

**CAUCUS MEETING PRIOR TO THE COUNCIL MEETING
OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, SEPTEMBER 19, 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 Commissioner Hurst, Safety Director Byrnes, Engineer Piatak.

DISCUSSION:

1. RESOLUTION 22-2017 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne. (Councilman Salvatore) **(Time sensitive, must be adopted by September 30, 2017.)**

Mr. Cingle stated earlier this year in June Council passed the 2018 Tax Budget. The tax rates were established and this is the final piece to certify those tax rates. The Budget Commission asked that these rates be certified by September 30th so that the paperwork is completed by the end of the year.

Mr. Troyer stated that this was exactly what he didn't want to see happen in these new Caucus meetings, new legislation being presented. Mr. Troyer would like to see another Special Council Meeting for September 26th to get this legislation passed and does not see this as an actual emergency because Council can get this passed on September 26th.

Mr. Salvatore asked if this must be passed by September 30th.

Mr. Cingle replied nothing has changed, as long as it is passed by the end of the month to satisfy the Budget Commission; the document was not received until September 5th and sent to the law department for review and given to the Mayor to be presented to Council.

Mr. Salvatore stated this is the whole idea behind having a Caucus Meeting before a Council meeting. The Finance Director asked to move a housecleaning item to Caucus prior to a Council Meeting and Council should move forward.

Motion by Mr. Salvatore, supported by Mr. Scott that the item number one be placed on tonight's Council agenda following under First Reading.

Discussion: (cont.):

Mr. Troyer asked for confirmation that this could be done on September 26th and stated that he doesn't want to see these meetings become a way of fast-tracking anything; this is setting a precedent.

Mr. Cingle confirmed.

Motion by Mr. Troyer, to add a Special Council meeting on the September 26th - died for a lack of a second.

Mr. Salvatore stated he did not understand why waiting a week is needed, if Council does not get the motion to suspend on September 26th, this cannot be completed on time; that is a fast-track.

The clerk called the roll on the motion by Mr. Salvatore, supported by Mr. Scott, to place on the Council agenda following under First Reading.

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

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

2. RESOLUTION 23-2017 DECLARING SEPTEMBER BLOOD CANCER AWARENESS MONTH IN BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore, Councilmembers Scott, Mencini, McDonnell, Burgio, Troyer and Mayor Coyne.

Mrs. Powers stated she would co-sponsor if the word 'blood' was dropped, there are many types of cancers and rather than having a resolution for each kind, the legislation should say 'Cancer Awareness Month'.

Mr. Salvatore stated it is established as Blood Cancer Awareness month already all Council is doing is showing support.

Mr. Troyer stated everyone in the room has known someone who has had cancer and expressed the same concerns on how this is being handled as with the previous legislation.

Motion by Mr. Salvatore, supported by Mrs. McDonnell to place this on the Council agenda following under First Reading.

AYES: Salvatore, McDonnell, Mencini, Scott, Burgio

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

Mr. Scott stated that at 9:00 a.m. Friday, he submitted a discussion item on the Council web site and it was refused. With my conversation with the clerk that per Mr. Astorino the clerk was told not to put it on the agenda because it did not have anything to do with items appearing on the Council meeting agenda and does not understand why it was refused.

Discussion: (cont.):

Mr. Astorino replied the Council President sets the agenda and this meeting is only 30 minutes for the purpose to move legislation on the Council agenda. This meeting is not intended to discuss items that were not going to be addressed that night and it has been his understanding with the rule is that items must be presented by Thursday, this is not relevant for a discussion at tonight's Council meeting.

Mr. Scott noted he will not stop bringing this up and wants this issue resolved; too often this issue has been delayed.

Mrs. Powers - Point of Order, this item is not on the agenda and is being done out of the proper order.

Mrs. McDonnell asked to keep the discussion on this open and being that Council received an email stating the sought-after information has not been forthcoming, that this be put on the next agenda so long as it is submitted to the clerk by Thursday?

Mr. Astorino stated correct, there is nothing on the September 19th agenda dealing with the Council website.

Mr. Scott asked if by polling the Council, could he get this on the Council agenda if he received four votes?

Mr. Astorino stated you cannot do that by polling Council, you have to make a motion.

Mr. Mencini - Point of Order, please make this a civil conversation.

Mr. Astorino did not rule on the Point of Order.

Motion by Mr. Scott, supported by Mrs. McDonnell to place the Council website as item number three on this agenda.

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

NAYS: Powers. The motion carried with a vote of 6-1.

Mr. Scott asked Law Director Horvath if she received any answers to any of Council's questions that were to be answered by September 5th?

Mrs. Horvath stated on September 11th, she emailed former Councilwoman McCormick but did not received a response. A follow-up email was sent today that Ms. McCormick responded, that email was distributed to Council. Mrs. Horvath feels it would be difficult to receive another response from Ms. McCormick and feels that responses would not be forthcoming.

Mrs. McDonnell asked what are Council's options are to put the Council website in the closed file.

Discussion: (cont.):

Mrs. Horvath responded we could us a subpoena, file a Mandamus action or share passwords; the best option would be the subpoena.

Mr. Astorino noted that the email asked to have questions submitted in writing so that they can be reviewed with Ms. McCormick's attorney. Why wouldn't we do this? There may be legal ramifications with her court case that we are not aware of.

Mrs. McDonnell stated that if we issue the subpoena, we can respect Ms. McCormick's privacy; get the information directly from the company.

Mr. Troyer stated we were looking for passwords; why would that be inappropriate to ask for this information? We just want information to shut down the site.

Mr. Astorino stated he is the administrator on the site and he is getting hesitant to provide information, especially since seeing the investigators report. Some things are being twisted, even to the point of possible criminal charges. Mrs. McDonnell helped him to draft the three questions that he sent them to the company. If he hears subpoena, he will have to ask for a legal opinion and thinks all of Council should consider it as well.

Motion by Mrs. McDonnell, to issue a subpoena to get the passwords from the company. Died for a lack of a second.

Motion by Mr. Scott, supported by Mrs. McDonnell to issue a subpoena through the Finance Committee and put on the September 19th Council meeting under Verbal Approval.

Mr. Troyer asked who are we subpoenaing?

Mrs. McDonnell stated the company, Geek Storage.

Mrs. Horvath stated two subpoenas are needed; one for Demand by Proxy LLC and one for Geek Storage.

The clerk called the roll on the motion by Mr. Scott, supported by Mrs. McDonnell, to issue necessary subpoenas and place on the Council agenda following under verbal approval.

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

NAYS: Powers. The motion passed with a vote of 6-1. This will appear under J-2 on the Council agenda.

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

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

NAYS: None. The motion carried.

There being no further business to come before this meeting Council President Astorino declared this meeting adjourned at 7:36 p.m.

RESPECTFULLY SUBMITTED



Michelle Blazak
Clerk of Council

APPROVED



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

