

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, JANUARY 16, 2018**

The meeting was called to order by Council President Vecchio at 7:30 p.m., the clerk called the roll and the following Members of Council answered:

SCOTT, BURGIO, ORCUTT, STEMM, MENCINI, POINDEXTER

Also in attendance were Mayor Gammella, Law Director Horvath, Recreation Director Elliott, Assistant Finance Director Healy, Building Commissioner Hurst and Engineer Piatak.

Mr. Vecchio stated Councilman Salvatore is ill.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Organizational Meeting held on January 2, 2018

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

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

NAYS: None. The motion carried.

2. Caucus Prior to the Council meeting held on January 2, 2018

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

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

NAYS: None. The motion carried.

3. Regular Council meeting held on January 2, 2018

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

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

NAYS: None. The motion carried.

Reports from Standing Committees: cont.

Aviation & Environmental Committee - Chairman, Poindexter

Mr. Poindexter stated no report.

Finance Committee - Chairman, Scott

Mr. Scott stated the Finance Committee has one piece of legislation on tonight's agenda. Also, the Board of Control met on January 2nd and approved 17 items; two largest ones were for road salt, gasoline and diesel.

Legislative Committee - Chairman, Mencini

Mr. Mencini stated no report this evening.

Parks & Recreation Committee - Co-Chairman, Mencini

Mr. Mencini stated basketball season is in the third week and there are activities to sign up for the upcoming spring weather.

Reports from Standing Committees: cont.Planning Committee - Chairman, Burgio

Mr. Burgio stated the Planning Commission met on January 8th, the commission approved an amendment for a Conditional Use Permit for construction of a two-family dwelling at 6091 Smith Road. Also, the second request approved was for a Conditional Use Permit to maintain a two-family dwelling at 5774 Smith Road, both requests will be forwarded to Council.

Safety Committee - Chairman, Stemm

Mr. Stemm stated no report this evening.

Service Committee - Chairman, Orcutt

Mr. Orcutt reported this report covers all shifts beginning December 24, 2017 through January 16, 2018. Daily work scheduling for all three shifts is currently managed by the department's General Foreman, Bob Walden, who has been with the service department since 1978 and currently in his 39th year with the department. The snowstorms have been frequent and heavy this winter, starting December 24th there was snowfall for nine straight days ending on January 1st. During this nine-day storm the department provided 24-hour plowing as necessary and used approximately 1,000 tons of salt. The Service Department also combatted another storm last Friday that began with rain and turned into snow; it is my understanding that the Mayor was on the phone with crews trying to get the salt on the ground, the snowfall removal lasted until the weekend and into this week. All snow removal includes the sidewalks in the school zones which is completed after the snow removal of the streets. Mr. Orcutt continued as of the first of the year the Service Department had approximately **450** tons of salt on-hand. On January 2nd a purchase order was approved for the purchase of 1,500 tons of salt with 800 tons being received; the additional 700 remaining on that order and will be delivered after other cities, that are out of salt, receive delivery. To my knowledge the whole area, entire country is out of salt. In addition to the snow removal the following tasks have been completed since December 24th: Monitoring of water breaks and salt-treating as needed until Cleveland Water Department makes repairs; seven (7) of the 13 water breaks have been repaired. The daily rubbish-special pickup calls and citywide Christmas tree pickup is continuing. Three residential sanitary and storm repairs have been completed on Larkfield, Edgehurst and Ashland Drive; four sanitary lateral camera-drops have been completed. The daily inspections of the city's pump stations are happening with all the snow removal; daily residential sewer calls are coming in and getting completed. Three (3) tree removals have been completed with stumps being grounded-out weather permitting. Third shift city crews are doing cold-patching as needed and the maintenance department completed the lighting repairs at the recreation center. All Christmas decorations have been removed from all the municipal buildings and there have been a few heating repairs at both the Council Chambers and the Animal Shelter. Mr. Orcutt continued the main service department building has been stripped of all safety and parking lines and repainting is now complete. The service department ordered and received eight 8,000 gallons of regular and diesel fuel. Beginning this evening third shift crew will be starting street-light monitoring, all the lights will be on, crew(s) will be driving around to see what lights need replacement and report them. The city purchased a new Vactor machine that will be used to maintain

Reports from Standing Committees: cont.

and repair all sanitary and storm mains. The Vactor came with training provided by the Doheny Company in Twinsburg, OH and five (5) service workers had Vactor training in the last few weeks; when the weather breaks the Doheny Company will be doing field training. The truck was taken out on a test run and a blockage was found on Sheldon Road by Donte's Restaurant that is now working again. What the Vactor truck does is push restrictions forward and then the heads are switched to have blockages pulled back; this is a big deal especially to areas experiencing flooding and so forth. Mr. Orcutt thanked the department's general foreman, the six foremen at the garage and all service members of Brook Park Service Department and stated we appreciate your hard work, dedication and sacrifices to this city.

Mr. Vecchio echoed thanks to the service department for all of their hard work during the recent cold snaps and all the snow.

Board of Zoning Appeals - Chairman, Scott

Mr. Scott stated the Board of Zoning met on January 8th with two items on the agenda. The first piece was a housecleaning item with the election of the Vice-Chairman; Mike Lane was nominated with no opposition coming forward. The second piece was a request for a 129 parking-space variance for Varbros Bros. at 16025 Brookpark Road in a U7-B district; the board granted this request unanimously. One tabled item is for the installation of a billboard at 4985 West 150th Street for the Rock N Roll City Harley Davidson located in a U7-C zone within 1,500 feet of an existing billboards; the board re-tabled this matter.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center - Trustee, Salvatore

Mr. Vecchio stated Mr. Salvatore will give his report at the May 6th Council meeting.

Berea Board of Education Committee - McDonnell and/or Poindexter

Ms. McDonnell reported there was a meeting on Monday, January 8th that consisted of three-parts; the first part was accepting the new school board members of Jeffrey Duke, Ana Chapman, Neal Postel, Cory Farris and Steve Dockman of Middleburg Hts. The second part was a general meeting where the budget was accepted and financing for 2018, moving into discussion about new construction of the new high school mainly and also the new elementary school that will be built in Brook Park. There was a lot of discussion about budget cuts because the materials being used to build the new building apparently are more expensive due to natural disasters. One of the things the board did is the posting on the website under the construction tab the proposal of how they are going to make these cuts and where these cuts will come from. One of the things that a lot of residents in the district are concerned about is one of the proposals that take away the new pool in the new high school. There were a lot of people from all three cities voicing their opinion that they would prefer to cut back of what the new facility would look like instead of completely taking it away from the new high school. The next board meeting will be on January 29th.

Reports from Special Committees:

Berea Board of Education Committee: McDonnell and/or Poindexter

Mr. Poindexter stated a State of the Schools meeting will be held on January 23rd at 7:00 p.m. in the Middleburg Hts. Junior High School Auditorium.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Gammella gave a shout-out to the Service Department for their cooperation and hard work under very precarious circumstances. Secondly, with the Recreation Center agreement, I will be meeting with the contractor, Brewer-Garrett, a few Members of Council and the Recreation Director to review the agreement. To bring them before Council so that the new Councilmembers are brought up to speed as to what is transpiring at the Recreation Center. As many of you know, the entire City Hall will be moving to the former daycare, City Council and the Mayor's Court offices will be moving to the old community room at the recreation center. I would like to have Brewer-Garrett at the January 23rd Caucus meeting and will see if that is possible.

Mr. Mencini thanked Mayor Gammella for responding to people who have contacted him. With the recreation center the only level of concern that I have with the energy-conservation project is having the Mayor's Court at the recreation center. Do you feel there is an issue or are you fine with that?

Mayor Gammella stated quite frankly, I'm not fine with it, I inherited this agreement and we're going to make the best of it. There are some modifications that I would like to make such as a special door for prisoners on court dates where the agreement would have to be modified somewhat. However, we are locked into this agreement it is signed, sealed and delivered and we have to make the best of what we have. I want Council to look at it so that important decisions can be made on what we want to do and which way we want to go. I thought that City Hall was way too cramped in the day care facility and spoke with Building Commissioner Hurst and we looked at the old building department, the current animal shelter, on Smith Road. It looks like the Building Department will be moving back there and sharing the building. That will open a lot of space for the law and finance departments because some of those offices have no space. Both the law and tax departments needs their privacy but before I do anything I want Council to look at it and want to come to an agreement so that we can move on with the project. Another big problem I have, quite frankly, is the pool. Nothing was going to be done with the pool it was going to be left as is and I'd like to see the pool back in there and will be looking at that along with the costs. We also have to figure out what we're going to do with these two buildings (City Hall and Council-Mayor's Court) buildings.

Because the way I'm reading the contract, we can't use these buildings, at that point, and there is no mechanism as to what will be done with these buildings. We'll probably end up having to level them and that wasn't in any of the costs. So, I am going to reread the contract and have a few other people look at the contract and let Council know what's before us and in the end make the right decisions for this community.

Mr. Mencini continued that he would like to see a senior center here and know that there is a little land-lock with that agreement. With the pool, most cities that do a pool is more condensed and something to think about. The only other question is with the locker rooms because I hear about them and my colleagues do too. Is there any timeframe on the locker rooms?

Mayor Gammella responded Building Commissioner Hurst and I toured that this afternoon and at the meeting with Brewer-Garrett tomorrow we will be talking to them because the lockers need to be opened. Brewer-Garrett is saying the problem is the whirlpool leaking and that could well be; so let's just seal that area off so the locker rooms can be opened, that is going to be a big part of the meeting tomorrow.

REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS, AND OTHER PUBLIC OFFICIALS:

Assistant Finance Director Healy

Mr. Healy reported the Finance Department is currently working on bringing the budget forward as well as the 2017 audit that will be starting shortly and will let Council know when the auditors will be onsite.

Recreation Director Elliott

Mr. Elliott reported all the winter programs are getting off to a good start the last couple of weeks. The department is currently in the process of a comprehensive review of all the recreation programming and hopefully can provide some new programming as the year goes on. Some of the building maintenance issues are being addressed that need attention. Earlier today I met with the senior citizen group and will be meeting with the Recreation Commission members by the end of the month and as Mayor Gammella mentioned. We will be meeting with Brewer-Garrett, Councilman Mencini and others and get as many answers to those questions because I hear a lot of that daily, as well.

Mr. Poindexter stated to Mr. Elliott that a lot of residents are concerned with the changing of the Recreation Director that the after-school program won't be in existence any more. Can you give an insight if that program will continue and if there are changes to that program?

Mr. Elliott responded that program will not be eliminated, as we spoke the other day, and I talked to the staff about that earlier today. I have a good idea of some of the things that were being done and hopefully we can add to that list to keep some of the children busy. One of my biggest concerns in the first couple of weeks is with all the construction project when children come to the center they have very little

Reports and Communications from other departments, commissions and other public officials: cont.

to do right now. The program you're speaking of I think is important but there has to be some other things for them to do. I have a few ideas and after meeting with Brewer-Garrett and everyone then we can share with Council some things, besides just coming to the building and going in to the gymnasium. There has to be more for the children to do and the staff will continue to keep the children as busy and entertained as possible.

Mr. Mencini welcomed Mr. Elliott and there are two things that I would like to mention, one with the winter weather if there could be a secure place to put coats and so forth. As my colleague, Mr. Stemm and I saw on Saturday there were jackets and so forth all over. Another thing is there is not an area for the little ones when the recreation center is packed like on Saturdays during the basketball games. Also, children between the ages of 10 to 16 years-old such as an interactive game room, they don't have a lot to do at the recreation center.

Mr. Elliott appreciated Mr. Mencini's comments and stated, obviously, to do anything right now such as an interactive game room would be very difficult; because of the winter months and the center being busier. We are going to wait until the winter months are done and focus on that correction and with the construction going on it does limit us going into other areas of the city. It's going to be a tough time and think the best time will be with the conclusion of the winter program; we will be able to do other things.

Law Director Horvath

Mrs. Horvath reported the Active Civil litigation list has been distributed to Council; a foreclosure, court of claims case on a contract matter, another foreclosure and an administrative appeal. Mrs. Horvath continued with the issues on a piece of legislation on the agenda tonight, I distributed to Council some information with regards to HB49-litigation. There are two, I guess, pending cases of particular information that concerns a case that was filed in Franklyn county. There are about 100 municipalities who are plaintiffs and this deals with mainly 'Home Rule' issues and collections of taxes. The information was received in response to some questions about what the cost would be to join the lawsuit; it appears the cost would be around \$4,000.00 to the city. The ordinance on tonight's agenda deals with changes that were mandated by HB49 and I met with Finance Director Cingle earlier today and spoke to Mr. Boggs, the attorney that filed the Franklyn County suit. It seems that Council should pass this ordinance by January 31st, otherwise, there could be some penalties that may accrue. Any amendment(s) to the ordinance should probably wait until after the court makes their ruling sometime between February 12th and 24th; then we may can look at some amendment(s).

Mr. Stemm clarified the earliest possible injunction would be the February deadline.

Mrs. Horvath responded yes, between the February 12th and 24th deadline.

Reports and Communications from other departments, commissions and other public officials: cont.

Mr. Stemm clarified after the January 31st deadline.

Mrs. Horvath concurred and reiterated this ordinance, in discussions with the Finance Director who indicated the importance of being passed by the end of January.

Mr. Orcutt asked Law Director Horvath, to join the lawsuit can that be done after passage of the ordinance.

Mrs. Horvath responded yes.

Mr. Orcutt clarified with the city's population, to join this lawsuit it would cost the city around \$4,000.00?

Mrs. Horvath concurred.

Mr. Poindexter asked Law Director Horvath, if there is a benefit for joining the lawsuit? It appears that other cities have already taken the challenge and their challenge would cover the city as well?

Mrs. Horvath responded, that is correct, that challenge would cover the city; certainly, whatever actions they have initiated the city would benefit from. There are a number of different outlooks Council can take are with one being a wait and see type of determination as to what would happen in February; then decide whether Council wants to join the other cities.

Engineer Piatak

Mr. Piatak stated no report this evening.

Mr. Burgio thanked Engineer Piatak for following through with the loop detector at Smith and Sylvia.

Mr. Scott stated to Engineer Piatak, I know the City of Cleveland Water is responsible for the water-main breaks. My concern is with the two-to-three-weeks' time for a main to be repaired because the one on the corner of Terre and Sheldon has been broke. I talked to the service dispatcher who placed two additional calls to Cleveland Water Department to no avail.

Mr. Piatak responded to be honest, I'm not kept current on water breaks and the status of them. I am aware that Cleveland Water's entire system is prone to failures all over and they do come out in a timely fashion to evaluate each break and prioritize and work from that list, from the highest to lowest priorities.

Reports and Communications from other departments, commissions and other public officials: cont.

Mr. Mencini stated to Mr. Piatak when speaking on the priorities of the water breaks that goes countywide?

Mr. Piatak responded that would be system-wide not just county; that would be the system as a whole that is over multiple counties.

Mr. Mencini stated there is one on Susan that was shut-off yesterday morning. Did we get any problems on the new portion of Sylvia with all the ice due to not being able to salt the street?

Mr. Piatak responded not to my knowledge, if there was a problem I'm not aware of it. I drove through and looked at the area earlier and couldn't see where the break was at, so if there was a problem I'm not aware of it.

Mr. Mencini continued it is about five houses down on Susan, near Sylvia and kind of drained on the corner of Delores and Sylvia. A resident contacted me today that she's having a problem getting out of her driveway with the packed ice and afraid the undercarriage of the car will get ripped down, to me it looks like the street held up.

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

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Roseann Armstrong
15790 Bowfin Blvd.

Mrs. Armstrong had a few comments; one under the Organization of Council - Charter Section 4.03. 'It states Council shall appoint their clerk and any other personnel deemed necessary'. Mrs. Armstrong is a little confused as to why this wasn't done and feels that Council is in violation of the Charter, because that was not done. It makes me a bit nervous as to who is minding the store here and making sure that things are getting done; such as following the Charter, Council Rules and Ordinances by making sure things are being adhered to accordingly.

Joan Markusic
13911 Bellbrook Drive

Ms. Markusic is very impressed with the way that Council is running and hopes the non-sniping rule will continue and that Council stays on task; you are looking very professional and thinks it's phenomenal improvement.

Reports from the audience on any subject: cont.

Jennifer Roberts
5368 W. 151st Street

Ms. Roberts congratulated all new and returning Councilmembers and anticipates a nice transition that looks like is on its' way. On behalf of the Neighborhood Watch Group the next meeting will be on January 22nd at 7:00 p.m. at the Brook Park Library. There will be discussion of safety topic and some things that we want to do in the upcoming months. Ms. Roberts invited Council and residents and stated it is an open meeting and don't have to be a member of the group to participate. Hopefully, we will have a good working relationship with Council because part of this Council has helped us succeed as a group and provided a lot of support; and look forward to support going forward.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORDINANCE NO. 11012-2018, AMENDING SECTIONS 1803, 1805, 1807, 1809, 1810 OF THE BROOK PARK CODIFIED ORDINANCES AND DECLARING EMERGENCY. Introduced by Mayor Gammella

AN

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

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

NAYS: Stemm. Suspension failed with a vote of 5-1.

Mr. Vecchio stated Ord. No. 11012-2018, has had its First Reading.

2. ORDINANCE NO. 11013-2018, AUTHORIZING THE CITY OF BROOK PARK TO PROVIDE A DEMOLITION AND PLANT EXPANSION GRANT FOR QUES INDUSTRIES, INC., LOCATED AT 5420 WEST 140TH STREET OHIO. Introduced by Mayor Coyne

Motion by Mr. Poindexter, supported by Mr. Mencini, that Ord. No. 11013-2018 has had its First Reading.

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

NAYS: None. The motion carried.

3. RESOLUTION NO. 1-2018, RECOGNIZING JANUARY 21-27, 2018 AS PUBLIC EDUCATION WEEK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella and Council as a Whole

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

Mayor Gammella thanked Council for moving this from the previous agenda and thinks we can all agree education is critical in this country and to bring jobs to Brook Park there needs to be an educated workforce.

Introduction of Ordinances and Resolutions: (First Reading): cont.

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

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

ROLL CALL: AYES: Mencini, Poindexter, Stemm, Orcutt, Burgio, Scott
NAYS: None. Res. No. 1-2018, has passed under Suspension of the Rules. Adopted.

4. RESOLUTION NO. 2018, RECOGNIZING THE MONTH OF JANUARY AS PREVENTION OF HUMAN TRAFFICKING AWARENESS AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella and Council as a Whole

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

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

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

Mayor Gammella thanked Council for moving this from the previous agenda; Human trafficking is a huge problem in this country, throughout the world, and this will help protect and make people aware of the situation.

ROLL CALL: AYES: Mencini, Scott, Burgio, Orcutt, Stemm, Poindexter
NAYS: None. Res. No. 2-2018, has passed under Suspension of the Rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

THIRD READING OF ORDINANCES AND RESOLUTIONS:

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

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

Mr. Vecchio declared this meeting adjourned at 8:24 p.m.

RESPECTFULLY SUBMITTED Michelle Blazak
Michelle Blazak
Clerk of Council

APPROVED February 6, 2018 - with correction

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

