

**SPECIAL COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK
HELD ON AUGUST 30, 2018**

The meeting was called to order by Council President Vecchio at 8:00 p.m., who read the meeting notice. The clerk called the roll and the following Members of Council answered:

SCOTT, BURGIO, ORCUTT, STEMM, MENCINI, POINDEXTER, SALVATORE

Also in attendance were Mayor Gammella, Law Director Horvath and Building Commissioner Hurst.

REMARKS FROM THE AUDIENCE ON SUBJECT MATTER ON THIS AGENDA ONLY:

Tom Greenlee

15841 Paulding Blvd.

Mr. Greenlee expressed concerns with the special meeting notice signed by three Councilmembers and at last Tuesday's meeting a motion with support and roll call taken has all seven members voting yes. The question is why would seven members vote yes to call for this special meeting and the notice does not acknowledge that with the signature of Mr. Salvatore and note made that verbal approval was given by Councilmembers Stemm and Orcutt. How can Council call for an action and at the same time it's not honored. On tonight's agenda there is a Charter amending the Council compensation that has been discussed for many years and as Mr. Scott stated the last two Charter Review Commissions have addressed. Council has a senior Councilmember taking a step to amend the Charter compensation of Council. As a resident I'm asking that Council solve this problem by making the amendments and move forward to send to the people. Mr. Greenlee expressed concern with the Clerk's committee stamp in the right-hand corner of the legislation with a substitution piece of legislation.

Thomas DuFour

15300 Richard Drive

Mr. DuFour stated that he is a candidate for Charter Review Commission and as a resident of the city am opposed to this legislation as written for a few reasons. Listening to the debate at the last meeting two things struck me and one was the talk of the money that Council makes. (City) money is tight and roads need to be fixed, however, I think there are certain times when we need to understand there are things that are worth spending money on; having that extra opinion on Council to me is clearly worth the money paid.

Remarks from the audience on subject matter on this agenda only: cont.

Doug Schwinn

13690 Middlebrook Blvd.

Mr. Schwinn asked that Council take into consideration the comments (recently) made by the Council President regarding the Council President having to vote. I would support this legislation if it was amended that the Council President having no vote except for a tie and couldn't propose legislation, thinks it is a slippery slope, having the Council President as a voting member always. Streamlining government doesn't need to be at the expense of representation.

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

ROLL CALL: AYES: Salvatore, Mencini, Poindexter, Stemm, Scott, Burgio, Orcutt

NAYS: None. The motion carried.

Mr. Salvatore addressed comments of Mr. Greenlee questioning the validity of the calling of this meeting. I do agree it was done by a vote of Council and mandated Council to have this meeting. By no means, do I want anyone to believe that this is not a proper meeting. The clerk called me asking that I come in and sign the notice because the Chairman wasn't going to do it. I came in and signed the notice along with two other Councilmembers giving verbal approval by phone to call this meeting. For the record this meeting is perfectly legal and there was nothing done improperly. Mr. Salvatore thanked Mr. DuFour and Mr. Schwinn and wished them luck in their running for the Charter Review Commission. The reason this is being proposed is because it has been talked about for many years getting the same results and goes nowhere. I want the record to reflect that we do have a written response from the law director that this legislation was done properly and is perfectly with the confines of the request by the Board of Elections. So if this legislation had gone down or if it does go down to the Board of Elections it will be in proper form. To streamline city government, you have start somewhere and as I've stated before you should start with yourself. This is a restructuring, it's not eliminating someone's job because when the term ends the job ends and the privilege is over. There was a comment made that more government is better and if results aren't provided by a Ward Councilmember residents can go to three at-large Council representatives. I had a resident tell me that this is a bold move to eliminate one position and should have gone deeper. If this doesn't get to the ballot this year it can't get to the ballot for a few more years so to do any adjustments to Council is three-years away. For the record, this meeting was called by three Councilmembers properly and as indicated by the signatures. The substitute piece approved by the chair the law director brought forward that piece with the necessary corrections provided by the Board of Elections. Mr. Salvatore will not support having this legislation placed in committee.

Council addresses the audience: cont.

Mr. Mencini thanked the three residents for speaking at the microphone and I offered to take a pay-cut last year and that didn't go through. In past years there wasn't communication amongst Councilmembers but there is now.

Mr. Orcutt thanked the three residents for speaking on this very important issue. My opinion on this subject that is an ongoing issue in this city where things can't get done because of the back and forth and not working together. I disagree with the opinions that the Council President should not vote and also disagree with the fact that the Council President has to be unbiased; people need to be unbiased whether politicians or not. The last Council the Council President did have the ability to vote a few times and through the years I've followed this and watched how nothing was done ever. I supported past legislation on this when the reduction of Council was down to five, removing three. Cities are now looking at how their operations are going and asking what can be done differently. In 2008-2009 there was a global recession and this city was hit hard when Ford Motor went down and this city had to use reserves. Changes had to occur in 2014 that were unpopular and we had to streamline city operations by making cuts to city departments that led to balancing of the city's budget in 2015. All we're asking is this be brought to the people to vote on whether for or against. Mr. Orcutt will not support having this legislation placed in committee. Maybe, we should look at how the city is operating and streamline the whole city government and that is done by starting with ourselves. We're asking for the Council President to be able to vote, it's not that we're becoming less efficient. By downsizing Council by one then we can look at other city departments to see how they can be streamlined and look at salaries of each department. That's why I support this legislation very strongly and want to see a proactive Council and think this Council can make this happen. Mr. Orcutt stated to Mr. Greenlee that he was notified that this meeting wasn't going to be called so I called the clerk and gave my approval for this special meeting.

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

ROLL CALL: AYES: Salvatore, Mencini, Stemm, Poindexter, Scott, Burgio, Orcutt
NAYS: None. The motion carried.

Mr. Salvatore asked the clerk to read the legal opinion received by the law director, the clerk read the opinion (attached to these minutes).

SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 11037-2018, PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO ARTICILE IV, SECTIONS 4.01 AND 4.02 OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO, AND DECLARING AN EMERGENCY. Introduced by Councilmembers Salvatore, Orcutt, Scott and Stemm.

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

ROLL CALL: AYES: Salvatore, Orcutt, Stemm

NAYS: Burgio, Scott, Poindexter, Mencini. The motion failed by a vote of 4-3.

Motion by Mr. Scott, supported by Mr. Mencini, to place in committee.

ROLL CALL: AYES: Scott, Mencini, Stemm, Poindexter, Burgio.

NAYS: Salvatore, Orcutt. The motion carried by a vote of 5-2.

Mr. Vecchio reassigned the legislation to the Legislative Committee.

Mr. Salvatore appealed to his colleagues to reconsider, he is the minority and can't bring that to a vote but those that voted for it could. If this isn't going anywhere why bury in committee, the Board of Elections will not look at this piece a year or two years from now.

Mr. Stemm - Point of clarification, there is a scheduled special meeting for tomorrow (Friday) for this legislation that was placed in committee.

Motion by Mr. Stemm, supported by Mr. Poindexter, to cancel the Special Council meeting called for Friday, August 31st.

ROLL CALL: AYES: Stemm, Poindexter, Mencini, Salvatore, Scott, Burgio

NAYS: Orcutt. The motion carried by a vote of 6-1.

Mr. Salvatore mentioned during Roll Call before I vote there won't be anything to discuss so it would be foolish to vote no, even though I'm against it. I will vote yes because there won't be anything to discuss anyways.

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

ROLL CALL: AYES: Poindexter, Mencini, Stemm, Salvatore, Scott, Burgio, Orcutt

NAYS: None. The motion carried.

Council President declared this meeting adjourned at 8:43 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *September 18, 2018*

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

1,651 words

Memo

TO: COUNCIL PRESIDENT VECCHIO, MEMBERS OF COUNCIL,
MAYOR GAMMELLA AND FINANCE DIRECTOR CINGLE

FROM: LAW DIRECTOR HORVATH

RE: SINGLE SUBJECT REQUIREMENT FOR LEGISLATION

DATE: August 30, 2018

At the council meeting On August 28, 2018 a question was asked regarding whether Ordinance No. 11037-2018 violated the Same Subject Requirement.

The single-subject requirement is primarily in place to prevent the "unnatural combinations of provisions" into an omnibus bill. This practice is known as logrolling.

However, legislation which embraces more than one topic does not unquestionably violate the one-subject rule. Hoover v. Bd. of Cty. Commrs., Franklin Cty., 19 Ohio St.3d 1, 6, 482 N.E.2d 575 (1985). As long as a discernible relationship or common purpose exists between the provisions, and it cannot be inferred that the bill is for the purpose of logrolling, the enactment may still be upheld.

Courts have ruled that they should take a limited role in enforcing the single-subject requirement in order to avoid undue interference with the purpose of legislation. State ex rel. Ohio Civ. Serv. Employees Assn., AFSCME, Local 11, AFL-CIO v. State. Emp. Relations Bd., 104 Ohio St.3d 122, 2004-Ohio-6363, 818 N.E.2d 688, ¶ 27. A legislative enactment is in violation of the single-subject rule "only when a violation of the rule is manifestly gross and fraudulent." Beagle v. Walden, 78 Ohio St.3d 59, 62, 676 N.E.2d 506 (1997). Capital Care Network of Toledo v. State of Ohio Dept. of Health, 2016-Ohio-5168, ¶ 39.

As Ordinance 11037 deals with 2 sections contained Article IV of our City's Charter, their joinder together is one piece of legislation is certainly permissible.

(joinder)

Should you have any further question, please contact me.



Carol Dillon Horvath

