

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, SEPTEMBER 5, 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, Safety Director Byrnes, Service Director Cayet, Engineer Piatak, Finance Director Cingle.

PLEDGE OF ALLEGIANCE

Motion by Mr. Mencini, supported by Mr. Salvatore, to go Out of the Regular Order of Business, and move to Remarks from the Audience on Any Subject Matter.

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

NAYS: Powers. The motion carried.

Mr. Troyer asked what is the purpose of moving this the beginning of the meeting.

Mr. Mencini responded there is a large audience and some of them would like to speak.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Robert Slattery
4396 West 62nd Street
Cleveland, Ohio 44144

Mr. Slattery is giving an update on the Council office investigation.

Mr. Astorino asked Mr. Slattery if there was something that could be distributed so Council could follow along, rather than taking notes.

Mr. Slattery stated there is nothing to be distributed now and continued with this update. One of the original items was altered documents and several attempts were made to past-Councilwoman McCormick that went unanswered. Mr. Slattery contacted Council Clerk Blazak, who stated she saw Ms. McCormick seated at a typewriter with a document and when she was done, she handed the clerk the altered document. The clerk stated that the changes to the Council made her job difficult. The clerk was blamed for the backlog in the minutes, another issue; that was caused by all the meetings held and the change in the Council rules. On December 9, 2016, Ms. McCormick emailed Council President her resignation; on December 13th, Ms. McCormick emailed Mr. Astorino asking about her December pay; on December 19th Mr. Astorino sent an email to Ms. McCormick outlining Charter language; on December 28th, Ms. McCormick rescinded her resignation. Why was the Council President conducting business with someone that resigned from Council? Next there is a request from the Law Director referring to 17.06 of the Brook Park City Charter entitled Investigations. On May 24th, he submitted a request to Mr. Astorino requesting the Council to conduct a conversation

Remarks from the audience on any subject: cont.

regarding a vote to compel certain witnesses to comply with a submitted request. Later that day, Mr. Astorino sent an email to all Council members stating this investigator seems to be approaching this matter in a way that was not intended. I believe this investigation was to be of an administrative nature; he appears to be taking a prosecutorial approach. There was never any discussion among all Members of Council of this investigation being based on the City Charter provision and am I am waiting for him to identify the specific provision. I believe he is operating outside of his authority and not conducting the investigation we are seeking. I also believe if Council is going to allow him to proceed down this path that Council also needs to consider providing authorization to all Members of Council to obtain legal representation. This matter needs to be discussed at a meeting before we ask him to proceed any further. I think we should consider suspending the investigation until it becomes clearer to the investigator what authority he has in this matter. Please let me know your thoughts on this matter. I would prefer a response in written form with a 'reply all' so everyone can see your opinion. There is a current request for information, a public records request, for private citizens' information that on June 21st Mr. Astorino sent to the Mayor, Law Director and Mr. Slattery requesting information compiled, including paper correspondence, and the requested the names of private citizens that the Mayor, Law Director and Mr. Slattery had been in contact with regarding the investigation; along with the involvement of the private citizen. Mr. Slattery continued some of the problems encountered currently began before the current Council was seated, including the Secure our Safety PAC (Political Action Committee). In June, 2015, a \$3,100 check was issued through the PAC to Mr. and Mrs. Astorino.

Mr. Astorino interjected that Mr. Slattery was hired to investigate Council actions, that is outside Council actions.

Mr. Slattery - I beg to differ.

Mr. Astorino - you can beg to differ all you want...

Mr. Slattery - this legislative board, members of it, attempted to get city funds to cover the legal fees of that PAC, which I think pulls it right in.

Mr. Astorino - you came hear saying you were going to update this on the Council investigation.

Mr. Slattery - I'm updating Council as well as the public.

Mr. Astorino - I understand what you're doing but you were hired...

Mr. Slattery - I'm doing the job that I believe I was hired to do...

Mr. Astorino - No, you're investigating private citizens and their actions under the SOS (Secure Our Safety). That has nothing to do with Council.

Remarks from the audience on any subject: cont.

Mr. Slattery - no, I'm not if you allow me to continue you're going to find that private citizen number one. You seated on this as the Council President and are involved in this investigation. If you let me continue...

Mr. Astorino - no, Mr. Slattery the SOS was in 2014...

Mr. Slattery - I understand that...

Mr. Astorino - I was not on Council until 2016...

Mr. Slattery - but you had a financial tie, you were involved with trying to gain funds from the city to cover the legal fees.

Mr. Astorino - that's your status update, that's not a report that you're giving right now.

Mr. Slattery - it's facts that these people have the right to know.

Mr. Astorino - no, you were hired to do an investigation, present a report to Council and we would do that...

Mr. Slattery - I'm attempting to do that...

Mr. Astorino - what you're doing now, you are not attempting to do that. You are attempting to just sit there and give us your notes without...

Mr. Slattery - not notes, these are documents, this is proof. These are facts this isn't something that I pulled out of the air. I have a copy of the \$3,100 check; I have copies of emails...

Mr. Astorino - anything that happened in 2014 - 2015 unless it was an action by a Councilperson, a seated Councilperson at that time.

Mr. Slattery - if you'll allow me to continue we'll get into your current time on the bench.

Mr. Astorino - you're talking about people that weren't Council people. So as you reporting...

Mr. Slattery - No. Are you ordering me to stop?

Mr. Astorino - no, I'm telling you...

Mr. Slattery - okay, then I'm going to continue, I'd appreciate it.

Mr. Astorino - no, Mr. Slattery, I'm going to tell you...What I'm saying is you need refrain from talking about people that are outside your investigation. You were to investigate Council and Council actions. You are right now what you started talking about, sir, is...

Remarks from the audience on any subject: cont.

Mr. Slattery - matters of past and present Councils is what the contract states.

Mr. Astorino - Council, right, and the SOS (Secure our Safety) had nothing to do with Council. You're stretching outside of that to deal with it.

Mr. Slattery - no, I don't believe that I am. When it comes to taxpayers' dollars I don't believe that I am and that's exactly where I'm getting to with this.

Mr. Astorino - you're wrong about that, sir.

Mr. Slattery - okay, well...

Mr. Astorino - you were supposed to refrain from making statements about private residents' and their actions. You're supposed to contain your remarks simply to Council actions and the actions of Council people.

Mr. Slattery - I'm here to give an update on this investigation...

Mr. Astorino - the investigation is supposed to be about Council people and Council actions, not about....

Mr. Slattery - Council actions and it ties directly to it, I don't know...I've said it six times already.

Mr. Astorino - I know you've said it six times already but you talked about people that are not Council people too.

Mr. Scott - Point of Order

Mr. Astorino - what is your point of order?

Mr. Scott - my point of order is the public is allowed to speak, he's speaking and...

Mr. Astorino - I'm telling you what he is here to speak to us about. He's here to speak about the Council investigation, he's outside of his scope now and starting to talk about private residents. He wasn't hire to do an investigation about private residents.

Mr. Slattery - how is it in your eyes this...

Mr. Scott - poll Council to appeal your ruling, to have him proceed.

Mr. Astorino - I will actually.

Mr. Scott - thank you.

Remarks from the audience on any subject matter: cont.

Mr. Astorino - is Council okay with Mr. Slattery talking about private residents outside the scope of the investigation. That's the poll because that's what he is doing right now. So Councilman Salvatore are you okay with him talking about people that are outside the scope of the investigation and not about Councilmembers and Council actions.

Mr. Salvatore - I'm okay with him making a presentation based on his investigative authority given by City Council. If there was something in the report that does not belong before Council then it could be written, but it does not need to be discussed; I think we need to stick to the topic. Since Mr. Slattery is here, I would like to know what you have to say and would like to know how it fits in with the investigative authority that Council passed and I'm anxious to get this moving to put it behind us and would like to hear what the rest of his report is.

Mr. Burgio - I would like to hear the rest of the report too.

Mr. Scott - proceed.

Mr. Mencini - I really, for one, don't like to see private citizens get called into anything. A lot of this stuff takes a lot of heat on us and we're fine with that, that's what our job is but I haven't heard a name of a private citizen, to be more than honest and fair. I know there was a group brought up but there wasn't a name; now as of late a lot of names have come up and I'm not a big fan of that at all. Bring me up but don't bring my neighbor, brother or all of that stuff. To get to it I'm fine let him continue.

Ms. McDonnell - I also am in agreement that I would like to hear the rest of the report with the understanding that private citizens' privacy is upheld as much as possible.

Mr. Astorino - so you're okay about him talking about the SOS outside of the Council investigations.

Ms. McDonnell - yes, I have not heard...

Mr. Astorino - the Secure our Safety has nothing to do with what Council actions were, that's what he's going to report on.

Mrs. Powers - it is my understanding that he was hired to investigate what happened the first of the year and not what happened three years ago with private citizens. So, no, I don't want to have him bring up things that were already settled. Let's talk about what we came here to talk about which is the first of the year.

Mr. Troyer - my correct answer is to say no, he shouldn't have even been investigating outside the scope of what Council approved the investigation for and that was a Council office investigation. Now, we're off years before on a group of residents of what they care was to save a fire station to keep themselves safe at night and during the day, by having a proper response times. This is what these people were for is to keep that fire

Remarks from the audience on any subject: cont.

station open when they're safety was put in jeopardy by the Mayor closing it; so it's really sad that this is taken down this route. Personally, I would also like to hear what he has to say but, I still think, it's wrong and outside the scope and stick with that.

Mr. Astorino - from my gathering, five of the Council people are saying it's okay for you to go beyond the scope of your authority, so go ahead Mr. Slattery.

Mr. Slattery continued on March 2nd, 2015 a lawsuit was filed against the Secure our Safety PAC; on March 19, 2015 Mr. Astorino had several members of the PAC sign power of attorney forms permitting Diemert and Associates to fill the role as Council for the lawsuit. Power of Attorney also stated that NOFF (Northern Ohio Fire Fighters) would cover all the legal fees and costs incurred in that lawsuit. Jim Astorino was directly involved and all invoices were sent to him at his home. On June 30, 2016 NOFF made a \$5,000 payment towards the legal fees of the PAC. That's actually being reviewed right now because what I've been advised that's against the law for a non-profit organization, charity organization, to make donations for legal fees; that's for someone else to look into. January 27, 2016, now this is the time you were seated as Council President. Without prior knowledge of members of the PAC of Bessie Vrettos and Patti Astorino contracted attorney, Terry Gilbert's office seeking civil representation to file a lawsuit against the city to cover the legal fees of the PAC.

Mr. Astorino - Hold on, Mr. Slattery, I want to check with Council again. Again, Council he's bringing in names of people that are not on Council, he's actually making this part of his report and he's outside the scope of his authority. Mr. Astorino to Mr. Salvatore - are you okay with him mentioning names that are not on Council.

Mr. Salvatore - I'm not okay with naming names unless they're important to the investigation. If they have a link to that then I would like to see that and that will probably show up in a written report.

Mr. Astorino - don't you think, Mr. Salvatore, it would be best that he just mention that there was people and when we see the report we can make the determination whether it's important or not. But, as it stands right now Mr. Slattery is standing here and actually bringing in people's names that were not Members of Council. Mr. Slattery was hired to investigate the Council office and Council people; he wasn't hired to investigate other residents and non-residents. He wasn't hired to represent people that were not sitting on Council. In my mind if he wants to say things he just needs use caution in using his words and not mention names for the record. That's what he is doing is mentioning people's names to us, the public and people on livestream and I don't know what his purpose is to mention; I have my suspicions but am not going to get into that. You're okay with him using names instead of making reference to two individuals or something.

Mr. Salvatore - I don't know why you keep putting words in my mouth, I said...

Mr. Astorino - I'm asking you, I asked you a question.

Remarks from the audience on any subject: cont.

Mr. Salvatore - I said, if it's important to this investigation I can see that the names being mentioned are a part of the investigation authorized by City Council then yes it has to be a part of it. If it's going to be in written form, I would prefer reading this complete report before any judgement on my part or passing any judgement on anybody if they should be a part of this report or not. It's not my report I'm here to gather the facts and listen to what anybody has to say.

Mr. Astorino - Councilman Burgio, are you okay with him using names of people that are not sitting on Council?

Mr. Burgio - I would like to see the written report, also, but the investigation needs to be thorough. I would prefer not to hear individual names, of course, but think we need to proceed and be careful on the way we proceed.

Mr. Astorino - Councilman Scott as far as using the names?

Mr. Scott said proceed, yes.

Mr. Astorino - Councilman Mencini, are you okay with him using names of people that are not on Council?

Mr. Mencini - talking about websites, investigations and records requests; we should be talking about the Recreation Center and getting our streets done. Instead, here we are going over this stuff and he would prefer names not bring used, but let's go on.

Mr. Astorino - Mrs. McDonnell are you okay with him using names of people that are not on Council?

Mrs. McDonnell - requested to ask Mr. Slattery a question, as you continue with your notes, is there an area where you don't mention names.

Mr. Slattery - after this particular section there is no other private citizen mentioned but you will understand why I mentioned the name when we get to the recreation center.

Mrs. McDonnell - Again, privacy of residents is one of my top priorities, but in this case the investigation notes need to be presented, I'm okay with the use of names.

Mr. Astorino - Councilwoman Powers?

Mrs. Powers - I am not in favor off him using names of private citizens among other things. I think that would probably open us up to a law suit for using any private citizen's name. I don't believe we should be focusing on the SOS group, just stick to the form and instead of taking up this time as Councilman Mencini mentioned, Council has more important things to do tonight. Give us this in writing and let's go through proper forms; the direction this meeting is heading there enough on the agenda without spending a lot of time on this.

Remarks from the audience on any subject: cont.

Mr. Astorino - Councilman Troyer.

Mr. Troyer - I agree private citizens' names should not be used and as one of the Councilman mentioned Council should be talking about roads and getting things done for the city; this Councilman made the motion to go out of the Regular Order of Business and knew Mr. Slattery was going to come up.

Mr. Mencini - no, I didn't Point of Order.

Mr. Astorino - what's your point?

Mr. Mencini - my point is I didn't know he was coming up to the microphone, I knew all of them were but didn't know he was, so you're dead wrong.

Mr. Astorino - a point of order is directed to me to be ruled on and not take it into your own hands.

Mr. Astorino clarified with Councilman Burgio if he's okay with using names.

Mr. Burgio - yes, I'm okay with him proceeding.

Mr. Astorino - you can proceed Mr. Slattery.

Mr. Slattery stated that on January 27, 2016 an email was sent to Terry Gilbert's law firm seeking representation with the lawsuit against the city. On April 9, 2016 Julie McCormick copied Council President Astorino and emailed the law director seeking legislation to recoup up to \$25,000 to recoup legal fees for that PAC. On May 17th another email was sent to the law director seeking the same funds and legislation. The legislation was not completed because the Law Director requested documentation in regards to the request and no documents were never submitted to the law department. The investigation stated April 12, 2017, twelve days later Diemert and Associates forgave the balance of \$12,340 of the legal fees of the PAC; Brook Park was never legally obligated to pay those funds. Council President Astorino had a financial tie to the PAC with a \$3,100 loan and did participate in the defense of the lawsuit while seated as Council President and it's in question as to whether he advised other Councilmembers of that. He did participate in meetings and an attempt to gain that money to pay the legal fees, which I believe and this term has been thrown at me quite a bit during this investigation - conflict of interest. There are actually two state agencies that are working in parallel investigations into some of the complaints about the PAC and how the finances were dealt with. Mr. Slattery continued moving onto the website the Mayor did not and the law director did not directly request a subpoena for the information on the website, I did that. On August 14, 2017 I sent an email to all Councilmembers and the Council President for the request of the subpoenas. On August 15, 2017 Mr. Astorino contacted Geek Storage in regards to the account password, on August 18th, Mr. Astorino contacted Geek Storage reporting he was unable to access, on August 23, 2017, Mr. Astorino contacted Geek Storage regards to regarding adding another

Remarks from the audience on any subject: cont.

Administrator to the account. This is where more names are going to come back in. In one of the emails between Mr. Astorino and Geek Storage it lists a separate account tied to a Phastar organization (Phastar.org). I googled that company and one of the directors is listed as a Bess Vrettos who came in with the request for the suit. The questions still remain; who owns the site or has owned it and who has access to that site and emails. That is what we're waiting for with motions that will hopefully come tonight in front of the Council for the simple fact that two weeks ago it was stated that information wasn't answered; they would issue a subpoena. Moving on with the interviews of Councilmembers on April 11, 2017 was the meeting and April 12th was the first day of the contract and the investigation started. I contacted Mr. Troyer on April 12 at his home phone number and was shocked at how disrespectful to me. He made comments that the Mayor already wrote my report and all I had to do was sign it. Then he advised and went on to say that a law-and-order type of a guy and just wants Council to do the right thing. He then stated to me that he's facing criminal charges and needs to speak with his attorney before giving a formal statement; I never received a call back from him. I asked him at the last meeting two weeks ago if he was interested in sitting down and told me that he couldn't; that the law director told him he wasn't allowed. About an hour after speaking with Mr. Troyer I received a call from Mr. Astorino stating that all information should go through him, as President and he would decide what to disseminate to the others. I explained that I would share all information with all Councilmembers at the same time via email. I then met independently with Mr. Salvatore, Mr. Burgio, Mr. Scott and Mr. Mencini and they all expressed frustration with the current state of Council and things needed to be corrected. None had any direct knowledge of the altered documents or the web site. All did state that the Council minutes' issue was due to Council Rule changes and having so many meetings. Mr. Mencini did offer up a statement that he was disappointed with the actions of Mr. Troyer and Mr. Astorino and has told them he expected better from them. I did have an interview with Councilwoman Powers and she called back to cancel. I met with Mr. Astorino in Council Chambers and he stated that all the problems were caused by the Mayor and law director stated that he thought that Julie (McCormick) changed the legislation and was in her authority as the chairperson of the committee even though Councilman Burgio knew nothing about the legislation. It was not known if Mr. Troyer was aware of the legislation as he refused the interview because of his pending criminal case, I mention that because he is on the committee. Mr. Astorino stated the law director is too flexible in giving the Mayor authority and it is beyond her authority in the City Charter. Mr. Astorino went on to say I don't think it's a bad thing for Council to be divided and I asked Mr. Astorino if he has regular Sunday meetings at his home with Councilmembers and he stated yes; the same two people come over the rest don't care what I have to say. I asked who the two were and he stated Mr. Troyer and Mrs. Powers. I sent Mr. Astorino an email asking him what in his opinion happened with the four pieces of legislation and the law stamp and he failed to respond to me. To clear this issue, I think it would be of value to offer a polygraph test to the law clerk, Council clerk, law director and Council President; maybe we will get some answers about the stamp. In closing, I've been involved in tons of investigations and I've never seen one where family members of people that were being reviewed go on social media, local newspaper and slam the investigator. Like I said before, the term of conflict of interest

Remarks from the audience on any subject: cont.

has been thrown at me so many times during this investigation. I was actually contacted on Facebook by a family member of Council President stating she's having me investigated and called the state. She's also gone on my Facebook page and sent photos back to me stating that I should be fired - I'm unethical. I didn't disclose that I work on board of directors with a relative of the recreation director. Now, I didn't know she (Ms. Fields) worked here that's how close I am with her. I do know her mother-in-law since I was a child but it's kind of hypocritical to be called a liar and say I concealed something. When most of Council didn't even bother to interview me prior to hiring me; three people called me and a fourth one explained that he was fine with the investigation and to him whoever the majority picked he was good with. The funny thing is to go on with that Mr. Astorino never called me to ask one question. Tried to get around the hiring the night of the April 11th meeting Mr. Troyer said he had people looking into me but didn't bother calling me. Now, I find I am under investigation because the Council President has made a public records request of my personal files from two law firm divisions I work for and that's fine. I have no problem with but it's putting the cart before the horse and then going to come back and say I'm outside the scope of my authority. I'd ask how many investigations have you conducted? It's amazing and sad the forms of intimidation that certain Members of this Council and this city use and the bullying of people. I would say in closing; they need to remember the job they were sworn to do

Ms. Joan Markusic
13911 Bellbrook

Ms. Markusic stated that when a Councilperson is saying that another Councilperson has a hidden agenda, why is a Point of Order not called. To have one Councilperson accuse another of misconduct is very wrong and this city has been on hold long enough over a webpage that only after eight months of a Special Council President sharing information. Ms. Markusic feels that the city is being run on Facebook before they are here and finds that very disturbing for all of you. It gives very little credit that you have anything to say to the people that are here and watching because I know it's hard to believe but not everybody is on Facebook. Ms. Markusic asked how many times does a question needs to be asked before an adequate answer is given? The same questions are being asked in many ways and every time the question is asked I see a smirk and they're not going to accept the answer; it's just to annoy people and would appreciate if that would stop, because holding up a meeting is very rude. If Council is here to represent residents, why are you constantly going after one another? I don't think any resident has that on their agenda to move the city forward. The only hidden agenda this Council has is to see who can ask the same question and how city business is held up. Ms. Markusic thinks there should be some kind of respect as far as the criticism towards one another and the residents' in this city and what we need. The residents ask you to do your job and yet, again as a reminder, you should step up and do it.

Remarks from the audience on any subject: cont.

Don Cantlin

6377 Almont Drive

Mr. Cantlin stated that this Sunday, September 10th is the 16th anniversary being held here at Kennedy Park for motorcycles to commemorate the 9/11 tragedy of 16 years ago. Mr. Cantlin hopes to get an All-Call to let the Brook Park residents know that this Sunday at 11:00 a.m. a ceremony will begin for remembrance of the 9/11 tragedy.

Jack Thomas

15913 Remora

Mr. Thomas asked rhetorical questions that don't require responses: Does anyone on the dais, the audience or watching livestream really believe that other cities care about the fight over these emails and things that are going on. I know we have passion and discussing it, that's good I'm all for that. Why is it necessary to call in the television media? If it was that big of a news story don't you think other stations would have been here also? Why is it a good idea to air our disagreements to others who have no interest in the outcome; other than to mock us. I have friends in other cities that call me after the airing of meetings asking why would you want media coverage for something that makes the city look bad, I have no answers for them. Regardless, how you sit on this situation are we doing ourselves or our community any good in promoting our city by this? Regardless, of the outcome is there anything coming out of this at all, I think not. Secondly, I don't understand the mentality of some of those on social media, from all sides, who are also doing the same thing. I'm not denying freedom of speech, but again, what is happening out there reflect on our community in any positive way. It's okay to disagree with each other on policies or procedures and what one perceives needs to be done and by whom, that's fine and part of the electoral process and what it's for. It's bad enough that a city employee bragging about shutting down a church on social media, yet still retains his positions. Those types of things are surely setting bad examples for the young people we are hoping to leave our city to in the future. This past week I was so appalled about the example I saw. Someone who obviously has a dislike of the policies of this city's Council President posted a picture of him on social with a Hitler style mustache and swastika on his sleeve. To compare the doings of a mad man who is responsible for the genocidal killing of millions of men, women and children to actions of any our elected officials, and I do mean any of you, is absolutely insane, insensitive and puts a bad light on the rest of the city and is totally unacceptable. Anyone who saw that post should knock that person off social media and contact Facebook as a hate crime. Regarding the signs that say, Drive Like Your Children Live Here. The signs are fine and if they bring attention to the problem they are a welcome addition. However, if you are one of those posting the sign in your yard please do it safely and don't put it out at the end of the tree lawn where some child may pop-out from behind one that actually creates a problem. In closing, I hope the person or person(s) that think it's funny to establish bully-type behavior by constantly badgering others and their families, no matter what side you're on remember that children are watching. He who yells loudest wins is not a good mantra to teach our children and should have no place in these chambers, as well. One idea instead of a sign saying Drive like your kids live here; signs should be posted act like your children live here.

Remarks from the audience on any subject: cont.

Ray Peterlin

5811 Wengler

Mr. Peterlin's manifest is on file in the Council Office.

Susan Booker

13855 Franklyn

Ms. Booker gave an update on the Brook Park Neighborhood Watch and stated the mission of the Brook Park Neighborhood Watch is to make Brook Park a safer and more viable city through crime prevention and problem solving. Ms. Booker gave the list of board representatives and mentioned the watch group has a Facebook page and webpage. Ms. Booker continued by saying upcoming events include a Safety Fair, Halloween Party and the tying of ribbons around trees and poles thanking the city's safety forces. The committee is looking for memberships from all including the Mayor, Councilmembers as well as the administration. Ms. Booker stated please support this group and asked for support with the heroin initiative.

Thomas Dufour

15300 Richard

Mr. Dufour stated when he and when his wife moved here, they looked at different neighborhoods and chose to live here; the city has everything here that we need; this is a great area. Mr. Dufour stated it is insane with the amount of effort to demonize each other, I want these things to be resolved as much as anyone does. Talks should be about sidewalks, parks and pools. Recent news is Amazon is going to build a major structure adding more jobs to that community. This town is in a unique position with the closeness of major cities, close to a major airport and sitting on this wealth of opportunity as a city and so frustrating to see the city not acting on it and just waste time.

Brenda Basham

19132 Sheldon

Ms. Basham expressed frustration with the slow response with six blocks of sidewalks to be replaced at a cost of \$420.00 On July 27th she was told the work would begin within two weeks and to date is still waiting. Ms. Basham is worried the sidewalk blocks will not be done so that there is proper time for curing before the winter.

Motion by Mr. Mencini, to address the audience, died for a lack of a second.

Motion by Mr. Troyer, supported by Mr. Scott, to go back to the Regular Order of Business.

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

NAYS: Mencini. The motion carried.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR COUNCIL MEETING HELD ON JULY 18, 2017.

(Note: Moved by motion at the August 22, 2017 Caucus)

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

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

NAYS: None.

ABSTAIN: McDonnell. The motion carried with a vote of 6 with one abstention.

2. REGULAR COUNCIL MEETING HELD ON AUGUST 15, 2017.

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

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

NAYS: None. The motion carried.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairwoman, Powers

Mrs. Powers reported that RTA (Regional Transit Authority) held a grand opening of the new Brookpark Road rapid station.

Finance Committee – Co-Chairman, McDonnell

Mrs. McDonnell - No report this evening.

Legislative Committee – Chairman, Troyer

Mr. Troyer stated no report and is expecting one item to appear on tonight's agenda. –

Parks & Recreation Committee – Chairman, Mencini

Mr. Mencini agrees with Mr. Cantlin, the Remember 9/11 memorial is important to highlight; the rest of the recreation report is attached to these minutes.

Planning Committee - Chairman, Troyer

Mr. Troyer reported the next Planning Commission meeting will be held on Monday, September 11th. On the agenda there is a request for a Conditional Use Permit for a two-family dwelling at 6091 Smith Road; corner of West 130th and Middlebrook Blvd., if approved will be forwarded to Council.

Safety Committee – Chairman, Salvatore

Mr. Salvatore reported the safety committee has one item under third reading for four (4) police vehicles.

Service Committee – Chairman, Burgio

Mr. Burgio reported one item on tonight's agenda under first reading for the purchase of one Kubota excavator.

Board of Zoning Appeals – Chairman, Scott

Mr. Scott reported the next meeting will be on Monday, September 11th with one item on the agenda for property on West 130th Street and Middlebrook Blvd.

REPORTS OF SPECIAL COMMITTEES:

SOUTHWEST GENERAL HEALTH CENTER – TRUSTEE MR. SALVATORE:

Mr. Salvatore stated no report and wished Dr. Marilyn McNamara best wishes on her retirement in October. She has announced her plans for retirement in October. She was our chief Medical Officer. We wish her all the best.

BEREA BOARD OF EDUCATION COMMITTEE – MR. BURGIO:

Mr. Burgio reported there was no meeting since the last report and reminded everyone that the first day of school was August 22nd and on the Berea.k12.oh.us website is updates on the construction project. Also, there are two restaurants at Polaris that the students prepare the food; visit Polaris.edu for details.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Coyne thanked Mr. Mencini for announcing the Safety Fair to be held on Saturday, September 23rd from 11:00 a.m. to 2:00 p.m.; child identification kits will be available. Mayor Coyne continued that the clerk has been provided a schedule of upcoming special meetings that deal with the recreation center, the first meeting is for Tuesday, September 12th; other meetings will be later in the month to discuss more aquatic topic needs. Mayor Coyne provided details of the further improvements for the City Hall, Council Chambers, etc. and encouraged Council to visit Lakewood City Council to see what is being proposed for audio-visual needs. The budget passed earlier in the year for these proposals the administration is pretty close to what those numbers were at that time. The administration would like to get the proposal passed by the end of September and have been told that the current dais cannot be saved.

About the expenses for the outdoor lighting for the sports facilities the poles are failing and 20 years ago lighting was installed at Wedo Park. Since the Marines have taken back the field they own and the city is consolidating operations to the Kennedy Park complex; a good decision was made to move those lights to Hufsey and Forbes fields. The new fencing was necessary because the old fencing was failing. The recreation center parking lot was not resurfaced it was seal-coated. The recreation director's office was built so that she could see all activities that were coming; to date everyone works at the front desk. The floor of the basketball court was worn out and gets the most activity. As far as the roof report of 2014 we were battling to keep the city, police and fire workers on the payroll; so there was no room to talk about the recreation center roof; the center was built originally without a pool. We commissioned a new report and hope to have it by the time of the recreation center meeting of September 21st; there are two different options. Mayor Coyne believes that the roof will have to be taken off the building but that is a larger issue to be discussed for a different day; and proposes Endless Pools will be used at the recreation center and encouraged everyone to attend

Reports and communications from the Mayor: cont.

the meeting. Mayor Coyne commented he monitors web pages but does not participate in Facebook and when people suggest the city should not televise our meetings, it has always been like this in Brook Park except there was no Internet. Mayor Coyne has been proud of this city and the problem is that there is no honest dialog anymore that he welcomes with the facts and everything wanted for this city, the golden goat on Brookpark Road is gone and will not come back. Mayor Coyne, once again, asked what kind of a city do you want to live in? When he left office in 2001 there was \$9.8 million dollars in the General Fund balance; this what makes the city work. When coming back in 2014, the General Fund balance was \$2 million dollars; through no one's fault. The property values are up in this city and good things are happening in this city despite the political bantering. The dog park is part of our proposal for the recreation department and we are going to have that discussion. We should keep going forward with amenities that will attract new people to this city to keep moving forward and must hear from the residents.

Mr. Mencini asked about the resident's concerns with the sidewalk blocks not being installed.

Mayor Coyne responded the contractor is out there, currently on the west end and moving this way. The contract includes an end-date and the new contractor is progressing.

Mr. Mencini stated Brook Park is moving forward and in 2014, when coming into office, there were about 300 foreclosures.

Mayor Coyne concurred and commented now it is minimal. People are purchasing homes to live in and not flip, too much attention is given to the keyboard courageous.

Mr. Mencini commented looking at the newspaper Brook Park home values are back up.

Mayor Coyne concurred and stated parents are struggling but want their children to go to Brook Park schools and use the recreation center; they recognize what we don't see. There is the city's HMAP (Home Maintenance Assistance Program) to assist seniors that are struggling to maintain their properties or the very young people that have inherited the properties.

Mr. Astorino asked about open dialog and facts and stated in a recent publication, dealing with the police department, you stated we have 36 officers on the street, the same number as when you took office in 2013. When looking at the city report of 2013 there were 41 police officers and in 2014 there were 38 police officers.

Mayor Coyne responded former Mayor Elliot hired two police officers, prematurely, and placed on the payroll and attending school to replace retirements that were coming forward in that year.

Reports and communications from the Mayor: cont.

Mr. Astorino asked if the 2013 report was correct, that in 2013 there were 41 police officers?

Mayor Coyne replied when he took office there were 36 police officers on the streets with 38 on the employment roster.

Mr. Astorino disputed whether or not there were 38 or 41 police officers on the street at the time Mayor Coyne took office.

Mayor Coyne - Point of Order.

Mr. Astorino - what is your point?

Mayor Coyne asked if Mr. Astorino to read the document where it said there were 36 officers on the street. All the others were in school for upcoming retirements; so there are 36 today and 36 then, not employed but on the street.

Mr. Astorino stated usually straight-talk is a little clearer.

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

Mr. Piatak reported the Snow Road Resurfacing Project - Phase 1 (between west of Delores to West 130th Street is wrapped up and work is progressing in Phase 2, the western end. The 2017 Sidewalk Repair Program started last week on the west side of town on Arden, Forestview and Parkland. The project will move eastward and all the work will be completed this year. The Bowfin Reconstruction Project has had 350 feet of the north side repaved with the south side being started later this week. The Calvin Reconstruction Project had a second mainline pour today and the pavement on the south side is in; the aprons and block-out areas should be completed by the end of the week. The Middlebrook Reconstruction Project catch-basin replacements and sewer repairs were completed last week and today pavement removal began by Wolf Road; reminder that director in southbound on Middlebrook through the construction area. With the Sylvia Drive Reconstruction Project work started last week with catch-basin and sewer repairs that the contractor is still working on and anticipate pavement reconstruction starting within two weeks. With the Public Works application to be submitted for the Holland Road Reconstruction between Fry and Engle Roads; the application is due October 5th, legislation should be introduced at tonight's meeting.

Mr. Scott clarified if the residents on Middlebrook were given notice where to park?

Mr. Piatak responded yes, flyers were sent out encouraging residents to park in their neighbor's driveways if at all possible but can park on surrounding side streets, both police and fire have been made aware of this during construction.

Reports and other communications, departments, commissions and other public officials. cont.

Mr. Mencini noted a good job on Middlebrook and Sylvia and mentioned that the street striping on Route 237 fading. Is the city responsible for maintaining that?

Mr. Piatak responded that he believed the city is responsible for maintaining but will double-check.

Mr. Mencini asked why when driving southbound on Engle Road at Sheldon why aren't there any turn signals.

Mr. Piatak stated that the street light probably does not meet the warrants for a left turn signal there.

Mr. Troyer asked about Sheldon, Route 237 and Engle Road is it Mr. Piatak's department to conduct a study in that area? If so, has the Administration requested a traffic study?

Mr. Piatak responded yes, if they are authorized by the city; that has not been requested at this time. Mr. Piatak was asked to consider Route 237 and Sheldon Road, in cooperation with Berea for getting that resurfaced.

Mr. Troyer asked if a traffic study is requested does that come in the form of legislation or authorization from the Administration?

Mr. Piatak responded there should be a proposal for the study, and that would come to Council in the form of legislation.

Mr. Troyer asked if the administration has asked you to look into getting federal monies for Holland Road, possibly with adding bike lanes?

Mr. Piatak responded he looked at that section of road and there are telephone poles; so it would be cost-prohibitive for an off-lane or off-pavement trail. If you are going to add three feet of pavement to each side of the road, the contribution from any agency would be for that three feet, nothing more.

Service Director Cayet

Mr. Cayet reported that Spafford Road hill will be closed from September 15th for bridge road maintenance; motorist should use Cedar Point Road instead. The Service Department does restripe many roads throughout the city including Route 237.

Mr. Burgio asked how is the city prepared for equipment and salt for the upcoming winter?

Mr. Cayet responded the city got our salt contract in May and crews have been working on the plows since April, during the winter crews work on the grass gear.

Reports and communications from other departments, commissions and other public officials:

Service Director Cayet: cont.

Mr. Burgio asked about the orange barrels on Smith near Sylvia.

Mr. Piatak responded the barrels were used to restrict a left-turn onto Sylvia, that is closed in the west bound direction.

Mr. Mencini asked how is the dumping of rubbish and shrubs going at the Service garage.

Safety Director Byrnes

Mr. Byrnes reported that last May, Councilman Burgio brought up a program that the City of Lakewood has for autism and registering with the police department, the city is ready to move forward with that program. If anyone knows of someone that has autism in their home, please let the us know. The information will go to the dispatching center who will advise the police what to expect if they get a call from that residence; there will be specialized training given and online registration will be on the city's website in two or three weeks. The City of Parma Dispatch has started a program called 'Are you Okay' for the elderly or live on your own. By registering for this service dispatch will call everyone on the list to make sure that person is okay. The hours are for the call is between 6:00 a.m. and 10:00 p.m. and the resident sets the designated time to be called; there is no cost to the city for this service.

Mr. Burgio expressed gratitude for all the work that has been done with these programs and asked is the registry for residents of Brook Park only?

Mr. Byrnes said he imagined it could be for students that are here as well.

Mr. Troyer asked about Spafford being closed will there be extra patrols in the area?

Mr. Byrnes replied he would talk to the Police Chief.

Law Director Horvath

Mrs. Horvath reported there were three pending cases, two in Common Pleas and one in the Federal Court and will have an updated written report by September 19th. On August 23rd, Council received a verbal request for public records from an anonymous resident and after reviewing the request she emailed all Councilmembers that the request is overly broad and burdensome; and will draft an opinion and direct to Council the six divisions that were directly impacted by this request. Mrs. Horvath continued at the last Council meeting the law department was asked to determine whether the city owned the domain name and other issues associated with the website relating to questions Council had. At this point in time it was my understanding that I would have the username and password and it is my belief that there are two user names and passwords; one for the domain site and for the actual website. My understanding is the domain name registers whoever owns a particular website and the website

Reports and other communications, departments, commissions and other public officials. cont.**Law Director Horvath: cont.**

administration would go through another entity. So it seems that Domain by Proxy, LLC is the company that would have registry of who the owner of the website is. Geek Storage would be the company that allows a webmaster or administrator to make changes and take care of the day-to-day administration of that particular website. So both usernames and passwords would be needed for both entities in order to confirm whatever information or answer questions that we currently have. I have sent a fax request sent to both companies with documentation showing that the city has paid funds to them. Both are divisions of Go Daddy asking them to give us that information and don't know if they will or not. With the domain site they will only give us the information if the city is customer. Mrs. Horvath appreciated Mr. Astorino sending about 47 pages of information and think a lot of the information asked with regards to statistics and different technical aspects were answered in that information. There was also some information that was redacted which for me is fine and I am not concerned with who is accessing the website, I'm not concerned with who is emailing the website. What I am concerned about is if we are going to shut the website down this is a piece of intellectual property that we believe the city owns and need to get these questions answered before shutting it down. I think the city has a responsibility if it owns property to be good stewards of that particular piece of property. Looking at the information provided and reviewing it with some help from the city's IT person it seems to me that it raises more questions than answers. At this point in time after reviewing the 47 pages of material I can't honestly say any of the documents show whether or not the city is the owner of the domain name.

Mrs. McDonnell asked if the response back from the companies is that they are not going to give the information, what are our options?

Mrs. Horvath replied there would probably be three options and two have been discussed at a prior meeting. One option would be to subpoena the information and had a lengthy discussion on the legality of that. We also talked about someone filing a mandamus action and after talking with the city's IT person. If the city has the domain username and password we would be able to use that to go in to the settings to see who is the owner and check other settings and so forth. I don't have that and don't know who has that but certainly the owner of the website would have the username and password.

Mrs. McDonnell asked if both information is needed before closing down the website?

Mrs. Horvath responded I think it would be best if we did and don't know if there would be a username or password for what is known as a C-panel and it is my understanding that is what someone would go into and perform whatever administrator tasks needed.

Mr. Astorino commented I still have some questions that have been submitted on the work ticket but there is no response yet. As soon as the answers are received the information will be shared.

Reports and other communications, departments, commissions and other public officials. cont.

Law Director Horvath: cont.

Ms. McDonnell asked if the website is still up?

Mr. Astorino responded it's still active but there's no activity on it.

Mrs. McDonnell stated no livestream.

Mr. Astorino responded I think the livestream has a link and am not sure how that works. The website can be accessed but there is nothing we're doing other than the link provided.

Mrs. Horvath asked Mr. Astorino if the username and password he has is for the website for Geek Storage or Domains by Proxy?

Mr. Astorino did not know but would find out.

Mrs. Horvath requested Mr. Astorino to email that information.

Mr. Scott stated to Mrs. Horvath, Council did ask for this information two weeks ago and September 5th would be the date to get this information back in order to close this. How much longer or how much longer should Council wait to get responses, Council has an investigation going and questions were asked by the investigator. As I stated before the date of September 5th was given to get these answers. What do you foresee as a suitable timeframe?

Mrs. Horvath replied you are correct we did have today as the hard date for that information provided. My understanding that I would be provided with the username and password and don't know very much on how to use that information to get the answers; so I was going to ask the assistance of the city's technician if he could do so. The main question as to how long this may or may not take goes back who has the domain username and password. Does the city have that or is that something and would assume that we have the username and password for the website that could be provided to get some answers? I'm not worried about looking through the emails or tracking anything and certainly once the questions are answered the passwords could be changed, if the appropriate people would have access to them. Absent, using that route or subpoenaing route I can't give an accurate timeframe as to when it may or may not be done. GeekStorage only has a fax number and can follow-up with Domain by Proxy by telephone but don't know if they will release the information.

Mr. Astorino stated we had the list of answers and am working on getting those answers but will remind Council that there was one question in there asking about the email setup and after the documents provided that information was provided in April, 2016.

The date was set for September 5th but the answers have not come yet so I am asking Council's patience on this and realize that some questions were answered quite a while ago.

Reports and other communications, departments, commissions and other public officials. cont.

Law Director Horvath: cont.

Mayor Coyne asked Mrs. Horvath who originally contracted for the service for the website for the city?

Mrs. Horvath responded after looking at information provided it appears that initially former Councilwoman McCormick had contracted.

Mayor Coyne asked if anyone has called Mrs. McCormick to ask her to solve this problem and move on. She was the original contact and is very competent in that area; if asked politely she may respond. This is posing a problem that the only one that can enter into a contract for the city is me and the finance director has paid for reimbursement on two occasions that we don't possess a contract or ownership.

Mr. Astorino asked what is holding up the City of Brook Park from having the Council information?

Mayor Coyne responded no one seems to be able to identify who owns the domain. So why don't you as Council President call her up and ask her how this problem can be resolved.

Mr. Astorino stated I understand that and maybe misunderstood what was said but information in on the city's website under the Council page. I was wondering what our operation has to do with anything about holding up Council activity.

Mayor Coyne responded nothing, accept for the fact that the clerk is working with Human Resources Commissioner Sinatra to get emails for individual Councilmembers going forward. There is only person that can answer the question of ownership and think if she was asked that question I have no reason to believe she wouldn't help us.

Mr. Salvatore stated Council took action to close this website down and it appears that we don't own it so it can't be closed down. My only concern is to identify who that person is and order them to close it down. They are using our name we don't have a website anymore but we do. It's not ours but somebody else is operating it. Council by vote said to shut it down and I expect that to happen, whatever it takes. Mrs. Horvath what is it going to take to get this shut down once and for all to move on? Doesn't matter who owns it anymore, who cares let's just get rid of it.

Mr. Astorino asked Mrs. Horvath to also address the questions on what is needed for any records retention that is on the site.

Mrs. Horvath replied you can only close it down if you are the owner and we haven't been able to determine who the owner is. The information I see appears doubtful that it

Reports and other communications, departments, commissions and other public officials. cont.

Law Director Horvath: cont.

is the city and if you were the owner you would know the username and password for the domain. I would like to shut it down but probably can't because the city is not the owner.

understanding that has previously been tried, but will try again. The only way to determine whether the City of Brook Park is the owner would be through the other two methods discussed. If it turns out the city is not the owner, then we'll have to decide what would be best for the city to do from that point forward.

Mr. Salvatore asked if the name on the website is Brook Park City Council.

Mrs. Horvath responded my understanding is yes, it is Brook Park City Council.

Mr. Salvatore the person who may or may not own it is not a member of Brook Park City Council nor do they have the authorization to use that name. Are they using the city seal or any type of marking, I haven't been on it? It's time to get to the bottom of this and shut it down. This seems pretty simple and we need to get this done and over with and as one Councilman whatever Council-matic action needs to be taken I'm all in.

Mrs. Horvath commented I will do whatever Council directs but absent a subpoena there will be no way to determine if the city owns the website or not; other than being provided with the domain username and password.

Mr. Astorino asked Mrs. Horvath to address the question about record retention that may be on the site. Before the site is shut down and information is lost that might be required to attain.

Mrs. Horvath is still reviewing that and most of the records, I believe, are also duplicated on the city website; i.e. agendas, minutes and legislation.

Mr. Astorino stated I understand that but this is dealing with email communications. I was told this week by a resident that a Councilperson told them they never used the brookparkcitycouncil website. That's obviously a misunderstanding of that Councilperson because every email sent to Council was sent to the brookparkcitycouncil.com email and was forwarded to Council's other emails.

Mrs. Horvath stated you would probably have to look at all the emails and determine what you don't need.

Mrs. McDonnell stated basically because it's a server it will have backup and all you have to do is send a ticket, if you have administration rights, to retrieve the information from the cloud and putting on a flash-drive or something like that. Everything gets archived depending on where you access that archive is what needs to be figured out. Assuming that can be done at the level of who the administrator who would be able to upload information to the website.

Mr. Astorino asked Ms. McDonnell to help craft the question, he would be more than happy to submit the work ticket.

Reports and other communications, departments, commissions and other public officials. cont.

Law Director Horvath: cont.

Mr. Mencini asked Mr. Astorino if Ms. McCormick ran the website in 2016.

Mr. Astorino stated former Councilwoman McCormick was the administrator for 2016.

Mrs. Horvath asked if we can start with the username and password for the website to answer some of these questions on where the username and password is for the domain. I think at the meeting of August 22nd you had offered to provide the username and password for the website and have sent a couple of emails asking for that. That would be a place to start to perhaps get some of these questions answered.

Mr. Astorino responded I understand what I said but there were concerns after I passed on the information on either calls received or information received that until I get my answers from the computer people. I'm not going to turn over my information for that because of concerns. You expressed tonight that you weren't concerned about the stuff that was redacted, that position wasn't shared by everybody that had the information. Some people felt that should have access to the IP addresses and was contacted by many people that use the website that they didn't want their IP addresses being provided as a document. So until I get some questions answered I'm not going to do that but am continuing to work to find out the answers and once those answers are provided I'll be more than happy to share the information.

Mrs. Horvath commented so your position has changed from the last meeting based on the fact that you want to try and preserve privacy issues for whomever may have accessed the website?

Mr. Astorino responded that's very close to it, yes.

Mrs. Horvath stated what I would propose is to actually have the city's technical gentleman look at it and don't think he's going to do anything with it. I wouldn't know what I'm looking at let alone being able to do anything with it. Actually, I think that's a reasonable way to try and resolve some of these things. The only other thing I can suggest to get all this information is by legislative subpoenas to Geek Storage and Domains by Proxy.

Mr. Scott asked why can't a date be set, next Tuesday, you contact former Councilwoman McCormick, the last known owner of this domain, correct?

Mrs. Horvath responded we haven't seen any information from the domain but it looks like she opened up the website and logic would say did the domain name. I'm happy to take whatever steps wished to take but it's Council's choice as to set the deadline or procedure.

Mr. Scott asked why not just call Mrs. McCormick and if she does not provide any information by next Tuesday a subpoena is issued to get done with this and move forward.

Reports and other communications, departments, commissions and other public officials. cont.

Law Director Horvath: cont.

Mr. Astorino asked who is playing games Councilman?

Mr. Scott responded we were told September 5th we would be going to get an answer to the eight questions and its September 5th and no answers. Now, you've made a request for more time to get these answers. How much more time is needed? On August 15th Council shut the website. If a subpoena is needed let's do it.

Mrs. Powers suggested to just start another website, why can't that be done?

Mr. Astorino responded on August 15th Council shut the website down by deleting Rule 28, Council and took away the authority of Council to have its own web site.

Mrs. McDonnell stated the good news is that City Council has a page on the city website and can take everything on that website and put it on the web page. Then, we can also get cityofbrookpark.com email addresses so we are all uniform throughout the City of Brook Park. That part is pretty much cut and dry it's just trying to close something to make sure as Mr. Astorino said if we don't know who owns the domain we don't know who has access to get those personal emails. No one needs to know who sent and received emails from that website but right now someone has access to that. The faster this gets closed the safer that information, not saying it's wrong or bad or whatever, but this can be ended.

Mr. Mencini asked Mr. Astorino being the administrator can't you shut it down?

Mr. Astorino responded this is an example of questions being asked over and over mainly there are two things. The Council website was for a public posting place that's how it was utilized and for email for Councilmembers. As the administrator there's been no activity as far as posting or anything else and trying to make a good effort to shut down without causing additional problems. As the law director said by examples given this has to be done in the right way and am working to try and get that done. A list of eight questions was given at the last meeting and most of those questions were answered and a comment was made that all of the were not answered but I don't know which ones weren't answered; that wasn't provided to me. Mr. Astorino stated the website cost the city \$94.00 a year and talk about concentrating on things that are miniscule.

Mrs. McDonnell stated in all due respect, \$94.00 was paid and we don't own it.

Mr. Astorino stated his accusation that games are being played.

Mr. Scott interjected do you have an answer to what we've asked.

Mr. Troyer - Point of order.

Reports and other communications, departments, commissions and other public officials. cont.

Law Director Horvath: cont.

Mr. Astorino - what is your point of order?

Mr. Troyer - Speaking out of turn.

Mayor Coyne asked if he could ask a question, you and I are both not expert web domain people and Ms. McCormick was and provided for the establishment of the Council website, that's factual.

Mr. Astorino stated I believe so.

Mayor Coyne asked Mr. Astorino if he asked Ms. McCormick who owns the website when you took it over?

Mr. Astorino responded no, that question was never asked until tonight.

Mr. Astorino replied I've talked to her about some of it and tonight the law director is saying these are the questions. Give me the question to be asked and I will contact her to get the answer.

Mayor Coyne stated who owns the website and was it transferred? If so who was it transferred too?

Mayor Coyne said Mrs. McCormick formulated the city web site and when she became a member of City Council there was a seamless transition to a new web master and the domain owned by the city. Ms. McCormick has the expertise and first-hand knowledge on what occurred. If the city doesn't own it how was Ms. McCormick and yourself reimbursed for expenses that the city doesn't own the contract too; the \$94.00 is a hill of beans, it's getting at the truth.

Mrs. Horvath stated I believe Council wants me to contact Ms. McCormick and I will. The only question I have tonight is does anyone here have the domain user name and password; just a yes or no. After no response Mrs. Horvath assumes the answer is no.

Mr. Astorino stated to Mrs. Horvath dealing with some recent activity and have talked to people who have backgrounds with public records law as well as attending the Attorney General's training for public records and open meetings act. Based on information provided to him, believes that when a resident verbally asks for information regarding public records I had an obligation to forward that request to you and the Mayor. If I

failed to comply with that verbal request, I may be exposing the city to a mandamus action or some sort of complaint with the attorney general's office. Since I've done that the one question is do you agree that I had an obligation and a duty to forward the request to both you and the Mayor?

Reports and other communications, departments, commissions and other public officials. cont.

Law Director Horvath: cont.

Mrs. Horvath responded I believe you could have satisfied that obligation in one of two ways. First, refer it to the legal department and Mayor's office. The second would be to direct the anonymous person to the records request form for that individual to go ahead on their own. I don't think anybody is talking about that issue per say, I think the problem is due to the large and huge request it is truly burdensome.

Mr. Astorino stated you didn't watch the channel news saying I was requesting information, that is was misconstrued. You're not aware that the Mayor sent letters to the people that this person was asking about when actually this request was officially made for the public officials' activities; not for the private residents'. Let me clarify, I took the action that I took do you feel that was an improper action? Not that you would have done it differently but when somebody came to me asking for information and wants to remain anonymous that request was forwarded to both you and the Mayor. Are you saying that I acted improperly and told them to do it some other way?

Mrs. Horvath responded I think there's probably a better way to do it which would have been forward it to the legal department. Obviously, your duties are legislative, not administrative and has no way of gaging or measuring this from a political standpoint; I am answering your question from a legal standpoint and saying if I was in your position and received a request like that I would probably would have said here's the legal department phone number and email address contact them. Mrs. Horvath continued I guess you want me to give you some dispensation for forwarding to the Mayor and myself and I don't think actually is my job. I don't think that is something that is legal and the better way would have been to just forward it to the legal department. I'm not blaming Mr. Astorino for acting in the manner you did but am telling you I'm giving a legal answer and unable to give you an answer that would have political connotations. It's not my intention to politicize this but want it handled in an appropriate manner and move forward. This has certainly caused some upset in the community and what I'd like to do is make sure that I get out an opinion as soon as possible.

Mr. Astorino asked what if the resident did not want to contact the legal department or fill out a form. What if they didn't want to do that? What if they asked me to do it in the exact way I did it? Would it have been improper me to ignore that request by telling the person I can't do that for you and would have that exposed us to some liability by being refused.

Mrs. Horvath replied I can't imagine it would have exposed us to liability if you had directed them to the proper channel. As indicated your duties are legislative not administrative and by referring them to the legal department I don't see how they possibly could have any cause for complaint; they could still remain anonymous.

Mr. Astorino stated doesn't the public records act say that conditions cannot be set on how the public makes a request or what they intend to use it for.

Reports and other communications, departments, commissions and other public officials. cont.

Law Director Horvath: cont.

Mrs. Horvath asked, if someone called the service department and said they want public records regarding the Mayor, or the legal department, and they want the service department to get the records, that a referral to the proper channel would not be allowed?

Mr. Astorino stated that you cannot conditionally set the terms that's the only way you're going to get it. If the person said I don't want, you to refer me to the law department or the Mayor; this is how I want you to submit the request and that's how I did it. I don't get to set a condition by saying you can't do it that way. You're saying that you wouldn't handle it that way that has me concerned that you're going to set conditions on how people ask for public records.

Mrs. Horvath stated when talking about conditions that refers more to the delivery method, email or snail-mail, how do you want the public records delivered. The conditions are not about what department handles the request and it would have been entirely appropriate for Mr. Astorino to refer the resident to the proper department.

Mayor Coyne stated point of information, every request for discovery or records request for any division in the city is sent to the law department to make sure we comply with the law.

Mr. Astorino stated if the clerk found a post-it note on her desk she would have the obligation to turn the request into the law department and that's what he did through the law department and Mayor's office.

Mrs. Horvath stated this goes back to her original remarks of there being two ways this could have been fulfilled. Right now, the request is with the law department and if the anonymous requester wants to contact the law department, we will keep them anonymous.

Mr. Troyer asked Mrs. Horvath in the last four years, have you gone to the Sunshine Laws training.

Mrs. Horvath replied that last weekend she checked the Supreme Court transcript to see how many more hours she must complete this year. She still need a half-an-hour of continuing legal education; and took the training in 2016.

Mr. Troyer continued when he took the training in 2014, he learned that when anybody asks you for information, you must supply it within a reasonable period. You can try to redirect them to the proper division, but if they say no, I want you to get it for me, you

must do so. Mr. Troyer stated that someone from Council should attend the training every year.

Reports and other communications, departments, commissions and other public officials. cont.

Law Director Horvath: cont.

Mrs. Horvath stated she was under the impression that when you begin your term in office, it is good to review this and advised Mr. Astorino to ask the resident to contact the law department directly. Also, she wants to know how to best narrow the records request, it is quite broad.

Finance Director Mr. Cingle

Mr. Cingle reported the monthly reports for August will be distributed shortly. The audit report for 2016 has been released by the state auditor's office and is currently at the printer and available online, printed copies should be available in a few weeks. Mr. Cingle stated that he is working with the Mayor on the Appropriations Report and there are a few final Capital Improvement items; as soon as final figures are ready he will release the report to Council.

Mr. Troyer asked if the General Fund will be amended also.

Mr. Cingle replied yes, the General Fund will have to be amended.

Mr. Troyer preferred to have it all at one time and commented this should be updated every quarter.

Mr. Astorino referred to comments made by the Mayor earlier in the evening when the Mayor stated when he left office in 2002, the General Fund had over \$9 million dollars. When returning to office in 2014 the General Fund had \$2 million dollars. The actual balance at the end of 2013 was \$5.47 million. Which one is it?

Mr. Cingle replied the Mayor is referring to the General Fund reports as of the beginning of January, 2002 and 2014; not a consolidation of numerous funds, this was strictly a cash-basis report.

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

VERBAL APPROVAL:

- 1. AMENDMENT TO COUNCIL RULE NO. 3.

Motion by Mr. Salvatore, supported by Mr. Burgio, to verbally approve.

Mr. Troyer stated he will vote no tonight because it will cause issues with Council.

Ms. Powers stated that if we are going to change Council Meeting time to 7:30, she thinks it should be changed to 11:00 PM.

ROLL CALL: AYES: Salvatore, Burgio, McDonnell, Mencini, Scott
NAYS: Powers, Troyer. The motion carried with a vote of 5-2.

Verbal Approval: cont.

2. AMENDMENT TO COUNCIL RULE NO. 5.

Motion by Mr. Salvatore, supported by Mr. Scott, to verbally approve.

ROLL CALL: AYES: Salvatore, Scott, Burgio, McDonnell, Mencini
NAYS: Troyer, Powers. The motion carried with a vote of 5-2.

NEW LEGISLATION:

- 1.
2. AN ORDINANCE AUTHORIZING THE CONSULTING ENGINEER TO PREPARE THE APPLICATION TO PARTICIPATE IN THE 2018 OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM DEALING WITH THE HOLLAND ROAD CONSTRUCTION PROJECT AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne **Placed in the Service Committee.**
3. A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION FOR THE 2018 OHIO PUBLIC WORKS COMMISSION TO EXECUTE CONTRACTS AS REQUIRED DEALING WITH THE HOLLAND ROAD CONSTRUCTION PROJECT. Introduced by Mayor Coyne. **Placed in the Service Committee.**
4. RESOLUTION NO. 21-2017, PROCLAIMING THE CITY OF BROOK PARK TO BE A TOLERANT AND DIVERSE COMMUNITY. Introduced by Council as a Whole.
5. **Placed in Legislative Committee and moved to First Reading.**

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

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

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORDINANCE NO. 10095-2017, 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.

Mr. Troyer asked Mr. Cayet if this is something the city needs right away?

Mr. Cayet responded yes.

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

Mr. Troyer and Mr. Burgio withdrew their motions due to further discussion.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

Mrs. Powers asked why is a three-year old piece of equipment and must be a much better piece of equipment than what the city is purchasing because the trade in value is paying the full cost of something that the city is buying new. Also, is this machine better than the equipment being traded-in. better than the old one that can do more work?

Mayor Coyne responded at the last Caucus meeting, you were told that the city had a new vehicle that will do the inclines, go into the retention basins and do a road that was purchased last year for \$20,000 and more or less rendered this piece of equipment useless. The city does need a track-backhoe to go in and do the big jobs that the city needs to do. The vehicle the city purchased last year is better than this one and we need the backhoe so this vehicle is being traded-in for a new backhoe.

Motion by Mr. Burgio, supported by Mr. Mencini, to suspend.

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

NAYS: None. The motion carried.

Motion by Mr. Mencini, supported by Mr. Troyer, to adopt.

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

NAYS: None. The motion carried. Ord. No. 10095-2017, has passed under Suspension of the Rules. Adopted

2. RESOLUTION NO. 21-2017, PROCLAIMING THE CITY OF BROOK PARK TO BE A TOLERANT AND DIVERSE COMMUNITY. Introduced by Council as a Whole.

The clerk read the Resolution in its entirety since it was not properly posted.

Motion by Mr. Salvatore, supported by Mr. Mencini, to suspend.

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

NAYS: None. The motion carried.

Motion by Mr. Mencini, supported by Mr. Troyer, to adopt.

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

NAYS: None. The motion carried. Res. No. 21-2017, has passed under Suspension of the Rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

THIRD READING OF ORDINANCES AND RESOLUTIONS:

Mr. Troyer stated due to an opinion from the law director and waiting on responses from the Ohio Ethics Commission I am going to recuse myself (10:30 p.m.)

- 1. ORDINANCE NO. 10092-2017, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BOBO GILLINGHAM FORD FOR THE PURCHASE OF FOUR (4) NEW 2017 FORD UTILITY INTERCEPTOR SUV'S AND DECLARING AN EMERGENCY.
Introduced by Mayor Coyne.

Motion by Mr. Scott, supported by Mr. Burgio, to adopt.

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

NAYS: Powers The motion carried. Adopted.

Mr. Troyer returned to the dais.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Moved by motion to the beginning of the meeting.

Mr. Astorino asked Council for a motion to go into Executive Session for the purpose of - Personnel Matters – Compensation of a Council Office Public Employee.

Motion by Mr. Mencini, supported by Mrs. McDonnell, to go into Executive Session.

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

NAYS: None. The motion carried at 10:31PM.

Motion by Mr. Mencini, supported by Mrs. McDonnell, to adjourn Executive Session.

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

NAYS: None. The motion carried at 11:21.

Motion by Mr. Mencini, supported by Mr. Scott, to go back to the Regular Order of Business.

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

NAYS: None. The motion carried.

Motion by Mrs. McDonnell, supported by Mr. Burgio to adjourn.

ROLL CALL: AYES: McDonnell, Burgio, Scott, Salvatore, 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 11:23 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *September 19, 2017*

THESE MEETING MINUTES APPROVED BY BROOK PARK CITY COUNCIL ARE A SYNOPSIS,
NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.

Brook Park Council Meeting
Tuesday, September 5, 2017

- We added another new program this year- Our Summer Tennis session (26 participants) concluded this past Saturday- It was another great program with two amazing volunteer instructors- Thank you to Danielle Colonna and Tricia Riedel. Who also volunteered and ran our Spring session (23 participants).
- Pee Wee and Clinic Football started this evening at 5:30pm and will continue every Tuesday during football season.
- Tackle, Flag Football / Cheerleading starts this Saturday, September 9, 2017- come out and cheer on your favorite football player and or cheerleader and team!
- Co-ed Volleyball (ages 8-17) and Co-ed Dodgeball (ages 6-13) registration is the entire month of September.
- Safety Fair- Saturday, 23rd from 11:00am-2:00pm (a lot of wonderful vendors and activities for the family to enjoy)

Maryann Fields, Recreation Director



