

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, FEBRUARY 6, 2018**

The meeting was called to order by Council President Vecchio at 7:00 p.m., 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, Finance Director Cingle, Building Commissioner Hurst, Recreation Director Elliott and Engineer Piatak (7:25 p.m.).

DISCUSSION:

1. MAYOR GAMMELLA'S APPOINTMENT TO SAFETY DIRECTOR - BRIAN BLAYNEY

Mayor Gammella requested this be removed from the agenda, will be coming forward with a new plan.

Motion by Mr. Salvatore, supported by Mr. Scott, to remove from the agenda.

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

NAYS: None. The motion carried.

2. MAYOR GAMMELLA'S APPOINTMENT TO SERVICE DIRECTOR - RANDALL GARNER

Mr. Salvatore stated he reviewed the resume and thinks this is a great fit and thinks Mr. Garner will do an outstanding job; and likes the idea of promoting from within.

Motion by Mr. Salvatore, supported by Mr. Burgio, to place on the Council agenda immediately following under Verbal Approval.

Mr. Mencini concurred with Mr. Salvatore and thinks there were some very good choices coming out of the service department.

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

NAYS: None. The motion carried.

Discussion:

3. COUNCIL OFFICE POLICIES AND PROCEDURES

Mr. Vecchio stated the reason this is on the agenda is there have been some things that have come up in the last few weeks. Relating to policies and procedures that have been amiss in the Council office. This is something that Council needs to collectively start looking into; and possibly forming a group, to include myself, to go over and review.

Mr. Salvatore asked Mr. Vecchio to be more specific, is this something that should be talked about now?

Mr. Vecchio responded there was some procedures with the former assistant Council Clerk being on leave and the paperwork that should have been filled out and processed to human resources, never took place. The new Councilmembers came in and there was no paper trail to make Council aware. These could be items that could be detrimental, if not, followed with the policies and procedures. The law director has looked at some things and has put a determination together. A lot of these procedures Council needs to follow through for myself, the Council Pro-Tem if the Council President is absent and for any future Council Presidents.

Mr. Salvatore asked if there is a policy and procedure manual in place now?

Mr. Vecchio responded currently, for Council, there is not one; there is one for the City of Brook Park. Council adopted one from 1991 and never updated going through any organizational meetings or Council rules. My belief is that rule should follow every forward-moving policy and procedure manual, from 1991 through 2010 is a large gap.

Mr. Salvatore stated the two individuals that work for Council are employees of the city and should have been following the same manual as other city employees. They should not be isolated because it's been outdated; they should have been issued the updated policy. Which one are we operating under currently, what date?

Mr. Vecchio responded currently is 2010.

Mr. Salvatore asked for clarification of 1991 or 2010.

Mr. Vecchio commented the Council rules show the last update adopted was 1991 and reading through the minutes former Councilwoman Spina brought it up that they would follow rules that the former Mayor, at that time, would be starting a Policy & Procedure manual.

Discussion: cont.

Mr. Salvatore asked what is the current policy manual being followed now?

Mr. Vecchio responded the most current, on-hand, is 2010 but there was also an update of 2015 that I'm not sure was ever brought forward.

Mr. Salvatore suggested starting with obtaining the 2015 Policy & Procedure manual into the Council office to make sure Council employees are being treated, with the same respect, as other employees for the City of Brook Park.

Mr. Poindexter stated at the last meeting Council voted to not fill the assistant clerk's position at this time; until it was figured out what happened with the paperwork. Since that time to current there was a letter sent stating Council wasn't retaining her. I think that's one of the policies and procedures that needs to be followed; that Council decides if someone is going to be retained or not. I think the assumption that Council was voting on not filling her position until the letter was found from the Council office to the Human Resources department. Maybe that could be clarified and in talking about policy and procedure help me understand if that letter was sent.

Mr. Vecchio responded the correct motion was not to reappoint the assistant clerk, at this time, with Council voting 7-0 to not reappoint. So there was no gray-area between that stated and the paperwork trail or anything else, it went to no re-appointment. Which, in turn, having not been reappointed Council received some email transmissions from the former (assistant) clerk to the law department, myself, Human Resources and Councilmembers. Obviously, the law director and human resources director (Commissioner) were heavily involved with the law director looking to see if there was a paper trail, there was nothing. With the non-reappointment, as I being the office administrator and being responsible for that employee; it is my duty to send out that letter informing her she was not being reappointed.

Mr. Mencini stated during my time here, personnel, legal and financial are discussed in executive session prior to a move like that being made.

Mrs. Horvath stated based on Council's agenda I was unsure what your actions or perhaps how your discussions would go. I think if it goes anywhere beyond the fact that Council declined to reappoint her and a letter sent indicating that to her; if there are further questions it is best to do that in Executive Session. The fact that the assistant was not reappointed and a letter was sent in the public parameter reflective of Council's previous vote.

Mr. Mencini clarified the letter was safe but Council should have had Executive Session on the matter.

Discussion: cont.

Mrs. Horvath reiterated what I'm saying is a public discussion of Council's vote and subsequent letter informing the assistant clerk of Council's decision is proper. Council wouldn't want to take a vote and leave the assistant in the dark of what Council's decision is would certainly want to inform the assistant of that. Some of the other issues that surround questions concerning personnel policies are probably best left for Executive Session.

Mr. Salvatore stated it was my understanding that when we voted that the reappointment was not going to take place; not because Council wasn't interested in allowing the assistant to return to work. But looking for information to find out why she didn't have a job when returning to work, that's my understanding. I don't think Council needs to go into Executive Session for discussion, this should be discussed in the open. I think the young lady should have an opportunity to know that the people she worked for are concerned about her future and wants to know what happened, how it happened, why she came back and didn't have paperwork and how she left on more than one occasion without any paperwork. These are the things that need to be discussed and once we have those answers then Council can revisit the opportunity to see if she is coming back to work. At that point whatever Council's actions are to be taken and agrees with the law director to go into Executive Session to determine how Council is going to move forward in rectifying this problem.

Mr. Orcutt stated since the January 23rd meeting, when I asked about the paperwork. Was there any paperwork found in the Human Resources department?

Mr. Vecchio responded to date, none.

Mr. Salvatore asked Mr. Vecchio if there is anything else that should be brought up?

Mr. Vecchio responded as far as Council's policies and procedures, Council need to look at a host of items. Obviously, there were some outside expenditures last year for minutes from meetings that ran awry and a lot of stuff plays into that as part of Council's budgetary process that Council is responsible for. Over the course of the last two years, one of the biggest issues, I've seen each year is the budget increased and expenditures of that year exceeded the appropriation from the year before. To give a synopsis, for 2016 the total appropriation was \$272,858.11 and Council spent in 2017, \$279,663.68 which was a \$19,000 increase over 7% of the prior year. From the years 2015 through 2017, the budget and expenses increased by 5% in 2016 and 7% in 2017; the total changes through that time was 13%. What happened with that looking through and going back over is that there was a total cost spent for the clerk, assistant clerk, temporary clerical (outside) clerk in the amount of approximately \$4,400; along

Discussion: cont.

with two stenographer firms. Council spent 11% of the total 2017 Council appropriation, to pay for transcribing of minutes that equals out to \$33,592.00 just to do minutes by using the part-time clerk, temporary (outside) clerical along with the two stenographer firms; the clerk's full-time salary is not included in that total. Council spent \$6,934.00 to Tackla & Associates (court reporters) along with \$3,536.00 to Corsillo (court reporters), \$18,687.00 and to the part-time clerk averaging 24 hours a week and another \$4,435.00 for outside clerical. That equaled out to the outside clerk working 443 hours and based on the \$10.00 per hour, per the codes, additional to catch up on meeting minutes. Having the averages of roughly 2 1/2 hours per meeting for both Caucus and Council meetings; it is virtually impossible for a clerk and an assistant clerk to catch those minutes up. These are some of the discrepancies that took place that this current Council is tasked with straightening out. Looking through the times for 2017 there were 116.27.00 spent in meetings; with 34 Council meetings, 26 Caucus meetings for a total of 60 meetings; averaging out to 2.37 (two hours and 37 minutes) per Council meeting and 2.24 (two hours twenty-four minutes) per Caucus meeting. There were some meetings that were four or five minutes long that brings those numbers down and by taking those out; the numbers are much higher. In 2016 there was 117.25.49 (117 hours, 25 minutes and 49 seconds) spent in meetings with 62 total meetings; 36 Council and 26 Caucus averaging approximately two (2) hours each. It's a wonder why the Council office staff wasn't able to get things done within the office and personnel we had. The two outside firms went through and caught up 33.22 (33 hours, 22 minutes) worth of meetings with a total of 14 meetings, not sure how that determination was made, working out to \$312.00 per hour that Council paid for the two outside firms to catch up on meeting minutes. This, to me, is a huge discrepancy and a problem with the administration of that office of where it was at and something this Council cannot have and needs to insure that it doesn't happen.

Motion by Mr. Salvatore, supported by Mr. Orcutt, to move to the next Caucus agenda for further discussion.

Mr. Poindexter asked what policy or procedure would be suggested that would solve the problem presented; it seems to me that this was created by the meetings running long. The only policy and procedure that I can foresee, that would eliminate the problem would be giving time limits to the meetings and I am not in favor of that at all. Possibly, some suggestions could come forward for the next meeting of other policy and procedures that could resolve this problem.

Mr. Vecchio responded some checks-and-balances need to be put in place regarding and insuring where we are on the minutes; that is the responsibility of

Discussion: cont.

the clerk and assistant clerk if there is one. One area is consistent communication verbally and by email; that could be one area to take a look at.

Mr. Stemm asked Finance Director Cingle if there is a variance report percentile that needs to be made such as getting over 3% or 5% in a month, so that adjustments can be made to stay on budget.

Mr. Cingle responded no, the department doesn't have an internal variance report that is utilized to determine when to bring appropriations change order to Council. A variance report is received from the auditors' and when variances exceed a certain percentile the auditors come back to the department for an explanation of why the variances are higher than what is considered the normal; the department does have to respond to the auditors' when asked about certain variances.

The clerk called the roll on the motion by Mr. Salvatore, supported by Mr. Orcutt, to move item number three to the February 13th Caucus agenda.

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

4. PROPOSED CHANGES TO COUNCIL RULES 26, 27 AND 28

Mr. Vecchio stated Council rule no. 26 - 'No Smoking' should be eliminated because there is a state mandate of 'No Smoking' in public buildings.

Mr. Mencini expressed no problem with Council rule no. 26.

Mr. Vecchio continued Council rule no. 27 consist of some verbiage changes. As the rule states the Council President shall be the office administrator of the Council office with the responsibility of directing the day-to-day operations of the office. In accordance with policies established with the majority Members of Council, in addition, the Council President shall follow the personnel policies and procedures adopted by Council on November 26, 1991. All rules and regulations can be amendable or nullified by the majority of Council. All expenditures in excess of \$500.00 must be approved by Council and the administrator shall serve at the pleasure of Council. Some of the changes to this are adding for the Council Administrator-Council President operations of the office and employees within. All policies and procedures shall be in accordance with the rules of Council and policies established by the majority Members of Council, Charter of the City of Brook Park and the State of Ohio. In addition, the Council President shall follow and enforce the personnel policies and procedures of the most current City of Brook Park Personnel-Policy manual. That would go back to the previous

Discussion: cont.

discussion with the policies and procedures, that would be needed to be added in for routine use. Whatever the most current city policy and procedure manual is what the Council office should be following; all rules and regulations can be amendable or nullified by a majority of Council. The next change is increasing the Council President's expenditure limit to \$750.00; the last increase was in 1998 so this is basically asking for a 2% increase. The reason being is a few weeks ago Council had to approve the Office 365 program for Councils' emails in the amount of \$519.00 had to come before Council.

Mr. Scott stated Council is looking at trying to save some monies with budget items and is not comfortable with the increase to \$750.00, thinks the \$500.00 was fine. If something is needed over \$500.00 then it comes before Council for discussion at a Caucus meeting and passed on the next agenda under verbal approval.

Mr. Mencini expressed mixed feelings about the \$750.00 increase and concurs with Mr. Scott; an increase of monies can always come to Council. Mr. Mencini reiterated Council rule 27 by reading 'Council President shall follow and enforce the personnel policies and procedures in the most current Brook Park Policies and Procedure personnel. Then the rule states and all rules, regulations can be amendable and nullified by the majority of Council. If I'm not mistaken there could be a little contradiction, there and as stated before with the policies. This is by Council and anything done should be through Council. Mr. Mencini thinks that as the Council President to enforce policies and procedures is strong working; the word that stands out is enforce.

Mr. Salvatore commented until Council finalizes Council Office Policies and Procedures (item number three on tonight's agenda) thinks Council should probably hold off on changing any Council rules. I have been working the last few years to clean up some Council rules and have had dialogue with a few Councilmembers to bring forward a couple of rule changes at a time. At this time, I think we should hold off on Council rules until the dialogue is complete with item number three - Council Office Policies and Procedures.

Mr. Burgio stated I see Mr. Vecchio's point with the amount increase since there hasn't been a change since 1991 but prefers to keep the amount the way it is for the sake of transparency. If it is really needed Council will move on it but feel comfortable keeping it the way, it is now. Mr. Burgio is anxious to see what Councilman Salvatore has been working on with Council rule changes.

Mr. Poindexter expressed an issue with the amount increase and stated in my opinion the amount should be lowered. So that Council is fully engaged in any purchase the office makes and thinks \$300.00 would probably be a more

Discussion: cont.

reasonable number. Council should have more say in what goes on with Council business, not less. Mr. Poindexter also expressed an issue with the verbiage the Council President shall be the administrator of the office and direct the day-to-day operations of the office and the employees within. I would want to be able to go to the clerk with whatever I need for the clerk to do and wouldn't want to have to go through the Council President, whoever that person is. I wouldn't want my request to the clerk to be filtered out by the seated Council President.

Mr. Vecchio moved onto Council rule #28 - emails and stated that Council approved the email program and this outlines that each Councilmember will be assigned a City of Brook Park email address, example, someone@cityofbrookpark.com. This would be used to conduct all Brook Park related business. Council emails may not be used for personal communication or personal business and personal emails shall not be used by Members of Council to conduct Council business.

Motion by Mr. Salvatore, supported by Mr. Orcutt, that item number four was discussed.

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

5. **LIVESTREAM OF CAUCUS AND COUNCIL MEETINGS (Brandon or Brandy Reynolds) FOR THE MONTHS OF FEBRUARY THROUGH MARCH 31, 2018 (\$2,400.00 appropriated).**

Mr. Vecchio stated the Council livestream originally started in 2016 with Brandon and Brandy Reynolds doing this voluntarily and, at one time, it was brought up that payment should be made. At that time, my predecessor decided that Council should not be responsible for payment so former Mayor Coyne took this payment in his budget to compensate for running the livestream, that is beneficial to the residents of the city. In, August, 2016 Brandon and Brandy Reynolds received a first payment of \$100.00 per meeting and from that point forward the \$400.00 was paid from the Mayor's office. Mr. Vecchio continued this being a Council action, Mayor Gammella has decided that payment should not come out of the Mayor's budget, which is rightfully so, and should come back to Council. The purchase requisition instituted for the temporary appropriation budget by former Mayor Coyne has \$2,400.00 currently appropriated to cover February and March. Within that amount is payment to BoxCast who is the provider and charges \$235.00 per month. For the two-month period there are a scheduled six meetings for each month, totaling 12 meetings, and in that amount of \$2,400.00 to operate

Discussion: cont.

the livestream there would be \$470.00 payable to BoxCast. So roughly \$1,700.00 outstanding would be budgeted and expensed to pay for those two months. Leaving \$700.00 left in case of a special meeting called by Council or anyone else; whatever monies are left over goes back to the General Fund.

Mr. Salvatore asked Mayor Gammella if there is a reason why this is being removed from your budget?

Mayor Gammella responded this is a Council function of a Council meeting held in the Chambers and still being paid out by the city; just from a different budget.

Mr. Salvatore agreed Council should put these monies in our budget but didn't want to end up in a situation that this be discontinued. Mr. Salvatore thinks people like the livestream and it should be kept. Mr. Salvatore asked if there was a contract?

Mrs. Horvath responded to my knowledge I don't believe that there is and don't recall viewing a contract.

Mr. Cingle stated it is my understanding that there is an agreement between Brandon Reynolds and the Administration; I will go back and look through the records to see if there is one and if there was a timeframe.

Mr. Salvatore continued I would be very interested in knowing if there is a contract and how it reads; now that Council is going to assume responsibility. I would like a new contract drafted for Council to review and the Mayor signing off on. Council should have a say-so on the amount, how it is going to be run and how it will adapt to the new location, if and when that takes place. If there is not one, then I would like to be involved in the contract preparation even if it's on an interim basis or done quarterly.

Mr. Vecchio clarified as stated if there is no contract, there is a proposal for payment received from Mr. & Mrs. Reynolds; I don't have a signed contract and am not aware of one; so that is something that would have to be worked on.

Mr. Mencini agreed this is a great service and the Reynolds' do a great job.

Mr. Scott stated to Mr. Cingle for clarification, the \$2,400.00 is already appropriated from the three-months appropriation budget passed in December.

Mr. Cingle concurred.

Discussion: cont.

Mr. Scott continued this was set aside and is what was left over after payment for January out of the three-months appropriation?

Mr. Cingle responded that money would have been appropriated on the temporary budget out of the Mayor's office and would have been part of the temporary appropriation to continue the livestream through March 31st.

Mr. Scott continued this is monies that was left over that was appropriated for three months' temporary appropriations?

Mr. Cingle responded as Mr. Vecchio pointed out, the agreement was \$100.00 per meeting to the Reynolds' plus a \$200.00 fee for BoxCast and another \$35.00 fee to BoxCast for storage. So, \$100.00 per meeting roughly six (6) meetings a month, \$600.00 per month times two (2) meetings equals \$1,200.00 with roughly \$470.00 expenditure to BoxCast of roughly \$1,670.00; if there are extra meetings through February and March payment would come out of that \$2,400.00.

Mr. Scott clarified if monies are not used it goes to the General Fund.

Mr. Cingle concurred.

Mr. Poindexter expressed curiosity as to why it is \$100.00 per meeting, in my opinion there should be an hourly rate. If there are shorter meetings, then Council shouldn't be paying the full \$100.00 amount. If the meetings are longer then I would like to see the Reynolds' compensated for their time appropriately. Mr. Poindexter thinks that is something Council should explore before passing this through; especially if Council is taking over payment. I want to make sure that Council overpaying with \$100.00 payment for a meeting called to order and adjourned, that is not worth a \$100.00 payment for employees of the city.

Mr. Vecchio clarified the Reynolds' are not employees of the city, they are not part-time employees. They are contractors, therefore, this is a 1099 (independent contractor tax form) and as 1099 employees the Reynolds' are responsible for their own taxes. The city does not pay into PERS (Public Employees Retirement Service) or any other expenses the city has for any employee, therefore, those items are the contractors' responsibility. Initially, I believe 13% on a contractor is right off the top, whatever that works out to, depending on what the meetings are. If you look at it from a standpoint of 2016-2017 meetings, I would have to agree that the \$100.00 per meeting was warranted for the amount of time. Do I believe that this Council is going to operate in that function? I surely hope not and don't think that sitting Councilmembers are going to allow that. So as Mr. Salvatore said, let's take a look at this and offer negotiations with a contract.

Discussion: cont.

Mr. Poindexter stated that is what I'm basically proposing that Council create a part-time position and treat them as part-time employees. This is a one-day a week job unless special meetings are called; I want to make sure the Reynolds' are compensated appropriately and Council is paying the appropriate amount.

Mr. Vecchio stated personally, I think that is a worthy item but would defer to Finance Director Cingle. To see what the costs would be for that and to see if it's relative and something to think about when action is taken on this matter.

Motion by Mr. Salvatore, supported by Mr. Orcutt, that item number five was discussed.

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

- 6. A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT(S) AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella

Motion by Mr. Salvatore, supported by Mr. Mencini, to place on the next Council agenda of February 20th.

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

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

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

Mr. Vecchio declared this meeting adjourned at 7:47 p.m.

RESPECTFULLY SUBMITTED Michelle Blazak
Michelle Blazak
Clerk of Council

APPROVED February 20, 2018
as amended

THESE MEETING MINUTES ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.

