

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, FEBRUARY 27, 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, Finance Director Cingle, Law Director Horvath and Building Commissioner Hurst.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING HELD ON FEBRUARY 13, 2018.

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

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

NAYS: None. The motion carried.

DISCUSSION:

1. A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL FOR THE MANAGEMENT OF THE CITY'S 'DO NOT KNOCK' REGISTRY AND DECLARING AN EMERGENCY. Introduced by Councilman Orcutt **In attendance: Tony Ramos - NOPEC Community Outreach Manager.**

**Anthony Ramos
31360 Solon Road, Suite 33
Solon, OH**

Mr. Ramos thanked elected officials for the opportunity and invitation to speak this evening. The 'Do Not Knock' is a program provided to all NOPEC (Northeast Ohio Public Energy Council) communities free of charge and what the program does is sets up a voluntarily 'Do Not Knock' registry in your community. What that means is that residents' who do not wish to be disturbed by door-to-door solicitors' can sign up to have their address listed on the registry. When a solicitor comes to the City of Brook Park City Hall to solicit in the community they will be provided a list of all the homes that say 'Do Not Knock'. The only information that shows up on this registry that a solicitor receives is a house number and street name; no resident's name, telephone number, email address or other personal information is on the list. The list will be updated in real-time by going online to 'blocktheknock.com' also;

Discussion: cont.

a resident can take their address off the registry in real-time by visiting the website. Residents who don't have an email address or access to the Internet have the ability to sign up via mail. In the folder distributed there is a business reply card included that is put in public places throughout the community for residents to fill out and drop the postage-paid card in the mail. Once a resident signs up a window cling will be mailed and should be received in a few days, residents can have as many additional window clings wanted. A resident remains on the list for one calendar year at which point NOPEC will reach out to them via email or mail asking if the residents want to remain on the 'Do Not Knock' registry. That is the only time that NOPEC will reach out to residents on the list. A resident signing up for the 'Do Not Knock' Program is not signing up for any additional services provided by NOPEC and are not signing up to be solicited by NOPEC; no business mail will be sent by signing up for this program. The only person seeing this list is an individual designated by the city who would be my point of contact, I am the actual person at NOPEC who manages the 'Do Not Knock' registry. On a weekly basis that list will be provided to the person designated by the city so the list can be provided to solicitors on demand. The program is also set up so a solicitor never comes back and bothers anyone at the city, they can request the in real-time online. Mr. Ramos continued that he will spend a lot of time in the community doing public events and visiting different community organizations to explain the program and assist residents with signing up and provide educational materials and FAQ (Frequently Asked Questions) brochures. Current cities using this program is the City of Tiffin, City of Warren, City of Parma, City of Willowick, Village of Highland Hills and Village of Roaming Shores. Brook Park is among a few communities along with the City of Eastlake and City of Wickliffe that have this under serious consideration.

Questions-Answers

Mr. Mencini thanked Mr. Ramos for coming and stated the closest city to Brook Park using this program is the City of Parma. Was there any other reason some of the other cities aren't in the program or is it because you haven't reached out to them?

Mr. Ramos responded NOPEC rolled out this program in the beginning of 2017, prior to rolling out the program, we met with 30 Northeast Ohio Mayors', as a kind of test, to see if this was desired in their community. What was found is each individual community is unique and has their own legislative process for pursuing a program like this. Some Northeast Ohio communities, for example, North Olmsted, Fairview Park and others alike have their own programs. NOPEC is equipped to assume that program like was done in the City of Parma that came in and took over the city's existing program. Each community is different and I would say at this point every NOPEC-membered community has probably heard from me at least once and in some cases more than once, it just depends on the community.

Discussion: cont.

Mr. Mencini asked after the one year will be there any solicitation for other programs that NOPEC offers?

Mr. Ramos responded no, NOPEC would never solicit to a resident through this program. Part of this program is entrusting NOPEC with personal information and it's our goal not to abuse that personal information; by reaching out to residents for any other purpose than something directly related to this program. Once a year NOPEC will contact a resident by whatever way the resident signed up for the program to ask if they want to stay on the registry and if a new window cling is needed.

Mr. Orcutt thanked Mr. Ramos for coming this evening and asked for specifics as to who the 'Do Not Knock' does not include.

Mr. Ramos responded the program only prohibits for-profit solicitors. If there is a girl scout organization, church organization or an elected official the 'Do Not Knock' does not prohibit from door knocking; it is illegal to prohibit for-profit entities or religious organizations from soliciting. What has been found in existing 'Do Not Knock' communities is most of those organizations will respect a posted sign. In the State of Ohio, a sign stating 'No Soliciting Allowed' those organizations are required to respect that notice. This would prohibit people trying to sell a new roof, gutters, security alarm or energy comparisons.

Mr. Poindexter asked where the funding for this program comes from? Will there be a charge to the city to maintain and update the list?

Mr. Ramos responded the funding for this program was approved at the 2016 NOPEC General Assembly and reauthorized at the 2017 NOPEC General Assembly, this funding comes directly from NOPEC. At no time is a resident going to be assessed a fee nor will the city; the program is free and designed to be simple for member communities. The program does not generate any city employee more work nor will it cost the city any monies.

Mr. Vecchio assigned this legislation to the Safety Committee.

2. RECREATION CENTER CONSTRUCTION PROJECT UPDATE - Mayor Gammella

Mayor Gammella stated Brewer-Garrett representatives are in attendance to give a brief presentation.

Discussion: cont.

Matthew Joseph
6800 Eastland Road
Middleburg Hts.

Mr. Joseph thanked everyone for the opportunity to speak this evening to give an update on the Recreation Center project, as of today. As most everyone knows we are in the middle of construction for the Recreation Center Energy Conservation Project; with the overall scope being to move the City Hall and City Council functions into the community center. While at the same time upgrading the infrastructure at the community center both mechanical as well the aesthetic pieces of the community center. The roof, HVAC (Heating, Ventilation and Air Conditioning) replacements and patching are complete there are 17 new units on the roof and 14 being started up. One of the nice things about these units is we were actually able to purchase the units cheaper than originally expected. We were able to utilize that excess cash to install new duct work across the rooftop, as well as, the existing duct work while it was not part of the original scope it was in desperate need of repair in the near future. So with the ability to purchase the equipment cheaper those funds were utilized to improve and replace much of the ductwork; which will help in future costs at the recreation center for repairs. With the City Hall section, the new walls are completed, painted and the bathrooms are also complete. The new walls at the City Hall area while that's all complete and the carpet is ready for installation there have been some changes requested to the current City Hall layout; Brewer-Garrett is in the process of working with the Mayor and his team to accommodate those changes. The grids and lights are all up and we are anticipating the middle of March to be completed with the City Hall, obviously that can depend on where these final changes settle. The corridors are beginning this week and new paint on the new block walls, doors and new LED lights throughout the entire facility, as well as replacing the ceiling tiles. The gym lighting is ready to go in, as well, but working with Recreation Director Elliott the decision was made to wait until basketball season is over, so there are no interruptions. The City Council area is well underway with the new stage and access room being installed, painted and ceiling grids going in this week. The one unique portion of the City Council area is that it is going to be affected by some of the requested changes by the city. With the requested vestibule that we are in the middle of vetting out, as well as the repairs to the floor. Once city personnel decide what direction to move we will be able to jump on that right away. We are still on schedule and don't anticipate anything else delaying us as long as communications continue; we will be in good shape and think everyone will be happy with the final results. For those that haven't looked into or weren't part of the original recreation center project vetting process. Once this project is complete it will be generating almost \$350,000 in energy-savings for the City of Brook Park; that is what is driving the majority of the work in this project. That savings will start accruing as soon as the final project and punch-lists are signed off by the city

Discussion: cont.

with the target being the middle of March, depending on the final changes.

Mr. Orcutt stated with the \$350,000 savings is this over the entire agreement through the whole contract?

Mr. Joseph responded the \$350,000 is an annual savings number; the total savings over the life of the project, obviously accumulating the project, will generate a little over \$8.5 million dollars in accumulated savings. When you account for the debt-service pay-off it will result in a little over half-million dollars.

Mr. Orcutt continued a whole department is moving out of City Hall and into an existing city building. Have those numbers and figures interrupted some of this or hasn't that been calculated for energy-savings?

Mr. Joseph responded I'm assuming with the department you're speaking of is the decision on not moving the Building Department?

Mr. Orcutt concurred.

Mr. Joseph continued essentially those rooms that were going to be utilized for the Building Department have been repurposed for different staff members and uses. Because of who is going into the space, is obviously, not contingent upon the use of the space in this case and will be used by office personnel and will not affect the savings in any negative way.

Mr. Mencini thanked Mr. Joseph for coming and you stated that you're in the middle of the project what progress is that when saying the middle of it?

Mr. Joseph responded we are past the middle of the project, poor figure of speech in this case, we are very near the finish line. As I stated we are on track to be completed with the majority in the middle of March; contingent on some of the requested changes by the city. Depending on the direction those changes take it could add a bit more time on the end of it. But, I do not anticipate any of these changes, based on previous discussions, to be a significant extension to the timeline

Mr. Mencini continued with these changes were they major changes or were there a lot of changes. I know that where City Hall is going isn't a big space but what type of changes were there?

Mr. Joseph responded essentially there were three changes that we have been discussing. Two of them are more significant changes, one of the first is with City Hall that we've been in the process of executing the change. The City Hall changes,

Discussion: cont.

some of the initial ones were changing the shape of a few of the offices by opening a few of them up; because they weren't big enough for the purpose of ultimately being used for. Now, we are removing some walls and changing the direction of some of the walls by working with Building Commissioner Hurst and his team. To see how they wanted that layout to ultimately be that is in process and Brewer-Garrett was able to do that at no cost to the city. The other two changes that are more significant that the city is contemplating is a vestibule area for the court area which is going to be opposite City Council when used as the court. The other one is a recent decision for some privacy walls for the Tax Department; those two are the ones that are most contingent upon affecting the timeline of the project.

Mr. Mencini stated where the Council and Court are going has always been called the Community Room? Will it just be for Council and Court or will it be an all-accessible room?

Mr. Joseph responded it will be accessible. Back when we first designed this project and working with the city to have the layout; we wanted to make sure that room did not lose its functionality by becoming City Council. Essentially, the stage and dais as constructed are going out approximately three more feet from where it currently stands, so a little lost space. Chairs can be put on the floor for Council meetings and when not in use, chairs are removed and the community room can be used for any activities deemed necessary.

Mr. Mencini continued you stated the bathrooms are complete; did you mean bathrooms or locker rooms?

Mr. Joseph responded the locker rooms, the bathrooms are complete as far as their construction. We have been doing continual testing for the whirlpool, sauna and steam to make sure that they are fixed and ready to go. We want to make sure that just because they are fixed, and worked once, let's run them continually over a couple of weeks to make sure they are in full functionality for the constituents. In case there are any problems they can be fixed in time and the new benches should be here next week. I believe Recreation Director Elliott will decide, at that time, when they can be opened up after completion of the continual testing.

Mr. Poindexter asked how much monies were saved on the HVAC units for the roof?

Mr. Joseph clarified are you seeking for the production costs?

Mr. Poindexter continued you stated the city will realize savings in the 17 units do you know about how much that was? Was all that savings used on the duct work or is there some leftover from that?

Discussion: cont.

Mr. Joseph responded all those savings went into the duct work essentially and if there was some ancillary savings; it would have gone to other portions of the project. Nine units received new duct work and what we did is find the worse cases of duct work and use as much money as we could to replace those.

Mr. Poindexter asked if there is any other portion of the project where some savings might be seen to maybe upgrade some things?

Mr. Joseph responded any savings that we have realized, at this point, and in discussions with the Mayor about some of those changes that have been made with City Hall. Brewer-Garrett has used any excess funds that we've been able to generate and have worked very hard to do as much as possible and as cost-effectively to get the City Hall changes that were just done; with no cost to the city. And, I will venture to say that we have put in our fair share to make sure it was done correctly and have put extra time and effort. So I would say that money that may have been generated to be excess has been put into the changes to benefit the city.

Mr. Salvatore thanked Mr. Joseph for being here and what are the positive things with this project at the point it is at right now, that you've discovered. Also, asked for an explanation if there are any negative things that may affect this project.

Mr. Joseph stated as far as the positive things and maybe this comes because I'm a little bias on the mechanical side because not many people get to see the roof. Obviously for those of you who know Brewer-Garrett's history with the city we have been the service provider for many years. A lot of the units on the roof, pretty much all of them, were well beyond their life span and running inefficiently and costing the city a lot of money not only in energy but on the operation side. There were a lot of repairs and has been joked that those units were being held together by duct work and prayers; it's a credit to the people that have worked on those units to maintain the functionality as long as they did. Obviously, one of the big positives of this project is the installation of all these new mechanical units that will run more efficiently and better and will not require the constant maintenance that the city had to spend on time and money into the future. It should also make for much more comfortable interior space for all the constituents. As far as the aesthetics and some of the things that the people will see throughout the usage of this. Obviously, the City Hall and City Council areas and we have been through them with the construction team the new walls have taken on a very visual effect. As to what it is going to look like once all the furniture, carpeting and painting is complete. The City Hall is going to look like a very high-quality, brand new City Hall and will have a great aesthetic look. Beyond that with the locker room upgrades, the whirlpool, sauna and steam, if and when, they were functional for constituents to use they were in disrepair more often than not, that is all going to be corrected.

Discussion: cont.

At the end of the day is the energy savings as far as the city goes and the bottom line for the city financially; you will see the biggest impact in the finances. You are going to see that the savings from this project are going to exceed the debt-service that the city is obligated to pay every year. Essentially, every year, you're getting a renovated City Hall, City Council and brand new units for the renovated Recreation Center. At the same time, every year, have money, in excess, going back to the city coffers beyond what is being invested. As far as we're concerned and I don't want to speak for everyone in the city, I think it's very exciting when that type of investment can be made into the city's asset of the community center and at the same time money being put back into the coffers. Mr. Joseph continued as far as the negative goes, there is always that wonder of what could pop up as getting into the facilities. If there's issues with City Hall layout or someone doesn't like how the City Hall was designed there may be some complaints. The Mayor and I have talked about some of the redesigns to make sure that some of the needs for certain departments, such as the Tax Department, are met. Hopefully, some of the changes being made will remedy any of those issues that were brought up recently; other than that I don't see many negatives. You will not lose any functionalities of the facility and you are not going to be investing monies that you don't see in a return, as far as savings go. You're not going to be losing the ability to use your recreation center for all the uses that it currently is being used for today. Moving forward there may be things that are unforeseen that come up that we will have to work together to correct. That is what Brewer-Garrett is always looking out for and that's why it is a guaranteed project. If something goes wrong, Brewer-Garrett is on the hook to fix it for the city.

Mr. Salvatore stated on a design-build project and with the changes being made, some are probably important and some borderline. Do you see any other change-orders or major changes that are going to be necessary?

Mr. Joseph responded as far as we're concerned I would anticipate no more scope changes to this point. I think from the conversations with the Mayor and his team we've pretty much exhausted any other changes that we may need. I believe that we are in the position assuming that the Council and city want to move forward with these initial changes, we will be in position to complete the project without further scope changes.

Mr. Salvatore asked for a ball-point figure of the changes besides the ones given last week with the door and a few other items. Are there any other costs attached to the changes being discussed tonight?

Mr. Joseph asked for clarification of what changes were discussed last week, obviously since I was not here last week.

Discussion: cont.

Mr. Salvatore continued the changes of placing a door for the court by the vestibule.

Mr. Joseph responded the vestibule is the one change and the second change that we are discussing in the City Hall area is in process of being priced, that was discussed last Thursday. So it's only been a few days and we are in the process of vetting out what that cost would be.

Mr. Salvatore clarified there is no cost attached to that change?

Mr. Joseph stated not today.

Mr. Burgio stated most of these improvements won't be visible to the residents because they are efficiency workings, things behind the walls and on the roof. I was on the roof about two years ago, my background is in electrical, so I know the panels and wiring were very bad. With the HVAC, you mentioned that the extra savings was used for improvements to the duct work that would have eventually needed to be changed anyway. Do you have a ballpark figure of the life expectancy in the existing duct work?

Mr. Joseph responded I would say there was no existing life left in them, they are beyond their useful life. It was one of those things where could they continue to function - yes. Could they have been continued to function - not much longer. Leaking water was getting into them and like you said you were up on the roof; there was mold and different situations with them; so while they were still functioning they were not long for this world.

Mr. Burgio asked if the city would have to pay for that in two years or five years what would be the cost to replace all that?

Mr. Joseph responded it's hard to put a number on something like but it would not have been...

Mr. Burgio interjected you said the extra savings went into that?

Mr. Joseph continued I don't have those numbers, but the bottom line is it would have been a significant cost that would not have been a part of this project, therefore, being a capital expenditure.

Mr. Vecchio thanked Mr. Joseph for coming this evening and had one question. Are there any deleted items from the original plan that there won't be a replacement for? Not an upgrade or change but a deletion? Secondly, could you outline how the livestream and camera operations are going to work for Council, is there any ideas on that?

Discussion: cont.

Mr. Joseph responded to answer the first question as far as deletions, I think the significant deletion discussed was carpet. The original scope called for carpet throughout all the hallways within the community center and the community room. It was determined by the Mayor at the meeting, about a month or so ago, that the city no longer wanted to have carpet throughout the entire facility. So there will be no carpet installed in the hallways and in the community center. We are instead looking to repair, refinish and replace much of the parquet floor, that's the only real deletion. As stated with City Hall some walls were moved around for different uses but nothing was deleted. All the AV (audio-visual) is not part of this scope and I believe the city has an AV contractor involved handling all of that.

Mr. Vecchio stated with the deletion of the carpet, does that have any effect on the program as far as cost-savings? Obviously, we know the energy savings is what is paying the city back. What kind of effect does that have?

Mr. Joseph responded unfortunately, for the carpeting the stage is where we were at when instructed not to install the carpet; that carpet had already been paid for and delivered. While there was deduction for the labor in not installing the carpet, the actual carpet, itself, the city is going to receive. We talked a little bit about the different opportunities for the city to utilize that carpet but the bottom line is there was not a significant cost-savings. As stated there was little labor reduction that was rolled into some of the changes at City Hall; to make sure of no cost to the city for those initial changes.

Mr. Vecchio reiterated my question is, what does it do on the energy conservation portion? Is there no effect because, obviously, carpet retains heat, therefore, reducing the amount of time the equipment needs to run. That's what I'm wondering with that large of a scope.

Mr. Joseph stated pulling the carpet out of the community room and hallways is not going to have a significant impact on any energy-savings.

Mr. Stemm stated the project of the carpet not being installed and the parquet floor being replaced is that cost neutral? Just for my understanding the carpet was purchased and is not going to be used?

Mr. Joseph responded correct, some of the carpet will be used just not the portions that were designated for the hallways and community room. The repair, replacement and refinishing of the parquet floor that is not cost-neutral. That is falling under what is being called the vestibule scope change and that step is being discussed. The carpet removal and as I explained the reduction from the labor essentially for not installing the carpet, that was rolled into the changes at City Hall

Discussion: cont.

at no cost to the city. There was a benefit to the city by not doing the labor and having monies moved from one area to another.

Mr. Vecchio asked if it is known how many yards of carpeting that the city is eating the cost of?

Mr. Joseph responded there are nine 4 x 5 pallets, that's the amount of carpeting.

Mayor Gammella stated Point of Information, the police chief had asked for carpeting in the police department; that carpet will be utilized at the police department. Mayor Gammella thanked Mr. Joseph for the presentation and asked Mr. Joseph to elaborate for Council the new opening for the Mayor's Court, to keep that area safe. How we want the outside entrance?

Mr. Joseph responded what we have been referring to as the vestibule scope change. We are looking to have access for Mayor's Court and as the Mayor expressed, he does not want people going to court walking through the main entrance of the recreation center. It was felt there being some security risks and uncomfortable with court people walking through the main entrance, with the rest of the constituents using the recreation center. What we are looking to do is put an entrance on the outside wall that leads into the storage room that is attached to the community room, that will essentially become the vestibule. There will be a divider in the middle with a window allowing people to walk in from the outside to the vestibule to pay tickets at the window on the one side. If the people have to go into Mayor's Court they will go through the door that was currently being used for access to a storage room; that door now becomes access into the Mayor's Court. Those people coming to Mayor's Court are coming from the outside directly to Mayor's Court and then back out, without stepping foot into the recreation center.

Mr. Stemm asked if it is possible to have access through the west end? Restrictive access to Mayor's Court to the community room to the new Mayor's Court?

Mr. Joseph stated there are two sets of double doors through the...

Mr. Stemm interjected on the west end of the building there is some parking spaces and an egress and ingress on the west end; the stage is on the right. Is it possible to kind of restrict the entrance there possibly dry-walling it off or some kind of restrictive access through that area to Mayor's Court; they're not in the recreation center, they are entering and exiting through the west end.

Mr. Joseph clarified you're speaking of the back doors between the side pool entrance?

Discussion: cont.

Mr. Stemm concurred.

Mr. Joseph continued in theory, that could be an option and we can look into it. Essentially, the option that we came up with and worked through with Building Commissioner Hurst, Mayor and their team. Was to come in through the storage area because it would be the least evasive, as far as people being in the recreation center proper. If the pool is ever to be reopened that side entrance into the pool would be lost, if dry-walled off.

Mr. Mencini reiterated on the question that Mr. Stemm asked, there may be problem with the parking depending on how many participants for Mayor's Court. Going back to the door that will be installed will that be on the east side of the building? Or will that be on the Holland Road side?

Mr. Joseph clarified the south side, Holland Road side.

Mr. Mencini clarified with close access, sort of, from the parking lot?

Mr. Joseph responded yes, there will be a sidewalk leading from that door straight out.

Mr. Orcutt stated you said that entrance is going to go straight out. Does that mean that the concrete work on the list Council has? There is a breakdown of nine line items, changes or add-ons. When you say straight out is that concrete going directly to the Holland Road sidewalk? Or does it go out the south side of the building make a 90-degree turn heading towards the parking lot?

Mr. Joseph responded I believe, it will go straight out to the Holland Road sidewalk and can be moved if the city so chooses. We wanted to simplify the concrete work as much as possible in that initial pricing.

Mr. Orcutt stated back to the floor in the community room, you're saying that carpet was purchased and then we made a change as to how we're going to do that. That price, the change to do the floors now is \$17,383.00 to just patch and stain what we have right there?

Mr. Joseph responded it is a full patch, stain, repair and replace where necessary and essentially act as a brand new floor for the community center.

Mr. Orcutt clarified it's just using the existing and repairing. For the price of \$17,383.00 to do that, what would the cost of labor be to use the purchased carpet? You may not have that number right now but I assume it wouldn't be as much as \$17,000.

Discussion: cont.

Mr. Joseph responded I would agree to that, because the carpet is already purchased to install would essentially be cheaper; obviously in that case you lose the functionality of the parquet floor. I believe that was the initial driver in removing the carpet from that area.

Mr. Orcutt continued one of the nine listed items is HVAC equipment. Are we not using the existing trunk that may be feeding that closet or nearby to do the closet area for the Clerk of Court area?

Mr. Joseph responded we will be adding the air supply and have a small electric heater in there.

Mr. Orcutt clarified that is what that line item is for?

Mr. Joseph concurred.

Mr. Orcutt commented that's all the questions, just as long as the changes of moving a department to another building doesn't affect this contract whatsoever. Can't come back in ten years saying that we moved the Building Department, that's the big thing to make sure of is that we're doing everything on our end and responsible.

Mayor Gammella emphasized that where a lot of the energy-savings going to be made is going from three buildings to one building. Obviously, for insurance, upkeep, maintenance and everything. Utilities is where a lot of the savings is going to be realized, going from three buildings to one.

Mr. Orcutt stated to Mayor Gammella, the only thing I had is sometimes when you moth-ball areas or buildings. You may take that thermostat and turn it down to 50 degrees and now that we're putting someone in there it's going to be 72 degrees. Just as long as we're not affected by that, that's good.

Mayor Gammella stated the City Hall and Council buildings cannot be used, just so you understand that.

Mr. Orcutt stated I completely understand that, I was talking about the new Building Department-Animal Shelter.

Mayor Gammella stated I can understand that concern but that is off-campus and isn't included. Legislation will be forthcoming for the new vestibule entrance.

Discussion: cont.

Motion by Mr. Salvatore, supported by Mr. Scott, that item number two was discussed.

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

3. A RESOLUTION OPPOSING PROPOSED 'RIGHT TO WORK' CONSTITUTIONAL AMENDMENTS AND SUPPORTING FAIR LABOR PRACTICES TO SUPPORT WORKING FAMILIES AND THE ECONOMY OF THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY.
Introduced by Councilman Poindexter

Mr. Poindexter stated as we all know I'm a working class person and work hard every day and very proud of that fact. That I work with my hands and still able to do a tough job of our society. At this moment, I'm very proud to stand up for fellow working union and non-union working class people. Right to work laws are relentless attacks by huge multi-national corporations to basically financially break unions; they want to eliminate the competition. Unions are the only group of people who stood up to organized capital and these right to work laws are a way to undermine the financial backbone of those organizations. It limits the ability for workers' to be represented and limits workers' voices on the jobs. A few facts about these laws is 1) all workers' union and non-union benefit from the presence of strong unions. States with right to work laws wages are average three-point (3%) lower than not right to work states. In those states employees are less likely to have employee sponsored healthcare, pension or other benefits. Safety on the job is almost non-existent in the right to work states, the occupational fatality rates are almost 54% higher than states with non-right to work laws. In addition, to all the economic and safety factors associated with these laws they're kind of redundant when looking at federal labor law. Proponents of these laws will say workers shouldn't be forced to join a union but federal law, the National Labor Relations Act, already says that workers can't be forced to join the union as condition of employment; so nobody is forced to be a member. Proponents of the Right to Work law will say it's about giving workers the freedom to choose; they shouldn't be forced to join unions. If people were forced to join unions, the union membership rate would be more than 10% where it is now. If it was about giving workers' a choice these laws allow workers' to opt-out of their union, essentially, without a majority vote. If it was about giving workers' choice, it should allow workers' in non-union workplaces to opt-in to a union. Workers shouldn't be forced to work non-union if choose not to; that argument in itself should void these laws on the basis that they're not fair. It's not about workers' rights it's about undermining workers' ability to organize and bargain for better wages and benefits. I'm very proud to bring this forward and hope to get some support from Councilmembers, the Mayor has already supported this. This will be coming up on the State House floor to get placed on the ballot, the same tactic used in Michigan. Since they put it

Discussion: cont.

through in Michigan by the valid initiative wages have dropped over 4% on average. I don't want to see that for Ohio and definitely don't want to see that in Brook Park. Our city runs on taxes generated from incomes, that's the majority of our revenue through income taxes. If wages and benefits fall and ends can't be meet in households, the city won't be able to make ends meet either. I really think these laws aren't good for Ohio, or good for any state.

Mr. Salvatore stated to Councilman Poindexter, I'm not opposed to this but have a question with the third 'Whereas'. Is there a source to back up the statistics listed in the third 'Whereas'?

Mr. Poindexter responded we do have statistics to back that up and will forward them to you.

Mr. Salvatore stated have any other cities passed this legislation, I know Brunswick did. Is this a boilerplate that other cities follow the same guidelines?

Mr. Poindexter responded yes, this is a standard Resolution that most cities will be using.

Mayor Gammella thanked Councilman Poindexter for bringing this forward, I totally stand in support and agree with your assessment.

Mr. Orcutt expressed support in everything that is going on and is for organized labor. Once clarification is given I will be more comfortable with bringing this to the floor again.

Mr. Mencini stated in support and coming from a union I concur with colleagues once clarification is given for the third 'Whereas'.

Mr. Vecchio assigned this legislation to the Legislative Committee.

4. A RESOLUTION REQUESTING THE BEREA SCHOOL DISTRICT INSTALL ADDITIONAL SECURITY DEVICES AND ENFORCE ADDITIONAL SECURITY MEASURES IN ALL DISTRICT SCHOOL BUILDINGS TO PROTECT THE LIVES AND HEALTH OF EVERY STUDENT AND EDUCATOR AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio

Mr. Vecchio would like to have this put in committee and brought out at a later date. In speaking with other city leaders and think there is some more meat that could be added to this. This is a great start with what is going on throughout society and environment, the temperature has changed a bit. The legislation speaks for itself but think this can go larger.

Mr. Salvatore suggested assigning a committee to be discussed at a later date.

Mr. Vecchio assigned the legislation to the Safety Committee.

5. PROPOSED CHANGES TO COUNCIL RULES 26, 27 AND 28 - Councilman Scott

Mr. Scott stated Council Rule 26 was brought out before and removed from the agenda; since that time a couple of people asked to bring this back out. Two options I was thinking about is removing this all together due to the fact there are already notifications on the doors 'No Smoking'. The second option if the rule is kept as is insert the Ohio Revised Code 3794 for any questions as to why this is being done.

Mr. Salvatore stated personally, he doesn't think the rule has to be changed. Smoking will be prohibited in all meetings of Council and sees no problem with adding Ohio Revised Code 3794 to the rules, as an amendment.

Mr. Mencini concurred with Councilmembers Scott and Salvatore, this will give some backbone for anyone who would try to test this.

Motion by Mr. Scott, supported by Mr. Burgio, to amend Council Rule No. 26 - smoking will be prohibited in all meetings of Council and insert Ohio Revised Code 3794, prohibit smoking in public buildings.

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

Motion by Mr. Salvatore, supported by Mr. Scott, to place on the next Council agenda under Verbal Approval as amended.

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

COUNCIL RULE NO. 27

Mr. Scott stated there have been discussions on this, basically, this is adding a couple of things. The amendment will read the Council President shall be the Administrator of the Office of Council with the responsibility of directing the day-to-day operations of the office, in accordance with the policies established by 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 a majority of Council. All expenditures in excess of five-hundred dollars (\$500.00) must be approved by Council. The Administrator shall serve at the pleasure of Council. (Amended 2/3/98 - Verbal Approval).

Discussion: cont.

Mr. Scott read the amendment 'The Council President or appointed Administrator shall administrate the Office of the Council with the responsibility of directing the day-to-day operations of the office, in accordance with the policies established by the majority Members of Council. In addition, the Administrator shall follow the most current personnel policies and procedures available. All rules and regulations can be amendable or nullified by a majority of Council. All expenditures in excess of five-hundred-dollars (\$500.00) must be approved by Council. The Administrator shall serve at the pleasure of Council.

Mr. Scott stated two words are being inserted ' appointed Administrator' and removing the date of 'November 26, 1991' to be replaced with 'most current personnel policies and procedures'.

Motion by Mr. Salvatore, supported by Mr. Orcutt, to place on the next Council agenda, under Verbal Approval, as presented.

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

COUNCIL RULE NO. 28

Motion by Mr. Salvatore, supported by Mr. Orcutt, to remove from the agenda for more work.

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

6. AN ORDINANCE AMENDING CHAPTER 715 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED PEDDLERS, SOLICITORS AND CANVASSERS AND DECLARING AN EMERGENCY. Introduced by Councilman Orcutt.

Mr. Orcutt stated this legislation ties in with the NOPEC 'Do Not Knock' Program and referred to Law Director Horvath for clarification.

Mrs. Horvath stated currently the Ordinance does have a procedure with regard to resident prohibition by notice, on page 3, of the legislation. Speaking about No Soliciting notices and the city making available stickers saying 'No Trespassing or Soliciting' to be available at the police department; that portion of the legislation would be repealed. Added language to be inserted would be the NOPEC language in its place with a different section number; this goes together with the first item on tonight's agenda for the NOPEC Resolution. By adopting the Resolution, the Ordinance has to be changed to reflect the NOPEC 'Do Not Knock' Program with regard to helping the city.

Mr. Orcutt stated on the second last page of the Ordinance, Section C is being eliminated in its entirety?

Discussion: cont.

Mrs. Horvath stated to Councilman Orcutt, yes that was the proposal.

Mr. Scott stated to Law Director Horvath, if Council goes with the NOPEC Program will this allow residents to get a placard through the police department if they choose to do that?

Mrs. Horvath responded, no the city would be going with what NOPEC is proposing to handle this. The police department wouldn't be handing out stickers on their own, however, if that is one of the places that NOPEC deems to distribute it can be modified.

Mr. Salvatore asked Law Director Horvath to simplify the changes, the original ordinance has six pages and the amendments highlight certain sections.

Mrs. Horvath responded there would be changes in the title and it is my understanding the purpose of the changes would be; instead of the city handing out stickers through the police department. Language would be inserted for the city to take advantage of the NOPEC Program where they would have the online registry and issuing the placards and keeping track. Instead of the city having residents go to the police department to request a sticker. NOPEC would be maintaining the list and relieve the city of the duty or burden of maintaining the list and distribution of stickers.

Mr. Salvatore stated I understand that, my concern is with the existing Ordinance originally passed in 1993 and amended in 2007. These amendments that Councilman Orcutt is proposing can they be added to the existing legislation? If so, there are four pages of a new Ordinance and six pages of an existing Ordinance; the titles are different. Will the city no longer have residential sales, tangible or intangible property and for charitable purposes?

Mrs. Horvath responded the legislation can be modified if that is Council's choice. The titles are slightly different and...

Mr. Salvatore interjected my question is should this Ordinance stand alone as a separate piece, or should it be tied with the existing 'No Soliciting' Ordinance on the books as of 200? Can Council add the section that pertains to what Councilman Orcutt is trying to accomplish? Or do the four pages have to be changed to accomplish that?

Mrs. Horvath responded it can be done anyway, the easiest way would be to add the additional section. The strikeout was done so there wouldn't be any confusion as to who is controlling the handing-out of the stickers or providing the information.

Discussion: cont.

Mr. Vecchio assigned the legislation to the Safety Committee.

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

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

NAYS: None. The motion carried at 8:19 p.m. In attendance:

Members of Council and Law Director Horvath

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

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

NAYS: None. The motion carried at 9:13 p.m.

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

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

NAYS: None. The motion carried.

Council President Vecchio declared this meeting adjourned at 9:14 p.m.

RESPECTFULLY SUBMITTED

Michelle Blazak

Michelle Blazak
Clerk of Council

APPROVED

March 13, 2018

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

