or flat-out lied and his statement were disproven at that time. I think when you sit there and say well somebody's asked questions and they haven't been answered Council is at risk for a mandamus action. The questions listed on paper that I was provided had my emails listed in those answers. So his questions were asked, his questions were answered and then it just became something that other people want to continue to still ask the same questions. We're going through this and keep saying, well, they haven't been answered; they have been answered. Now there is a list of eight questions that I can tell you I can get those questions answered for you. Council needs to say what they're going to do to get the answers; do whatever you want to do. If you have a majority vote you can provide direction; either by subpoena or request, I think the subpoena is a little overkill. Up until today didn't have a list of eight questions and many of these questions were already answered; if you want them answered again then we'll answer them again.

Mr. Scott stated my question to you as the presiding officer, are you willing to sign a subpoena to request to get answers to these questions.

Mr. Astorino stated Council, I just said you can make a motion to direct me to do anything you want; I'll do it by the order of Council. I still have questions that I actually would request to the law department that she give me a written opinion as to Charter

**Discussion: cont.**

section 17.06 applying to Council since it really is specific that it applies to departments. The law director's comment about the revised code is true but Brook Park is a Home Rule town and the Charter prevails. We're allowed to investigate, cause the affairs of any department to be examined and when Council decided to do an internal investigation it really wasn't explained to be an investigation, it was more that the investigator compile facts to give us the idea of what actually happened; now what's taking so long I don't know and there is talk about this requisition not being done properly. Let's look at the fact with the investigator that Council in the beginning of April gave verbal approval to bring on the investigator, who signed the contract on April 21st and started performing his duties. in investigator; he signed the contract in April 21st, he started to perform his duties. The city didn't sign the contract until July 19th so everything the investigator did from April 21st to July 19th was outside of a contract; I'm sure there's an explanation for it, whether or not it's a valid explanation, is my question. Because if the contract wasn't signed by the city, under what authority was that investigator asking Council questions and making arrangements.

Mr. Mencini stated that's sad, what I want to ask the law director is where is Council at bringing in a technology expert that deals with websites and things of that sort.

Mrs. Horvath responded I don't think that's necessary, these questions can be directed to the domain and I'm probably just as fuzzy as anybody else with all of this technology stuff. I will readily admit that's not my forte but I would indicate that it's an easy question to be put to rest. We just have to ask the website and obviously if the city is the customer they should communicate with us; I don't know if we are the customer or why they haven't communicated with the city prior to this date. If the city is not the customer they're not going to give us the answers. So then, Council would have to do a legislative subpoena or take some other route or no one will know the answers to the questions; which I think is unfortunate. Because this is Councils' website, this is the city's website and not only should Council and the city at-large know the answers to these questions but it's something that needs to be put to rest. For the first time this year the city took out cyber insurance as part of its insurance policy and all of these technological questions and all these things move and change very fast. It would be nice to just have the answers and put it in a folder and stick them in a file cabinet. Mrs. Horvath continued if I can briefly address a comment that was made with regard to a contract that is between the investigator and Council. It was an issue made, I guess, to some regularity and I have the explanation for that. The explanation is simply the contract was reviewed by the law department forwarded to the Mayor for his signature. For some reason the four (4) looks like a seven (7) underneath his signature as far as the date. After the Mayor signed the contract it was forwarded to the investigator and I believe the investigator signed it April 21st; so the investigator was the last person to sign it in the chain. Clearly, within a couple of days in April the contract was signed and completed. I just wanted to clear that up so that there was nothing further as far as this inquiry we have spent a lot of time, today, talking about this and I'd be more than happy to help with whatever the decision is but I think it's something that needs to be resolved.

**Discussion: cont.**

Mrs. Powers stated we've spent one full hour discussing this and are no further along than when the first person spoke. So I suggest at this time we decide to take the Council President at his word that these questions can be answered and let him do his research on these eight questions and come in next week for the answers.

Ms. McDonnell agreed that a lot of time has been spent on this issue and I would like to take a different approach.

**Motion** by Ms. McDonnell, supported by Mr. Salvatore, that the law department of the City of Brook Park contact the company that sold or rents brookparkcitycouncil.com to obtain the answers to the eight specific questions that were listed in the memo sent on August 22nd by the law director; using or using in the timeframe of September 5th.  
-----

Mr. Salvatore stated and review the eight questions to make sure that answers to all the questions that have been raised this evening. I'm supporting the motion because I really do believe that Council needs to find out even if we have the right to close something down that we may never have owned. That website doesn't exist and by a vote of Council we shut it down and unfortunately it's still functioning and I don't know why that is but it shouldn't be. I don't even know if we have the right to close something down that doesn't belong to us so I think it's very important to find out who the original owner was and if the City of Brook Park ever took ownership of it. How that happened, who it came from and who accepted it because I don't believe that the former Councilwoman prior to being in office had the authority to start a website on behalf of City Council. So I think there are some questions that need to be answered and think this really needs to be put to rest, once and for all, put behind us so that we can start moving forward in a positive direction.

Mr. Astorino stated for a point of information, as far as the former Councilwoman establishing the website it was not operational until Council gave authority at the Organizational meeting, if authority wasn't given at the Organizational meeting it would not have become the Council's website

Mr. Troyer stated he will be voting for this because this idea is another way of going around it; I think this is not proper and will explain why.

Mr. Salvatore - Point of Order

Mr. Troyer - I tell it like it is.

Mr. Salvatore - Point of Order, Mr. Chairman.

Mr. Astorino What is your Point of Order, Councilman?

Mr. Salvatore - this subpoena had nothing to do with the motion at hand.

Mr. Troyer - I'm explaining why I'm voting for it.

**Discussion: cont.**

Mr. Salvatore - you had an hour to do that.

Mr. Troyer - like you just did, like you just did.

Mr. Salvatore - I was talking about the motion and you're not. The motion on the floor instructs the law director to take action, that's what is on the floor; has nothing to do with the subpoena. Call the roll, Mr. Chairman.

Mr. Astorino - I'm going to overrule your point of order, Councilman. I don't think there's anything wrong with someone explaining why they're voting. I think if there's a motion before you and you explain why you're voting that way; I don't think there's any rule violation. You may not like to hear it but unless you can cite a specific rule that says a Councilperson cannot explain his vote; I think all of you have the ability to do that. All of you have been extended that courtesy during this lengthy discussion, even the law director has been extended the courtesy to provide explanations that weren't necessarily relevant to the subpoena but may provide valuable information.

Mr. Troyer continued I'm going to vote in favor of this motion because hopefully it eliminates the need to go to a subpoena which I believe is improper. The reason I believe the subpoena is improper in reading Charter section 17.06 is because this kind of thing of having Council being able to incite or bring a subpoena against other Councilmembers wreaks of a witch-hunt during an election year; that's why this is written this way and that's why I think this is improper. Again, it's worded conduct of any officer or employee; Council are not employees of the city, Council is not officers of the city; we are representatives of the people. So again, my concern on this is just remember people out there this is an election year and I think that explains a lot of this but we need to get to the bottom of it. A lot of these questions were already answered and it doesn't seem to be enough it's just a little bit we need to figure out and hopefully we can figure that out and get this done and move on.

Mr. Mencini commented I don't know about election year, I've seen a lot of stuff in the last 20 months and I'm being fair on that. I'm going to vote on this with my colleague, Councilwoman, Rachel McDonnell, who gave it September 5th, Council has two weeks and am hoping the law director contacts Go-Daddy and finds out who the bills are going to on this domain, I think that's very important.

The clerk called the roll on the motion by Ms. McDonnell, supported by Mr. Salvatore, that the law department of the City of Brook Park contact the company that sold or rents brookparkcitycouncil.com to obtain the answers to the eight specific questions that were listed in the memo sent on August 22nd by the law director; using or using in the timeframe of September 5th.

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

**NAYS:** None.

Mr. Astorino commented before we close out of this I will let the law director know that I will provide a username and password to have access to the administrative page, if that may help you with obtaining information.

**Discussion: cont.**

Mayor Coyne - Mr. Chairman, you raised the issues relative to the investigation. I just want to clarify a few things for the public; so I'd like to ask the law director.

Mr. Astorino - this is way out of order.

Mayor Coyne - no, it's not you made a statement.

Mr. Astorino - the discussion

Mayor Coyne - you raised

Mr. Astorino - Mayor, please come to order, so I can tell you why I consider this out of order.

Mayor Coyne - you don't have to tell me anything, you raised the issue.

Mr. Astorino - yes, I do Mayor be quiet now, please.

Mayor Coyne - I'm asking again

Mr. Astorino - You're out of order, Mayor.

Mayor Coyne - I'm not out of order.

Mr. Astorino - once again, you're out of order to continue.

Mayor Coyne - keep it up.

Mr. Astorino - please follow by our rules.

Mayor Coyne - okay and I have.

Mr. Astorino - under item number one is discussion about the website, email, communications. There is nothing under this discussion and we've actually finally made a motion, seconded and adopted it so that we can move to item number two. And, you all of a sudden want to interject on an investigation.

Mayor Coyne - question, sir.

Mr. Astorino - there's no question, it's out of order. We are not going to talk about the investigation.

Mayor Coyne - is it out of order to ask the Council President a question? I'm going to ask you a question.

Mr. Astorino - about the website, email or communications?

**Discussion: cont.**

Mayor Coyne - okay, did you put this on the agenda, you put this on the agenda.

Mr. Astorino - website, email, communications, yes.

Mayor Coyne - okay, in your discussions with the law director you talked about a contract.

Mr. Astorino - right, but we're done with the discussion.

Mayor Coyne - I asked you for

Mr. Astorino - you just want to keep going on and on and on and on.

Mayor Coyne - I asked you courtesy, you don't want to answer the question, sir.

Mr. Astorino - I answered the question, now all of a sudden it's an issue

Mayor Coyne - No, you didn't. You raised an issue by the administration

Mr. Mencini - Point of Order.

Mayor Coyne - Did you or did you not

Mr. Astorino - hold on, Mr. Mayor, there's been a Point of Order raised.

Mrs. Powers - Point of Order

Mayor Coyne - did you ask

Mr. Mencini- Point of Order, I called Point of Order

Mr. Astorino - I'm trying to get the man to be quiet

Mr. Mencini - let's have professionalism we don't need Council banging on the dais

Mrs. Powers - When it's done it's done.

Mrs. Mencini - it was my Point of Order, Councilwoman, let's have professional dialogue on this dais.

Mr. Astorino - okay I'm all for that. So let's talk about the website and email communications and let's not go onto a different subject that's not on the agenda.

Mayor Coyne - that you raised

Mr. Astorino - let's stick to the agenda.

**Discussion: cont.**

Mayor Coyne - you did not, you raised the issue sir.

Mr. Astorino - if you want to talk about

Mayor Coyne - you opened the door.

Mr. Astorino - it would have been prior to the vote on the motion.

Mayor Coyne - you're stifling discussion, you opened the door.

Mr. Astorino - you just want to set

Mayor Coyne - I do sir

Mr. Astorino - your own set of rules.

Mayor Coyne - no sir, what you did was you opened the door.

Mr. Astorino - I did not open the door

Mayor Coyne yes, you did

Mr. Astorino - what did I

Mayor Coyne - did you or did you not

Mr. Astorino - Mayor, Mayor one the motion is made and adopted

Mayor Coyne - okay, doesn't matter

Mr. Astorino: - discussion has ended.

Mayor Coyne - did the Council vote to end discussion about this issue?

Mr. Astorino - Council, I will take a motion on item one was discussed

Mayor Coyne - did Council vote to end discussion, you put it on the agenda; you don't want to answer that question.

**Motion** by Mrs. Powers, supported by Mr. Troyer, that item number one was discussed.

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

**NAYS:** Scott, Burgio, Salvatore. The motion carried with a vote of 4-3.

**Discussion: cont.**

2. REVISED EXCERPTS OF THE JULY 18, 2017 COUNCIL MEETING FOR PAGES 7, 8 AND 9. **(Moved by motion at the August 15, 2017 Council meeting)**

**Motion** by Mr. Troyer, supported by Mrs. Powers, to put the expanded version on the September 5, 2017 Council meeting.

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

**NAYS:** Scott, Burgio, Salvatore

**ABSTAIN:** McDonnell. The motion carried with a tie-vote of 4-3, one abstention and Council President Astorino voting yes.

3. DENOUNCING THE "ALT-RIGHT" AND PROCLAIMING BROOK PARK A TOLERANT AND DIVERSE COMMUNITY (Councilman Mencini)

Mr. Mencini stated a proclamation has been received from a resident of Brook Park in response to what happened in Charlottesville. Brook Park is a very great, diverse community and this is something that will need a good, hard look to make sure everything is right.

Mr. Scott stated no objection to this, but asked why we are denouncing the alt-right. Why not denounce all hate groups? Council should encompass all hate groups.

Mr. Mencini concurred and stated this should not become political and will have to go through the law department.

Mr. Astorino stated Charleston, SC passed a Resolution that would probably address all concerns.

Mr. Burgio concurred. We should denounce all hate groups.

Mr. Coyne stated commented that entire first sentence should be removed from the proclamation provided as well changing the title.

Mrs. McDonnell stated she likes that we are reaffirming that we are a tolerant city.

Mr. Astorino concurred with the Mayor regarding the first three lines and the title.

Mrs. Horvath asked if there should be any reference to Charlottesville?

Mr. Astorino replied not necessarily, this is from the City of Brook Park.

Mrs. Horvath asked if there should be any federally based language?

Mayor Coyne stated this was asked by a resident and the City Charter rejects racism and bigotry in all its forms; this is not based on any federal laws; it's been the city's position all along.

**Discussion: cont.**

**Motion** by Mr. Mencini, supported by Mrs. McDonnell, to have legislation drafted.

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

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

4. AMENDMENTS TO COUNCIL RULE NO'S. 3 AND 5 (**Moved by motion from the July 25, 2017 Caucus Meeting**)

Mr. Salvatore would like to discuss Council Rule #5, because Council Rule #3 only needs minor adjustments. Mr. Salvatore would like to see a Caucus meeting prior to the Council meeting for the first and third Tuesdays of each month. The Caucus meeting would start at 7:00 p.m. and the Council meeting following at 7:30 p.m.

Mr. Astorino asked about Council Rule 24, when an alteration or amendment to a Council Rule is placed on Council agenda it should be submitted in writing at a Caucus meeting; the intent would be to give all Councilmembers time to understand the proposed change.

Mrs. Horvath noted that this was previously discussed and was asked to be placed on this agenda; not sure if requiring it to be written is accurate. Council has Rules and they have the power to suspend those rules.

Mr. Astorino asked if we can suspend rules without unanimous consent.

Mr. Mencini stated meeting days have been moved for special meetings summer recess that is not always with something in writing. Mr. Mencini thinks this is what the Caucus would be for, to discuss things to put on a Council agenda.

Mr. Astorino noted the Council rules allow Council rules and re-read Council Rule #24.

Mr. Salvatore offered to call for a five-minute recess so that the proposal could be put in writing.

**Motion** by Mr. Salvatore, supported by Mr. Mencini, to take a five-minute recess.

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

**NAYS:** Powers, Troyer. The motion carried by a vote of 5 - 2 at 8:45 p.m.

**Motion** by Mr. Mencini, supported by Mr. Scott, to go back to the regular order of business.

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

**NAYS:** The motion carried at 8:58 p.m.

Mr. Salvatore reviewed the written proposals; Council rule #3 would change the 7:00 p.m. Council meeting start time to 7:30; this will not be necessary if Council rule #5 is not approved. Council rule #5 creates a Caucus meeting on every first and third Tuesday, to start at 7:00 p.m. prior to the Council meeting.

Mrs. McDonnell asked what will be on the Caucus agenda.

**Discussion: cont.**

Mr. Salvatore replied whatever the Council President puts on it; it would be a Regular Caucus meeting and would give Council the opportunity to discuss things on the Council agenda.

Mrs. McDonnell wants to make sure that we have time to investigate or reflect on items that were discussed.

Mr. Salvatore wants to be able to discuss Council agenda items before the actual meeting.

Mr. Troyer is against this in its present form, in the past when there were Caucus meetings prior to the Council meeting, too often things were brought up at Caucus, then immediately passed at the Council meeting. Mr. Troyer would like to have wording added to reflect that only items on that evening's Council agenda can be discussed at that Caucus meeting; no new business should be introduced at that Caucus. When other business comes up, a Special Caucus meeting can be called to thoroughly investigate and discuss.

Mr. Mencini stated this seems like Council is getting back into the area where meetings went to 11:00 p.m. or 11:30 p.m. Mr. Mencini asked Mr. Troyer could something like a road repair come up it could still be discussed in a separate Caucus meeting.

Mr. Troyer replied yes, and does not want this new Caucus meeting to turn into a way to fast track new items.

Mr. Astorino asked if the new Caucus agenda would still be posted on the prior Friday.

Mr. Salvatore replied yes.

Mr. Astorino was clarifying that the Caucus and Council agenda would be posted on the prior Friday.

Mr. Mencini asked Mrs. McDonnell, were you concerned that you may not have time to digest all if the information at the Caucus?

Mrs. McDonnell stated that if you see something on the agenda on Friday that you do not want to vote for, just vote against it at the meeting, Mrs. McDonnell doesn't want to make a decision without having adequate time to investigate and evaluate.

Mr. Mencini asked Mr. Salvatore if it was his intention to use the new Caucus meeting to fast track items.

Mr. Salvatore replied there is nothing in these rules that allow fast-tracking to take place, no hidden agenda.

**Discussion; cont.**

Mrs. Powers suggested that if something is discussed at the Caucus, it cannot be voted on the same evening. Anything discussed at Caucus goes on the agenda for the next Council meeting; so that Council can think about it and get the information to the public.

Mr. Salvatore stated if you were to do it that way, other rules would have to be changed; all this is doing tonight is to change two rules.

Mrs. Powers replied that she is trying to avoid voting on something that was just discussed 30 minutes earlier and cannot agree to this as written.

Mr. Salvatore stated there is nothing in the proposed rule changes that does any of these things. Sometimes Council put items forth in a Council meeting and votes on it, never mentioning it in Caucus. The proposed Rules just add two more Caucus meetings a month and a new start time.

Mr. Troyer said it makes it easier for four (4) Council members to move something forward instead of a higher majority and believes that the full-time Council meetings could be eliminated. Mr. Troyer's concern is that even though it is in the packet on Friday, Council will have very little time to discuss it, a half-hour will not be enough time.

-----  
**Motion** by Mr. Troyer, supported by Mrs. Powers to amend the wording to say only items on the Council meeting can be placed on the same night's Caucus agenda.

Mr. Salvatore stated that the amendment will have an adverse effect on the rules and would the amendment have to be put in writing? Because other rules will have to be changed to accommodate this amendment.

Mrs. Powers noted that if you look at minutes from previous years, often four (4) votes won and there is very little opportunity to pass anything other than what four (4) people want. Mrs. Powers reiterated her earlier point about what cannot be voted on at a Council meeting; Council should have at least one week in between a Caucus discussion and a Council meeting.

Mr. Mencini stated Council has a position here to have a Caucus meeting every month and sometimes things have to be done in an emergency; with this Council would have four (4) Caucuses a month.

-----  
The clerk called the roll on the motion by Mr. Troyer, supported by Mrs. Powers, to amend the Council rule to change the wording to say only items on the Caucus meeting can be placed on the same night's Council agenda.

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

**NAYS:** Burgio, Mencini, Scott, McDonnell, Salvatore. The amendment failed with a vote of 2-5.

Mr. Astorino asked if Council has a Caucus meeting on the first and third Tuesday of the month followed by a Council how would Council deal with having legislation in two places

**Discussion; cont.**

at one time?

Mrs. Horvath stated this is being done to correct any legislation that is on the Council agenda and does not quite fit into the rule that says legislation cannot be in two places at one time and thinks this is appropriate.

Mr. Salvatore stated that if an item is on a Council meeting, and the Chairman wants to discuss that item and puts it on the previous Caucus agenda, it's not really in two places. The legislation would be on one agenda for discussion and on the other agenda to take action.

**Motion** by Mr. Salvatore, supported by Mr. Burgio, to move Council rule #3 and #5 to the next Council agenda under verbal approval.

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

**NAYS:** Troyer, Powers The motion carried with a vote of 5-2.

-----

**FINANCE COMMITTEE – CHAIRWOMAN, MCDONNELL:**

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE SALE OF (+-) 3.303 ACRES OF LAND LOCATED AT 16400 AND 16500 BROOKPARK ROAD, PERMANENT PARCEL NOS. 344-30-008 AND 344-30-009, AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Ms. Powers asked what the city paid for those parcels and what are their appraised value now.

Mayor Coyne stated that Council President Astorino brought up the question of this property being sold because Council approved legislation in 2007 authorizing the sale of the property for \$210,000; that sale was never consummated. The recent appraised value is \$610,000. These properties were in Brook Park as part of the first airport agreement and does not recall the purchase price for not only the land but for the businesses as well.

Ms. Horvath stated looking at the records from the Auditors office, parcel 009 was purchased on April 6, 2001 and parcel 008 was purchased on January 10, 2000. The actual purchase price is not given, both parcels were consolidated on December 22, 2004. Mrs. Horvath will let Council know by email what the tax value is and if any appraisal was done.

Mr. Troyer noted that this is a good example of our previous conversation about changing the rules; Council is at a Caucus and don't know any details about this but will to get four votes to put it on the Council agenda. Mr. Troyer suggested removing the words 'Enter into a contract' from Section 1 until the actual numbers are known.

Mayor Coyne noted this is the purpose of the Caucus meeting, to get your questions answered. The city had an appraisal done for \$610,000. In the four years the 'For Sale' sign has been up, there were no concrete offers to buy this piece of property. This is the

**Discussion: cont.**

beginning of the discussion of this piece of legislation and an offer that can be accepted or rejected by Council.

Mr. Mencini stated it is not his job to predict how anyone is going to vote; originally the city had it sold for \$210,000, and now it could be sold for \$610,000.

Mr. Astorino asked when the appraisal was done.

Mayor Coyne responded that he will have Economic Development Commissioner Dolan get the information; the appraisal was done within the past two years.

Mr. Astorino said looking at the Cuyahoga County site, they list the market value for the property. Parcel 008 property is listed at \$430,700, and Parcel 009 property is listed at \$432,500' the market value now is close to \$870,000. In viewing past legislation the city sold it originally there were three different prices listed at 164000 Brookpark Road with none of the sale agreements signed. When the city bought the property it was for \$1.1 million, \$1 million and \$1.5 million. The land on the \$1.1 million was valued at \$850,000 and \$250,000 for the business there.

Mrs. McDonnell stated we need to get more information, did that site take into account what other businesses are around there? The response was the system that we have now only provides detailed information from 2005 on. If we need that information we may have to pay the software people for that; I think that would be money well spent.

Mayor Coyne noted this is not an inflated price, this was the purchase of the businesses; this will eliminate some of the adult businesses there.

Mr. Astorino agreed we need more information and asked the clerk to send an email to the Finance Director asking what the purchase price was.

Mrs. Horvath noted that the legislation that was passed in 2007 was before the housing crisis. There have been a lot of changes in the value of private property and businesses.

Mayor Coyne suggested that Council place this on the next Caucus agenda in order to get answers to the questions and the Council President could share the information that he has gathered.

Mr. Astorino stated he just wanted to know what this property sold for.

Mrs. McDonnell stated Council should get the questions in writing and prepare the answers for the next Caucus; arguing about the information seems pointless.

Mr. Astorino agreed, but when we ask questions, he feels like we are being chastised for doing so.

**Motion** by Mr. Salvatore, supported by Mr. Scott, to get in writing the answers to the questions for the next Caucus meeting.

**Discussion: cont.**

Mr. Troyer stated that he is in favor of the motion and mentioned by bringing this up often there are more questions and ideas.

Mrs. Powers asked the Finance Director to research the details of what the properties sold for and when, in writing.

Mrs. McDonnell stated Council should consider what the neighboring businesses are and how it may affect the price.

-----  
The clerk called the roll on the motion by Mr. Salvatore, supported by Mr. Scott, to get answers to the questions, in writing, and place on the next Caucus agenda.

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

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

**SERVICE COMMITTEE – CHAIRMAN, BURGIO:**

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH AKRON TRACTOR & EQUIPMENT, INC., FOR THE ACQUISITION OF ONE KUBOTA EXCAVATOR WITH TRADE-IN OF ONE 2014 NEW HOLLAND TS6.110 TRACTOR WITH CAB AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mayor Coyne stated the service department needs a backhoe and purchased a 2014 vehicle to clean certain areas; we are swapping one piece of equipment for another, it is a good deal for the city.

Mr. Cayet noted this mini-excavator is the way things are going now and the current backhoe is getting old. The mini-excavator is much more user friendly, quieter and small enough to get onto a tree lawn; the operator can see almost every action being made. Which is much safer to operate when the operator can see, for themselves, what they are doing and not rely on someone else giving them direction. This new equipment also comes with a trailer and is a good move for the city.

Mr. Burgio saw the equipment in operation and was impressed; the treads were rubberized so that they would not cause damage to sidewalks and there is a two-year warranty.

Mr. Troyer asked Mr. Burgio how he saw the tractor in operation?

Mr. Burgio clarified that he saw the demo.

Mr. Troyer asked the Service Director if an appraisal was done on their equipment.

Mr. Cayet responded yes, it is in the sales report.

Mr. Coyne stated \$71,652 is the trade-in value; there is a blue book value on construction equipment. There is no cost to the city to purchase the new equipment.

**Discussion: cont.**

Mr. Troyer asked the Finance Director what was paid for the 2014 equipment.

Mr. Cingle responded he would look that up and email to the clerk for distribution.

Ms. Powers asked if we will be getting the same piece of equipment that was shown in the demo?

Mr. Cayet responded the demo model is at the service department and has been used twice and doesn't want to use it more because it is not the city's equipment.

Mayor Coyne responded the city would be getting new equipment, that is much safer for the operators, and this new equipment will do the work of the old equipment and more.

Mr. Salvatore asked what the service workers thought of the new equipment that had the opportunity to use it?

Mr. Cayet responded that crews were very happy with it and took to it right away, it can run like a Caterpillar or a John Deere; there be four or five guys trained on it.

Mr. Troyer stated the last piece of information needed is the original purchase price.

Mr. Mencini stated to Mr. Troyer maybe you should see the demo and asked Mayor Coyne if there is a problem with public bidding.

Mr. Cayet responded this falls under state purchasing.

Mr. Astorino asked if this is being done under state purchasing, shouldn't that be stated in the language of the proposal? Charter Section 7.04 (h) states public bidding and believes it should be stated clearly that the city is using state purchasing.

Mayor Coyne commented this legislation was submitted to the law department, if there is something lacking in the language, Council should amend it accordingly.

**Motion** by Mr. Scott, supported by Mr. Mencini to place on the next Council Agenda.

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

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

-----

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

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

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

There being no further business to come before this meeting Council President Astorino declared this meeting adjourned at 10:15 p.m.

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.