

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, FEBRUARY 13, 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, STEM, MENCINI, POINDEXTER, SALVATORE

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

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Caucus meeting held on January 23, 2018.

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

Mr. Poindexter had a correction on page 16, paragraph 4, second line to amend to read 'to reach out to recognizable business by planting their flag in the City of Brook Park'.

Motion by Mr. Mencini, supported by Mr. Orcutt, to accept the correction as stated.

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

NAYS: None. The amendment carried.

The clerk called the roll on the motion by Mr. Mencini, supported by Mr. Burgio, to approve as corrected.

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

NAYS: None. The motion carried as amended.

DISCUSSION:

1. Council Office Policies and Procedures

Mr. Salvatore stated to Mr. Vecchio, it is my understanding that you were going to be bringing forward and be more specific on some items of concern.

Mr. Vecchio responded first of all, as far as the policies and procedures. Currently, from 1991 the policies and procedures adopted by this Council has not moved forward. One suggestion is that section be amended to read basically the policies and procedures of the City of Brook Park in its latest form are what to be followed; within the Council office. What needs to be understood as far as the Council office is the way the Clerk or any other employee in the office is technically an employee of the city. Even though governed by Council the rules should follow what the city rules are.

Discussion: cont.

It is the job of the administrator to insure that those rules are being followed and adhered too. It shouldn't be viewed or construed as being a dictatorship but insures the rules are being followed; this breaks down to paid-time off when somebody requests time off. Whether it be for medical, bereavement, sick time, whatever it may be should be communicated from the office administrator to human resources, finance and the Mayor's office. The Mayor is the overall administrator of the city even though the two branches are separate, the Council President is the communicator of the Council office, but the communication has to be there because the clerk is an employee of the city and on payroll. It is my belief that Council should have something adopted and in print for that.

Mr. Poindexter agreed with Mr. Vecchio that there needs to be a uniform-policy for the Council office employees. Where I do caution, the city's policy and procedures states on page 9 - 'Unclassified Employees serve at the pleasure of the Mayor'; Council employees serve at the pleasure of Council. I would caution using the city's policies and maybe Council could adopt a similar type of policy and procedure for Council. Maybe have all the same parliamentary rules for employees, where we direct our own employees.

Mr. Salvatore stated to Finance Director Cingle, aren't all employees including the Council office personnel treated equal and follow the same guidelines set forth by the policies? With the exception of who they report to because there are different people within the city in different departments that report. For example, finance department employees work under the pleasure of the Finance Director, employees of the law department work under the pleasure of the law department. It's a broad scope but covers everybody and all follow proper channels and the clerks should be no different than anyone else.

Mr. Cingle concurred.

Mr. Salvatore continued to incorporate a separate set of policies would be putting the Council clerk(s) under a different scenario based on a Council rule, that I don't think we really need to do. I think those are covered by the laws set forth by the state, federal and Charter of the city.

Mr. Vecchio stated to Councilman Salvatore, that's my belief, also, but would like to take it a step further and put it in black and white so there is no gray-area. I believe the verbiage needs to be changed in the Council rules to adopt the most current Policy/Procedures manual to follow for that office. Currently, the ambiguity there of the adoption of 1991 could leave Council susceptible to only 1991 rules; I think the verbiage is where a change needs to happen. I'm all for keeping the policy and procedures manual of the city for the Council office so, therefore, that is what set is followed. Mr. Vecchio quoted several sections of the city's policy and procedures of the

Discussion: cont.

2010 handbook that lays out all things and goes a little further. To the fact that the administrators of the department are responsible for those actions stated. So there are no open-ends Council closes the ends of that and holds the responsibility where it should be; and believe that would be the Council administrator.

Mr. Salvatore commented this one was already discussed, is there anything new that is coming forward of concerns with the office?

Mr. Vecchio responded this goes with the office policies because, of the fact, that there's nothing for tracking that has taken place. This goes back to part of the discussion from the last meeting for record-keeping purposes. Council has nothing such as in the case of the (Council) website held by the previous Council; there are possible issues with records on that site. Because it was used with some emails from Members of Council, emails from Councilmembers' back and forth and city information that all pertain to that. With nothing laid out anywhere protecting Council for that; this is all part of the policies and procedures that need to be written. So that Council is covered in a case of a public records request and, at the time, they were running dual-information. Obviously, some of the information was put via personal emails and other information was put into the emails on the brookparkcitycouncil.com website. Where it stands currently, no one from the previous Council has access to that nor does anyone within the administration or Council office have access to retrieve any information that maybe asked for.

Mr. Mencini stated there is one particular incident that has arisen in the Council office that we are aware of as Council as a Whole. I know I don't want just one person running everything in that office and earlier I was shocked by a decision made; because I didn't feel I was fully-engaged in that decision. Most of the things done in that office is done by Council as a whole. I get the updated part but don't think through all the years it's been that big of a problem. As a Council we generally do a lot of things as Council as a Whole. The Mayor is the executor and runs the city and we're legislative; so the Mayor has to attend to what he has to and Council has to attend to what they have to.

Mr. Orcutt thanked Mr. Vecchio for placing this item on the agenda and thinks the first meeting this appeared Council was looking for specifics. In that timeframe, I had time to think and see the policies and procedures as to how the office was run and it comes to mind how this legislative branch did a bad job the last two years. Over the past two years the city suffered from that so it's good that Council is talking about these things. Two things came to mind; one being I kind of agree that there needs to be an SOP (Standard Operating Procedure) and think it is there. I went through the policy handbook and saw what is being talked about and do think that is there. The second thing I thought of was that is pretty troublesome for this community is the Council Office Investigation. I don't think it should be sitting in committee anymore and think

Discussion: cont.

that it needs to come out, Council needs to talk about it and it needs to be swift. Council needs to find out what went wrong in that office, who was creating legislation and I don't want to get into any details so to stay on this line item here. In that timeframe, from this meeting to the last time this was discussed those are the things I thought of. I think the investigation needs to be pulled out, put on the floor, find out what happened. So it never happens again and this Council does not set a bad precedence, a negative precedence, in this community; so those kinds of things can't happen again. That's what I took from this line-item when preparing for this meeting and put it out there is that the Council investigation needs to come out so that Council can figure out what happened and move forward; get this city going again.

Mr. Scott clarified to Mr. Vecchio that the Council's policies and procedures in place right now is November, 1991; that's the latest update.

Mr. Vecchio responded reading the Council rules that's the last ones Council has enacted and hasn't been updated since then.

Mr. Scott commented from 1991 to current there has to be a lot of gray-areas in there and thinks Council needs to take a look at the 1991 rules and how to improve that; there are questions that have to be answered. I think the manual has to be updated but it's not going to be an overnight operation and will take time to do that. I think we should take a line-by-line on the November, 1991 and see what rules should be made.

Mr. Vecchio expanded on that by saying that's where I'm going with this and that's what we need to and think it's Council's responsibility. For the residents and future Members of Council that we do our due diligence in that line item and update.

Mr. Salvatore commented I believe that's already been done, there were amendments made from the city offices from the administrative side that there was a new policy drafted in 2010; it's my understanding that policy is in the Council office.

Mr. Vecchio responded the 2010 RSOP (Regular Standing Operation Procedure) that is being operated from. In 2015 there was updates in the works and whether they were presented or not, I don't know. I heard two sides that they weren't presented but have also heard they were presented and supposed to be passed out. Which I don't have a clear answer on and trying to trace back that trail as part of the paperwork circle.

Discussion: cont.

Mr. Salvatore asked Finance Director Cingle and Mayor Gammella if there is a 2010 policy in place?

Mr. Cingle responded my recollection is one was being worked on, whether it was finalized or not I don't recall.

Mayor Gammella will check into this and inform Mr. Salvatore.

Mr. Salvatore commented if there is one in place let's work together to make the necessary changes.

Mr. Vecchio concurred.

Mr. Scott referenced an excerpt of Council Rule no. 27 that reads in addition, 'the Council President shall follow the personnel policies and procedures adopted by Council on November 26, 1991. That's the last personnel and policy procedures and not sure if it was updated or not. If it was updated that shouldn't be in there like that. If nobody knows for sure then Council should take that step to find out what is going on.

Mr. Vecchio commented Rule No. 27 is something that definitely needs to be updated because as it reads 'The Council President shall follow the policies and procedures adopted by Council on November 26, 1991. All rules and regulations can be amendable or nullified by a majority of Council'. I would believe that is following the verbiage adopted in 1991, and now being 2018.

Mrs. Horvath stated it's my understanding the 2010 policy manual is in effect, the 2015 was never quite finished; there are a couple of areas that need to be completed. The best I know in my conversation during a recent Civil Service Commission meeting with Dave Morris, former Human Resources Commissioner in 1991, I don't believe the city has a copy. Unless Council has it but on the administrative side I don't think there is one. As far as Mr. Morris knew one does not exist and in conversations with former Human Resources Commissioner, Ms. Sinatra, she did not have a copy of the (1991) policies. The 2015 (policy) has some differences from the 2010 but was never finalized.

Mr. Vecchio commented that Rule No. 27 of the Council Rules needs to be amended and updated to get Council to, at least, the 2010 manual. So that whatever the verbiage the current policy and procedure manual is being followed for the City of Brook Park.

Discussion: cont.

Motion by Mr. Salvatore, supported Mr. Burgio, that item number one is pending to allow the Mayor to research the policies and work with the law director in order to be adopted into the Council Rules.

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

NAYS: None. The motion carried.

2018 CAUCUS AND COUNCIL MEETING SCHEDULE

Mr. Vecchio stated two months were verbally approved at the January 2, 2018 Organizational meeting.

Mr. Salvatore appreciated Mr. Vecchio for placing on the agenda and thinks the schedule is good except for summer session. The Charter allows for two months off in the summer but I would feel more comfortable in following the formula used the last several years; scheduling meetings during summer session. This way the administration will know they have two weeks out of July and August if there is something going on and can be done at that time. The residents will know that Council is having two meetings a month and as always meetings can be called by the Mayor, President of Council or three (3) Members of Council in the event of an emergency.

Mr. Burgio stated there is a typo in the month of there is an August 21st, Caucus Prior and August 20th Council.

The clerk concurred that is a typo and will be corrected.

Mr. Poindexter agreed with Mr. Salvatore that the schedule is good, other than summer session.

Mr. Scott stated let's set the summer recess if there are any vacation plans. As for the rest of the schedule he thinks it should be left alone right now.

Mr. Vecchio stated my personal opinion is I don't know that we have a necessity of a weekly meeting schedule in its current state. Where we're running a Caucus (Prior), Council meeting followed by a Caucus meeting, then Caucus (Prior) followed by a Council meeting. My question is to everyone, in your amount of time in between how are you expected to do your due diligence with what is on the agenda received on a Friday. For instance, using scenario, packets are received on Friday afternoon and there is something that is safety related that you must speak to the police chief about. The police chief isn't in on Saturday or Sunday and you work on Monday, with the meeting being on Tuesday. How are you going to get your due diligence done?

Discussion: cont.

Mr. Salvatore commented that's why most legislation has three readings; so if there wasn't a chance to do due diligence and Council is anticipating suspending the rules. Then a Councilman would ask his colleagues for more time for research.

That is one of the mechanisms in place that helps the city and, in particular, City Council. There have been several occasions that legislation was brought to a meeting for passage that Council had not seen beforehand. That's the reason for Council Rule No. 12, that I think needs to be looked at. Mr. Salvatore asked Mr. Vecchio what his concerns are with i.e. Caucus Prior to?

Mr. Vecchio responded no, Caucus meetings should be work sessions and there are confirmed start times of 7:00 p.m. for the Caucus Prior and 7:30 p.m. for the Council meeting following; I'm sure the public would appreciate if Council stayed on task and schedule. In some of these cases Council may not be able to because there's multiple items on there and Council has separate Caucus meetings, work sessions, which are open-ended; so the start time is there with an open-end. The Caucus Prior to Council meetings are there for the need to be condensed versions to stay on task and time so as not to impede the residents, that's my opinion.

Mr. Salvatore stated I was the supporter of the Caucus Prior to the Council meeting. One of the reasons is because it allows legislation to flow smoothly and to talk about items on the Council agenda. For example, if there is a piece of legislation on Third Reading and ready for passage there could be discussions at the Caucus Prior to possibly be pulled for some reason.

Mr. Mencini stated with the new Administration and new Council coming in, some of these meetings will be prolonged especially during budget talks and thinks the first half of the year Council is going to have a busy schedule.

Mr. Poindexter stated looking towards the end of the year, meetings are scheduled for the weeks of Thanksgiving and Christmas. Maybe Council could consider not having those not on the schedule, due to possible holiday travel or family in-town.

Mr. Scott stated basically what I'm saying is let's go through March with full meetings and then look at the rest of the schedule after that, to see how things are flowing. Do summer recess and the November and December meetings can be brought up for discussion anytime. I think we should look at the rest of the schedule at the end of March because the budget will take up all of these meetings, I guarantee that.

Mr. Vecchio agreed with Mr. Salvatore and suggested a change to how the meetings read. Maybe Council could change the start time of the Council meeting following the Caucus (Prior); instead of the start time of 7:30 p.m. maybe have it immediately following the Caucus Prior. So if a Caucus (Prior) is five or ten minutes there's no

Discussion: cont.

waiting 20 minutes Council can move right into the next meeting, instead of waiting for the start time of the next meeting.

Mr. Mencini concurred with Mr. Scott and stated he's a six-month person. After the budget Council will kind of know where we stand. After three-months or six-months Council can make that arrangement. Mr. Mencini continued on the 7:30 p.m. start time doesn't there have to be a public notice?

Mr. Salvatore commented your point is well taken, but in the event that would be a problem. Councilman Mencini is correct there must be an established time for a Council meeting, it can't be immediately following unless it's a special meeting. In the event that the Caucus (Prior) is going to run over the 30 minutes Council can recess, move to the Council meeting and come back to the Caucus (Prior) afterwards.

Motion by Mr. Salvatore, supported by Mr. Mencini, to have a Caucus Prior followed by a Council meeting on August 7th and August 21st.

Mr. Salvatore commented that Council isn't having summer session for the month of August since there will be two Council meetings held as the Charter calls for.

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

Mr. Salvatore suggested Caucus Prior followed by Council meetings for July 10th and 24th.

Mr. Vecchio asked Mayor Gammella if Home Days will be held the weekend after July 4th, as in past years?

Mr. Gammella concurred.

Mr. Scott stated in speaking with Recreation Director Elliott, Home Days are going to be from July 13th -15th; so it's not the weekend after July 4th.

Mayor Gammella concurred.

Mr. Vecchio commented with that, historically speaking, elected members of the city are preparing for a lot of stuff i.e. parade and things of that nature. My question is it a wise choice to have meetings that week when there is a lot of preparation. Our forefathers looked at some of those items family-wise and this happens to be one of the large items of family nature and we're all involved with.

Discussion: cont.

Mr. Poindexter stated he is okay with having a meeting that week and also on July 24th. There are five meetings in July and is okay with having a meeting on July 31st.

Motion by Mr. Mencini, supported by Mr. Poindexter, to have Caucus (Prior) followed by a Council meeting on July 10th and 24th.

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

Motion by Mr. Salvatore, supported by Mr. Burgio, to approve the 2018 Caucus-Council meeting as discussed.

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

Motion by Mr. Salvatore, supported by Mr. Mencini, to move to the Executive Session to the end of the meeting prior to adjournment.

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

LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. RESOLUTION NO. 28-2017, DESIGNATING THE MONTH OF OCTOBER AS BREAST CANCER AWARENESS MONTH IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer, Councilmembers Mencini, Powers and Council President Astorino.

Mr. Mencini stated breast cancer is the most common cause of cancer in women in the United States and secondly the cause of death.

Mr. Salvatore stated as the sponsor of the original breast cancer awareness legislation, previously discussed, my recommendation is this go back to committee and brought out in October. This legislation has the city and Southwest General Health Center listed and no one at Southwest is aware of this and are not interested in talking about breast cancer awareness in the months of June, July and August. Southwest is interested in keeping with proper protocol of the month of October and bring this back out at the proper time to get the city involved, as the last several years, to make everyone totally aware of getting proper examinations. To talk about something this early is not appropriate and there is no backing from Southwest, in this particular dialogue. All of us have family and/or friends that have been or currently are in this horrible situation; this is not something to be taken lightly. Mr. Salvatore thinks that Brook Park has done an outstanding job the past few years to make people aware and pro-active in doing the Bras Across the Bridge and lighting up the gazebo.

Legislative Committee - Chairman, Mencini: cont.

Mr. Poindexter agreed with Mr. Salvatore for the legislation to go back in committee and requested Council to bring it out in enough time to have three readings to bring more awareness.

Mr. Salvatore stated discussions could take place the end of September.

Motion by Mr. Salvatore, supported by Mr. Mencini, to place back in committee.

Mr. Burgio commented breast cancer awareness has always been in the month of October not only nationally but internationally; I wouldn't want to see anything taken away from that month.

Mr. Orcutt will support that and stated to Mr. Salvatore, I think we should put ourselves on the map for this. Breast Cancer has personally touched my family and is something that everyone should be made aware of.

Mr. Salvatore thanked Mr. Orcutt and stated that's the whole idea, even though Brook Park has reached out these past couple of years, we can always do better.

Mr. Vecchio stated I don't know many people that breast cancer has not touched in some way, whether a family member or close friend. Myself and my family has been touched pretty hard and I'm a huge advocate for breast cancer awareness. Throughout the last decade, there have been a lot of people doing good things and have to agree with each and every one of you we now need to set a trend and maybe lead so that other cities will want to follow to be like Brook Park.

Mayor Gammella stated the administration supports Breast Cancer Awareness Month but every month of the year we should be aware.

The clerk called the roll on the motion by Mr. Salvatore, supported by Mr. Burgio, to place back in committee and place on the August 7th Caucus Prior.

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

- 2. RESOLUTION NO. 29-2017, RECOGNIZING PROJECT EVERGREEN'S GREENCARE AND SNOWCARE FOR TROOPS INITIATIVE AS THE PREFERRED PROVIDER FOR FAMILIES OF DEPLOYED MILITARY PERSONNEL AND POST 9/11 DISABLED VETERANS WITH A SERVICE-CONNECTED DISABILITY IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Legislative Committee - Chairman, Mencini: cont.

Mr. Mencini stated this is a non-profit organization with 11,000 registered and 6,000 volunteers.

Mr. Orcutt stated I did some research and shared at the meeting when this was introduced, this is a great project and is something that touches the Orcutt family. What these people do is take care of the families when someone is overseas. My neighbor told me a story, which is a personal story for me, that happened back in 2005. These people were across the street and witnessed my oldest child on a big wheel playing and my wife cutting grass while pregnant; while I was 6,500 miles away fighting in Iraq. I think this is something that is going to be terrific.

Motion by Mr. Orcutt, supported by Mr. Salvatore, to place on the next Council agenda under Second Reading.

Mr. Vecchio stated originally, this came to fruition during the past campaign season, a resident brought this to my attention and in-turn forwarded to former Mayor Coyne. Knowing that this is a great idea and affects a lot of people, not just locally, but across the country. Our military personnel that are deployed have a tough time leaving family members behind as Councilman Orcutt stated. This initiative takes care of lawn-care and snow and ice removal by volunteers. The local organization is out of the City of Mentor who are looking for additional volunteers and obviously service members and Post 9-1-1 disabled veterans that have a service-connected disability to help out. The help is there for veterans and I'm a huge advocate for this and in full support and believe this should be, truthfully, the preferred provider for our veterans because it is a free service. That they have in some instances laid their lives down for us and this is the least that we can do for them.

Mr. Scott asked Mayor Gammella is there a way the administration can get this out to the residents; some sort of notice that this program is available.

Mayor Gammella responded I would like to do a joint newsletter, will be talked during budget talks, and do it at that time.

Mr. Salvatore stated anyone putting out a newsletter within the next 30-to-45 days should include this. Mr. Salvatore polled Council for co-sponsors once former Mayor Coyne is contacted.

Mr. Mencini asked for a raise of hands for co-sponsors, and stated these are things that Council should be doing. These people have given a lot, and Mr. Orcutt told me a story about going and coming back from there and it changed my whole perspective on how I look at things.

Legislative Committee - Chairman, Mencini: cont.

Mr. Orcutt thanked Mr. Mencini for placing this legislation on the agenda and stated we talked about being overseas and deployments. This is a great cause for the ones that come home disabled and that is the message that needs to be sent. I was at the VA (Veterans Affairs) Clinic and looking around seeing people smiling and there are many with missing limbs. This is something that has to be kept in mind all the time.

The clerk called the roll on the motion by Mr. Orcutt, supported by Mr. Salvatore, to place on the next Council agenda under Second Reading.

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

3. RESOLUTION NO. 30-2017, HONORING ASTRONAUT AND SENATOR, JOHN GLENN, AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer and Council President Astorino

Mr. Mencini stated everyone knows what Astronaut and Senator Glenn did as well as being a fighter pilot in the Korean War. He was the first American to orbit the earth and many other accomplishments.

Mr. Salvatore stated this legislation has had some discussion and I brought to Council the idea of a pathway through one of the city's parks to honor such people as John Glenn. Mr. Salvatore doesn't think giving a resolution to no one doesn't do enough. This pathway will give a nice opportunity to honor other people along the way and should not be that expensive.

Mayor Gammella commented the NASA facility was one of the first in the United States and was named after Senator Glenn; who was a big proponent for Brook Park for many years and should be honored.

Mr. Burgio concurred with Mr. Salvatore, John Glenn is not only an American hero but from Ohio and thinks a walkway or any idea like that would set Brook Park apart and is in favor.

Mr. Poindexter stated would like to see Council support the Resolution and in the future add Mr. Glenn to the walkway; Council can honor him twice and thinks it should be passed.

Mr. Mencini is in favor of the walkway to honor Senator Glenn on what he has done. Along with other people who have done historical things through the State of Ohio.

Mr. Vecchio stated what I would like to see in defense of Councilman Salvatore's proposal, which I agree with wholeheartedly. I would like to see some kind of

Legislative Committee - Chairman, Mencini: cont.

layout, start of a design and cost evaluations; let's get the ball rolling and set a timeframe.

Mr. Orcutt concurred with Mr. Vecchio's comments to get moving on this, bring some prices together and would be nice to have this project done and built by summer.

Mr. Stemm concurred with Councilmembers Salvatore and Orcutt, get this rolling, completed and have a formal ceremony with the Glenn family.

Mr. Mencini concurred with Mr. Stemm to have members of the Glenn family and possibly NASA representatives.

Mr. Vecchio commented as stated, John Glenn is an Ohio native and down around the Muskingum Watershed Area, by Muskingum University, is where Mr. Glenn is from. They have the John and Annie Glenn House as a tourist site. Obviously, Brook Park having the NASA site a footprint can be set with some thought and collaboration with the city and maybe investors for the route we should take.

Mr. Poindexter concurred with Mr. Vecchio and commented he is unsure how this legislation will stop that from being done.

Motion by Mr. Salvatore, supported by Mr. Scott, to place back in committee.

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

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

4. ORDINANCE NO. 10069-2017, AMENDING CERTAIN SECTIONS OF CHAPTER 153 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'EMPLOYEES GENERALLY' AND DECLARING AN EMERGENCY.
Introduced by Mayor Coyne

Mr. Mencini referred to Law Director Horvath.

Mrs. Horvath stated this has been around for a long time and that the highlights of the changes are sort of dimmed in memory. Looking at this legislation, the first part giving full-time employees with more than 20 years of service up to 30 days of vacation; that would equalize union employees and administrative employees. Looking onto page 2, the major difference with the amendment to 153.021 is the change of the fraction but not the decimal; to go from 4/8 to 1/2, the decimal is still .5. With regard to section 153.12 - Holidays it looks like the employees' birthday was eliminated and added were 16 personal hours. With the overtime provisions, the original show 29 different positions are covered and with the amendment there is only 24 positions.

Legislative Committee - Chairman, Mencini: cont.

I think the intent was with the Deputy-Assistant Service Director, Deputy Directors of Recreation, Superintendent of Parks & Playgrounds, Supervisor of Public Properties and Assistant-Deputy Finance Director positions that are no longer in existence.

Mr. Salvatore stated this legislation has been in existence since 2016, the only question or concern is what economic impact would it have on the budget?

Mr. Cingle responded the only significant change is adding an additional week of vacation on page 1. So anyone having more than 20 years of service as a non-union position; examples given were the Police Chief, Police Captain, Fire Chief, Assistant Fire Chief as part of this would be given an extra week's vacation as salaried employees. From a monetary perspective they are still going to earn their salary with an extra week off for vacation, as the law director stated, it mirrors the maximum amount of vacation provided in union contracts.

Mr. Salvatore continued there may only be a few people affected now but if these other positions were filled, it would definitely have a larger impact. The legislation speaks about what exists today but if all the different positions were filled it would have an impact.

Mr. Cingle commented they are all salaried employees. So they earn their salary with an extra week of vacation that mirrors the maximum amount provided in union contracts, that have been collectively bargained.

Mr. Salvatore asked Mayor Gammella if this legislation is something he would like to embrace.

Mayor Gammella responded that he read the legislation but would like more time to be able to sit down with the Finance Director to figure out the economic impact.

Motion by Mr. Salvatore, supported by Mr. Scott, to place back in committee to get more answers.

Mr. Vecchio stated for clarification to Mr. Cingle, because these are salary positions the economic impact to the city is zero (0) on the surface. What does it do with retirement benefits or anything like that?

Mr. Cingle responded it would have no impact on retirement benefits, the sick-time payout is 4/8 and this is changed to 1/2 and still .5. Other than that there aren't any other economic impacts on retirement or financially to the city, as what currently is being followed. Again, these individuals would get an extra week of vacation

Legislative Committee - Chairman, Mencini: cont.

for anyone having more than 20 years of service. On the days off it looks like they would get a personal day instead of their birthday that's the reason for the amendment and would have no impact. Mr. Cingle doesn't see any economic impact by passing these changes.

Mr. Vecchio clarified there would be no economic impact to the city because these are salaried positions, neither upon retirement or during service. This would match our salary employees with the bargaining employees with vacations and personal time.

Mr. Cingle concurred.

Mr. Poindexter stated to Finance Director Cingle, with the additional time off, depending on the position, would someone have to fill-in for that position? Would there be any additional salary, or anything like that, for the person who fills in for that position.

Mr. Cingle responded no, there is no additional compensation. For example, in the Finance Department if the Assistant Finance Director receives an additional week of vacation and is not in the office; I would pick up that work. Same as the Building Commissioner, someone would pick up that work for that additional week.

Mr. Mencini commented same with the Service Department, if the Service Director isn't in a General Foreman fills in. Same if the Recreation Director isn't there, the supervisors fill in. Would there be any overtime?

Mr. Cingle responded unless there is an emergency, I don't believe an additional week of vacation would create any overtime.

Mrs. Horvath stated in section 10 the Wage, Salary and Benefit Review Committee is being eliminated; that would repeal the current section 153.01 (a).

The clerk called the roll on the motion by Mr. Salvatore, supported by Mr. Mencini, to place back in committee.

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

5. AN ORDINANCE AMENDING SECTION 153.03 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'LEAVE OF ABSENCE FOR TEMPORARY MILITARY TRAINING' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

Legislative Committee - Chairman, Mencini: cont.

Mr. Burgio stated to Finance Director Cingle, the only change is 480 hours' maximum. Has there been a problem with personnel taking more than two months?

Mr. Cingle responded I don't recall anyone. I think there was only one person that was on active duty that this affected, who is no longer an employee of the city. This would be for twelve weeks' maximum and don't recall how long the former employees were out.

Mr. Burgio continued currently there is no maximum a person could be gone for a year or so but that hasn't been the case.

Mr. Cingle responded I don't recall and just remember one individual, years ago, that was on active duty and my recollection the employee was not gone for a long period of time.

Mr. Mencini commented yes, it was.

Mr. Salvatore stated the way the legislation is written currently, employees would be protected under Section 5923.05 of the Ohio Revised Code; and was designed for one specific person who no longer works for the city. There's no purpose for any changes because this is monitored through the Ohio Revised Code.

Mr. Orcutt researched this and any employee of the city already does get four weeks; one month. If there is a presidential recall and employees are called to active duty they get their full pay as well.

Motion by Mr. Salvatore, supported by Mr. Scott, to have Read in Committee.

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

NAYS: None. The motion carried.

6. A RESOLUTION DECLARING NOVEMBER AS NATIONAL DIABETES AWARENESS MONTH IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore

Mr. Salvatore stated there was discussion on this and it didn't make passage prior to having impact on the month of November. I don't want to bring this out until the proper time of November, 2018. Mr. Salvatore asked for co-sponsors.

By a raise of hands all Councilmembers and Mayor Gammella would like to co-sponsor.

Mr. Poindexter stated, as previously stated with the Breast Cancer Awareness legislation, I would like to bring this out in a timely fashion to get the most

Legislative Committee - Chairman, Mencini: cont.

discussion on the floor and three readings to get the most awareness out about this legislation.

Motion by Mr. Salvatore, supported by Mr. Scott, to place back in committee.

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

NAYS: None. The motion carried.

7. AN ORDINANCE PLACING A MORATORIUM ON THE OPERATION OF ANY SHORT TERM RESIDENTIAL REAL ESTATE RENTALS IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella

Mr. Mencini stated this legislation is introduced by Mayor Gammella and I actually, at the end of last year, hit the same street.

Mayor Gammella stated to Mr. Mencini, you did offer me to co-sponsor and appreciate that because this is what you wanted to do as well. What this basically is for is short-term rentals; renting your home for a week. A lot of time what happens is and I learned at the Mayors and Managers meeting people lease out their house for a week that is not for the best of purposes.

Mr. Vecchio stated to fully understand, this is like the Airbnb Bed & Breakfasts that have been going around for a while.

Mr. Mencini commented a little of all of that. What we're going to do here is like my situation it was like a day-to-day and have to watch we don't pick on the hotels also.

Mr. Salvatore commented I like to look at everything with an open mind and would like to know the adverse effect of passing this; the positive effect and the reason why it's needed. I know there are some issues that pertain to the world of real estate and if a 30 or 40 day rental is forbidden how is that going to be enforced? Especially in a real-estate transaction. If someone sells their house in April and want to stay until June because of children still in school. A rental agreement is entered into for those last months, all those things would be affected by this legislation.

Mayor Gammella stated if it's a legitimate contract with the owners of the house and the people buying the house to stay for another two months, that is part of the legitimate real estate transaction. What the city is trying to stop, for the future, that other cities have faced is smoke houses. People leasing homes out for a week for reasons that we or the residents wouldn't be happy with. This gives the city's police

Legislative Committee - Chairman, Mencini: cont.

force the protection to do something about; any legitimate contract would be no problem at all.

Mr. Salvatore continued the other issue that this legislation could affect, or maybe not, is the Greater Cleveland area is becoming a popular domain for the production of movies. A lot of times when these movie companies come into town they rent homes for one, two or three months and pay \$3,000 or \$4,000 for a home that may only bring in \$1,500 in the open market. This gives people in our city the opportunity to make a sizable profit; such as the recent RNC (Republican National Convention). I don't want us to create a law that stops or interferes with some of the positive things that happen. I do understand that there is a problem that needs to be addressed but don't want to hurt people because we're trying to stop one or two people that aren't good.

Mr. Mencini stated Mr. Salvatore and the Mayor brought up good points, we're not trying to stop legitimate real estate transactions; or stop someone from doing something like that. My residents found out one day with someone moving in and then the next day there are different cars on a daily basis. Residents went on a website and found out that the person was doing a bed and breakfast and not sure if he pulled a business permit. Those are the things that we want to stop. Mr. Mencini suggested putting back in committee to allow the law director and administration to put some parameters in place. We need to be very careful going down this road and allowing this because we had the party issue on the west end and don't want to put our residents in that situation.

Mr. Vecchio interjected to Mr. Mencini, that's not keeping Council on point or task as to what this portion is; that's a whole other subject.

Mr. Mencini continued theoretically it's not, if your neighbor rents their house for a night and a bunch of cars pull up.

Mr. Vecchio commented let's call that a nuisance and move forward.

Mr. Mencini continued when a house is rented for a day the people in there can do what they want for that day; we need to be very careful going down that road.

Mr. Scott asked how this would be policed? How would the city know who the temporary rentals are?

Mrs. Horvath responded on the surface this would seem to be a fairly simple issue but as you get in more it gets more and more complicate. Different cities depending on their needs approach this differently. Some cities look at it from a zoning standpoint and other cities have rules for short-term rentals and regulate that.

Legislative Committee - Chairman, Mencini: cont.

There is a short-term rental certificate that has to be obtained, and I have seen legislation proposed limiting people to the number of times for short-term rentals for a specific piece of property. Immensely, there are some cities that have enough activity that they're interested in collecting some sort of tax on their behalf. There are a lot of factors to be looked at and thinks the discussion by Council is what would be best for our city. Certainly, there would have to be some exemptions such as keeping a child in school and negotiating, after the selling of a house, for a 20-day extension time to stay in the house. It's highly unlikely that we will get a lot of rentals in the city but probably need to look at some sort of zoning and regulatory options. Part of what needs to be looked at is currently how many of these particular houses are being rented short-term? To the best of the law department's determination there are three in the city now. I would be much more concerned if the city had 50, rather than three. The fact that there are three gives Council time to discuss the best way to approach this issue.

Mr. Mencini commented to Law Director Horvath, if you feel this might not be a problem deal with what I dealt with when the calls came in, when this happened.

Mr. Poindexter stated it seems that the only issue with short-term rentals is the issue of loud parties, illegal activity or things of that nature. I would assume that most neighbors wouldn't care one way or the other. If there were decent people staying in the houses for the short time of renting the home. I don't know if I'm in support of a moratorium because of some of the issues that Mr. Salvatore mentioned. I would support holding the homeowner liable if something like that were to happen that might solve the problem. I would not want to limit people's opportunity to rent out their house.

Mr. Mencini commented to Mr. Poindexter you're saying wait until something happens.

Mr. Poindexter responded yes, basically consider legislation in place that would make the homeowner liable, if something like that were to take place; not brush the whole area with broad strokes.

Mr. Mencini commented I don't think we're brushing with broad strokes and I would like to see the administration and the law department move forward on this. I've dealt with it and want to be proactive instead of post-active. I know this is tough and hard and won't name the street but residents watching are probably thinking wait until it affects you on your street.

Mr. Poindexter commented when there are incidents like that there should be some way to combat that without shutting the whole process down.

Legislative Committee - Chairman, Mencini: cont.

Mr. Salvatore stated there is legislation on the books that deals with parties. As far as the bed and breakfast that's a zoning issue and doesn't believe anyone in a residential area can operate a bed and breakfast in a local neighborhood. As the law director stated maybe Council should be looking at zoning ordinances. My recollection is that 10 years ago or so someone tried to put a bed and breakfast on the west end and the zoning ordinances wouldn't allow for that.

Mr. Vecchio agreed with Councilmembers Salvatore and Poindexter and stated Mr. Poindexter brought up a great fact. That the homeowner is, ultimately, responsible for what takes place on their property and what happens with their property. To try and control "a short-term rental" we all know there are scrupulous people and ways around everything. So how would that control the issue? The better way to control is to penalize the homeowner for allowing that action.

Mayor Gammella stated this is to protect homeowners and residents. There are issues out there with short-term rentals, less than 30 days, and I want to address this issue in the City of Brook Park, before it becomes a problem.

Mr. Burgio commented to Mayor Gammella your intentions are with the city on this and the law director has already looked into this. I would like to give her as much time needed to thoroughly look at this. When it comes to real estate you have to be really careful about some of the laws made.

Mr. Mencini stated that's what we're trying to do and the City of Akron already has something in place because of problems there.

Mrs. Horvath commented the City of Akron was looking at legislation but did not pass it. What they did with the situation was enforce it through the city's zoning code and issued a citation to the homeowner; for doing a short-term rental, with a fine being paid. The City of Akron is still looking at this and thinks they will address it in a zoning format. This can be complicated and I think Council knows the community and what the residents' wants and needs are, to be presented with some choices and different ways to approach this. So Council can tailor this to fit what's best for the residents.

Mr. Mencini commented to echo Mr. Poindexter, there's never really a problem until it affects the neighbors then it becomes a city problem; maybe be pre-cautious instead of post-cautious. That's why there is a registry created so the city has the right to do an internal inspection with rules in place.

Legislative Committee - Chairman, Mencini: cont.

Motion by Mr. Salvatore, supported by Mr. Scott, to place back in committee.

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

NAYS: None. The motion carried.

SAFETY COMMITTEE - CHAIRMAN, STEMM:

1. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ALL-HAZARDS MITIGATION PLAN WITH CUYAHOGA COUNTY AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mr. Salvatore stated this is an update of legislation that was passed in 2007. Is this a housekeeping issue? Can anyone explain the changes between the legislation prior and the new legislation?

Mrs. Horvath responded to Mr. Salvatore, you are correct this is a housekeeping issue, and I haven't had time to look at the entire mitigation plan. After a period of time items need to be updated and changed and can check to see what the differences are.

Motion by Mr. Salvatore, supported by Mr. Mencini, to place on the February 20th Caucus Prior to allow the law director to research the changes.

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

NAYS: None. The motion carried.

Mr. Vecchio allowed Mayor Gammella to speak on a subject matter.

Mayor Gammella stated initially, I was going to have the discussion with the contractor for the Recreation Center agreement on February 20th. That presentation looks like it's going to be fairly lengthy and would like to move to the February 27th Caucus agenda, for more time.

Mr. Vecchio stated I'm sure people have seen this on social media but there is a little rest room discrepancy issue inside of our schools. So that everyone is aware, on Thursday, February 15th, the City of Berea's Planning Commission will be holding their meeting and going over some of these plans and approvals. The meeting will be held at St. Paul Evangelical Lutheran Church.

Motion by Mr. Mencini, supported by Mr. Scott, to go into Executive Session for Personnel Matters.

ROLL CALL: AYES: Mencini, Scott, Burgio, Orcutt, Stemm, Poindexter, Salvatore
NAYS: None. The motion carried at 9:05 p.m.

Motion by Mr. Mencini, supported by Mr. Poindexter, to adjourn the Executive Session.

ROLL CALL: AYES: Mencini, Poindexter, Salvatore, Stemm, Orcutt, Burgio, Scott
NAYS: None. The motion carried at 10:13 p.m.

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

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

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

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

Council President Vecchio declared this meeting adjourned at 10:14 p.m.

RESPECTFULLY SUBMITTED 
Michelle Blazak
Clerk of Council

APPROVED March 13, 2017 - amended

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