

NOTICE
SPECIAL MEETING OF COUNCIL

Clerk's Office, Brook Park, Ohio
MARCH 29, 2023

TO: COUNCILMEMBERS TROYER, MENCINI, ROBERTS, SCOTT, POINDEXTER,
SALVATORE, COYNE, COUNCIL PRESIDENT VECCHIO, MAYOR ORCUTT, LAW DIRECTOR
HORVATH, AND FINANCE DIRECTOR CINGLE

YOU ARE HEREBY NOTIFIED THAT A SPECIAL MEETING OF COUNCIL
HAS BEEN CALLED FOR THE PURPOSE OF:

 COUNCIL MEETING XXX CAUCUS MEETING
XXX EXECUTIVE SESSION OTHER (Specify)


Such special meeting will accordingly be held on THURSDAY the 30th DAY OF MARCH,
2023 AT 6:00 P.M. At the place of holding regular meetings. (*Refer to Rules of
Council, No. 4, if applicable.)

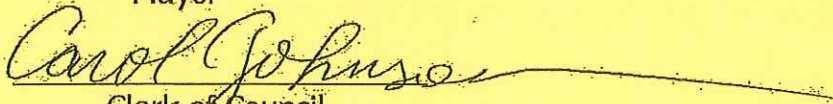
I. ROLL CALL OF MEMBERS:

II PLEDGE OF ALLEGIANCE:

NOTE: EXECUTIVE SESSION – CERTAIN PERSONNEL MATTERS (FINANCE DEPARTMENT) -
MAYOR ORCUTT.

III. ADJOURNMENT


Mayor


Clerk of Council

**VERBATIM MINUTES OF THE
SPECIAL CAUCUS - EXECUTIVE SESSION MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON THURSDAY, MARCH 30, 2023**

The meeting was called to order by (Senior) Councilman Mencini at 6:00 p.m., who read the meeting notice. Councilman Mencini let it be known that Council President Vecchio, Councilman Scott and Councilmember at-large Salvatore are excused.

Mr. Mencini- next we're going to go to roll call, Carol, can we get a roll call.

The clerk called the roll and the following Members of Council answered:

TROYER, MENCINI, ROBERTS, COYNE, POINDEXTER

Also in attendance were Mayor Orcutt, Law Director Horvath and Finance Director Cingle.

Mr. Mencini - would everyone stand for the Pledge of Allegiance. I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

Mr. Mencini - next Executive Session - Certain Personnel Matters (Finance Department - Mayor Orcutt.

Mr. Troyer - Move to adjourn.

Madam Coyne - support. Oh, does that mean move to executive session?

Mr. Mencini - he made a motion to adjourn, do you second it or not?

Madam Coyne - no sir.

Mr. Mencini - okay.

Mr. Poindexter - I think we should open the floor for discussion before we...

Mr. Mencini - I would be fine with that but first would like to go to our law director.

Mr. Troyer - dies for a lack of a second, thank you.

Mr. Mencini - I think that was pretty obvious. Madam law director for this personnel matter that we're going into executive session for does the criteria meet... I know you sent out something could we get your interpretation, your opinion please.

Madam Horvath - certainly, I guess it depends on what the question is? So if the question is, was this called properly and in the paperwork which is used to request the executive session and then also to post it. Is that language proper to call an executive session? And, in my opinion it is I feel that it complies with the Ohio Revised Code 121.22 (g), specific enough. I had asked my assistant law director's assistance in doing some research on this. He did find two (2) cases that would indicate that is specific enough to call for an executive session. So, I guess, the next I would have to ask you is that the only question have of me? Or is there something else?

Mr. Mencini - well, my question being personnel matters he's an elected official and this is a personnel matter. It wasn't like an appointed or that's kind of maybe where my question is. So does that make it the criteria fall for us to go through that door?

Madam Horvath - okay, so I think what you're saying is because he is an elected official it's not the same as saying that he's an employee. He is also an employee you're distinguishing and saying that, therefore, this particular type of session shouldn't apply. But, I think in many ways this would be more like a fact-finding or fact-exchanging type of session. My understanding is that the finance department had asked that it be scheduled. Obviously, I tried my best to get the vacancy opinion out to everyone, as soon as possible.

Mr. Mencini - you did.

Madam Horvath - but I think there are a number of other questions that impact on finance department employees and future procedures.

Mr. Mencini - well, if I could ask this, then why couldn't we do this on an open floor? Just asking in general I want to cover everything. Why couldn't do that on an open floor, instead of executive session?

Madam Horvath - well, the first thing I would note to you is sometimes you don't know whether you need an executive session or not until you actually get back there and start talking. But, you may be talking about other employees, other than Mr. Cingle, who holds the elective position and other procedures, also. So I think in all fairness to him, you know, we should give him the opportunity to discuss in executive session. What it is he would like to talk to you about.

Mr. Mencini - okay, Councilman Poindexter floor is yours.

Mr. Poindexter - uh, thank you, Councilman Mencini. Uh, my question would be through the chair to the law director, um, is... Or actually let me go to the Mayor

first. Mayor, is the executive session for the purposes of filling the anticipated, vacated role? Or is it personal information with personnel in the finance department?

Mayor Orcutt - the subject matter will. That is to be discussed is to talk about personnel in the department, as a whole.

Mr. Poindexter - but, I mean, if we're discussing how we're going to move forward filling the position. I think that should be done out here. If it is personnel issues with um individual employees and salaries and things of that nature, uh yeah, that should be done back there. So...

Mayor Orcutt - I'll answer with this, obviously, there's been a lot of discussion. People do know that our finance director is will be leaving the city; so that subject matter is already public. There is other details and information that have to be provided to Council in an executive session. As the Mayor, I'm the only out of us three (3) elected officials at City Hall that have the authority to call for a special meeting; and that's why you see my name on there.

Mr. Poindexter - I mean, so I'm okay with going into executive session if it is private information but if we're. That conversation starts talking about how we're going to fill the position. That should be done out here and I won't be in the meeting if that discussion goes in that direction. And, we should do that out here.

Mr. Mencini - okay, I'll move around a little bit, if that's okay. Councilman Troyer.

Mr. Troyer - thank you, Mr. Chairman. Um, I talked to a lot of people today on this initially um and still to a point um, like the Council President wrote it's going to be...it was a it's supposed to be very specific. Certain personnel matters is supposed to be specific but you can't use a person's name. And, this would be for different maybe raises, maybe somebody did something wrong and, you know, you want a lawsuit, whatever. So my problem is, then my problem turns to, you know, you can't be that specific on this. Um, then my problem along the way turned to the fact that um the Mayor called this and it didn't say per finance director or anything. Talked to the finance director and he informed me that he was interested in having this so that took some of the, some of the problems, some of my problems away with it. But, um you know, getting to this position as was already mentioned it, the finance director position is an elected position. So the administration has nothing to do with that. As the law director has given us in her memo uh she opined that uh it is Council's responsibility to fill that temporarily fill that position between now and whenever the election is. Now there is some different versions of when the election when the special election would be. But, um so the way I look at it is this, okay, if there are certain issues in the finance department then, yeah, the finance director wanted to have it that would be fine

but I think it should have went through the Council President, instead of the administration. Um, what the...what this memo from the Mayor, I'm sorry, the law director says I'm jumping around a little bit is that it's Council's responsibility to do what we're going to do with this. So I don't even know why we would have the Mayor in executive session when we're talking about something that pertains to us. Like just as if we were talking about a position. We have two (2) clerks that would be just us the Mayor wouldn't be in there for that. Now, obviously, this is concerns of the finance department so yeah we're going to have the finance director in there and we always want to have the legal mind in there. So um I'm still waiting that but um we gotta be very careful we can't talk about what our process is going to be. Uh, and, and I know there's something there that's not being said and, and the only way to find out. Is to maybe go back there but I'm still not for this in this form, the way it's being done. Um, it's just I I just it stinks to me. So I don't know why we can't discuss all of this right out here in the open and and let the people know what we're doing and by the way um Mr. Chairman and Madam Clerk, Carol, I'd like to have this meeting verbatim. So, for the record I'd like to have this verbatim.

Mr. Mencini - okay, duly noted. Mayor.

Mayor Orcutt - um, I'd just like to make a statement about um the fact that in city hall. The Mayor works with the finance department on a daily basis. So we would certainly like to be part of this process with City Council, that's all I have.

Mr. Mencini - okay, I'd like to go back to the law director if I could real quick. First, I'd like to go to the Mayor I mean and again this is not to challenge anything but you called this with missing three (3) members. Is it something that you didn't want to wait until next week or...

Mayor Orcutt - again, the uh conversation that happened at city hall between myself, finance director and the law director. After that conversation uh it was my decision to be able to call that meeting because I have the authority to do that. Uh, myself, I can't speak for all three (3) of us but will say we're here to be transparent with City Council and the finance director needs to discuss with people. And, again, I have the authority out of us three (3) to call for that Special um Caucus meeting and to have the um executive session.

Mr. Mencini - well, as I told my colleagues I'd kind of like to know a little where this is going to so a little bit. I would like to go inside that door and understand where they're coming from. Um, on that if I could one more time, gonna go to the law director. Madam law director um the dates of of our finance director leaving, things of sort. I've heard a lot, I read the Charter um is this, again, is this kind of appropriate to take place now. Because from what I understand is nothing should fall into effect until he gives that date of when that position becomes vacant; when

he does leave, number one (1). Number two (2) the other thing is I thought it was Council's to make the move in 30 days and then it's the Mayor's choice. And then you have the special election, so.

Madam Horvath - that's true that is how the Charter reads um that's the parameters it sets out. But, I think there's a lot of other background information that needs to be shared. Uh, you know, between the branches of government. That would be like saying I'm going to retire in two (2) years but I'm not going to think about how I'm going to save money or get to that point. So I mean, yes, it is Council's um parameter to appoint an interim person. And, then obviously the Charter dictates that we have a special election to fill the vacancy permanently. But there may be information or knowledge that you need to get you from now until that vacancy actually occurs. And, you know, my understanding was that that some of the things, perhaps, that the finance director did want to talk with you. I think when we all met and were talking about having a meeting and so forth. I did not realize um and probably did not um give the Mayor and finance director the idea that I would have the opinion forthcoming so quickly.

Mr. Mencini - okay.

Madam Horvath - so it kind of got out quicker than we all anticipated because when we were back there Monday. You know, Thursday, is Thursday good well yeah everybody had availability Thursday.

Mr. Mencini - well, I honestly...

Madam Horvath - this kind of meeting.

Mr. Mencini - I honestly believe everyone wants a good transition, okay. It's very important finance director very important position. I knew there would be probably a couple of storms along the way; sometimes that's what happens when these things type of happen. But, we want just want to make sure that we're doing the right thing if we were to go, you know, beyond the door into a special meeting tonight, okay.

Madam Horvath - well, I would say it certainly was called appropriately.

Mr. Mencini - Councilman Poindexter.

Mr. Poindexter - uh, thank you Councilman Mencini. Um, I certainly have my questions about the memo. Um, but I don't think this is uh the time and place to discuss that. When we start talking about filling the role I think that's more of an appropriate time. Um, I'm okay with going into executive session as long as the conversation stays clear that we are discussing personnel, private personnel

issues. Not planning doing that, that should all be done on, right here on the floor. Because any member of the public should have an opportunity to fill that vacancy if they're qualified for it. And, we should not be keeping that process quiet; we should give everybody who wants the position the opportunity to fill the position, so that's all I have.

Mr. Mencini - okay, Council what's your pleasure?

Madam Coyne - motion to move to executive session.

Mr. Roberts - support.

Mr. Mencini - okay, we have a motion to move into executive session, properly seconded. Carol, could we get a roll call.

Clerk - Coyne - yes, Roberts - yes, Poindexter - yes, Troyer - no, Mencini - yes.

Mr. Mencini - okay, thank you, we'll move into executive session.

Entering into executive session Councilmembers Poindexter, Roberts, Troyer, Coyne, Mencini, Finance Director Cingle and Law Director Horvath.

Madam Coyne - motion to return to Caucus.

Mr. Poindexter - support.

Mr. Mencini - motion's been made to return to Caucus.

Mr. Troyer - regular order of business.

Mr. Mencini - Caucus, regular order of business, special meeting, take your pick. Can we get a roll call?

Clerk - Coyne - yes, Poindexter - yes, Roberts - yes, Troyer - yes, Mencini - yes.

Mr. Mencini - motion to adjourn.

Mr. Poindexter - motion to adjourn.

Mr. Roberts - support.

Clerk - Poindexter - yes, Roberts - yes, Mencini - yes, Troyer - no, Coyne - yes.

Mr. Mencini - okay, special meeting of March 29th is properly adjourned.
Everyone have a good night, thank you. (meeting adjourned at 6:27 p.m.)

RESPECTFULLY SUBMITTED Carol Johnson
Carol Johnson
Clerk of Council

APPROVED April 18, 2023

THESE MEETING MINUTES ARE VERBATIM AS REQUESTED BY COUNCILMAN
TROYER.

