

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, MAY 22, 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 Law Director Horvath, Engineer Piatak, Mayor Gammella and Finance Director Cingle.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Caucus meeting held on May 8, 2018.

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

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

NAYS: None. The motion carried.

DISCUSSION:

1. DEPARTMENT OF PUBLIC UTILITIES DIVISION OF WATER
PRESENTATION - (Mayor Gammella) **In attendance:** Commissioner Alex Margevicius.

Water Commissioner Margevicius provided a power point presentation that is on file in the Council office for public review.

Questions:

Mr. Salvatore thanked Mr. Margevicius for coming and expressed concern of payrolls of \$500,000 or less not being affected by the move from one city to the other. What happens when that payroll exceeds in two to three years in the program.

Mr. Margevicius responded we would not be losing \$50,000 so the city would still be exempt and the new growth that happens after that move is not a loss to Cleveland.

Mr. Salvatore asked who monitors this ?

Mr. Margevicius responded our Economic Development staff monitors this on the Cleveland side.

Discussion:

Questions: cont.

Mr. Salvatore asked Mr. Margevicius how many companies left Cleveland and now want to return?

Mr. Margevicius responded there has been a handful and it's not necessarily left Cleveland but coming back they may have been in the suburb all along; in ten year time I' aware of three or four cases.

Mr. Vecchio stated Cleveland's Economic Development Director monitors that income variance when a city moves to a suburb and then back. Is it suggested that the other municipality do the same?

Mr. Margevicius responded I would think that that would not be a bad thing to have that suburb's Economic Development Commissioner keep track of businesses moving back and forth from a suburb to Cleveland.

Mr. Scott thanked Mr. Margevicius with the fire flow deficit, who evaluates or tests the lines for the water flow amount?

Mr. Margevicius responded the department has crews that perform field tests and also use computer hydraulic model that will simulate what the distribution system is, a combination of both are used. What will happen if a main is to be replaced on a street the city engineer will make an application to us. If there is a commercial or industrial property that needs, for example, 3,000 gallons of water a minute those needs are calculated by your city engineer. Then the department calculates what is available currently with the distribution system; if there's a shortfall there is a formula that calculates what the points are.

Mr. Scott clarified there is a way to determine what the amount is?

Mr. Margevicius responded correct, crews come out and hook up gauges on hydrants for water to flow and measure what is there.

Mr. Mencini thanked Mr. Margevicius for coming and giving a very good presentation. With the water breaks how often could that happen of having 35 breaks?

Mr. Margevicius stated on page 10 of the power point presentation there is a map showing the breaks by using a simple set of criteria for main breaks and will see there are some water mains having high rates on them.

Mr. Salvatore clarified that water mains have about a 100-year life expectancy.

Discussion:

Questions: cont.

Mr. Margevicius by looking broadly at the entire scope of 3,600 miles of suburban mains there have been arguments of 75 years of life or 100 years of life or more for water mains, most in the industry think about 100 years.

Mr. Salvatore asked if there is a life expectancy for the service connections going into the houses?

Mr. Margevicius responded there are about 400,440 service connections in our system and have to repair and/or replace approximately 2,000 to 3,000 a year that fail.

Mr. Salvatore is the city's fire department crews reimbursed for the cleaning, oiling or painting of fire hydrants in the city with this agreement. Is there a difference in or out?

Mr. Margevicius responded there is no difference in or out and these are obligations of the local communities either with the agreement or without signing of the agreement.

Mr. Salvatore asked if there is a formula that needs to be followed for hydrants to be flushed five times a year, ten times a year?

Mr. Margevicius responded the department is currently going through that with the Cleveland Fire Department. We see it varies and the most common frequency with communities is once a year, some communities every two years, other communities twice a year, I would think once a year is not a bad frequency.

Mr. Salvatore asked Mr. Margevicius to elaborate on the point system when the city is going to rebuild a road? How does the city benefit from that point system?

Mr. Margevicius responded everything else being equal and the city proposes one water main as a stand-alone project and not doing a road rebuild. The city engineer would submit that to the department and we would score them using seven criteria's with a score associated with it, all submitted projects get scored this way. If the other project the city submits is in conjunction with the roadway project it would receive a higher score as a result of the conjunction with the roadway rebuild. Part of that is because the roadway project is doing the pavement restoration so the department doesn't have to do much roadway

Discussions:**Questions: cont.**

restoration the department benefits by having less reimbursement just for the water portion but in exchange the city gets higher points as part of the project.

Mr. Salvatore stated with the roadway rebuilds if the city is getting involved with a full replacement on a road and let's say only 50 to 60 years into the lines. Is there a criteria used that makes sense to replace that line even though it's not bad yet but the to replace for the road project?

Mr. Margevicius responded some communities have raised that issue, the department still goes by what the scoring system comes up with, there is only one scoring system. The department has told the COG (Council of Governments) at any point if they want to revisit the scoring criteria because it's much more theirs than ours but that's been the will of the COG over the years. If the main is performing well and looks like it has 30 or 40 years of life should that \$1 million-dollars be spent there or on another main where the break rate is excessive or fire flow is in bad shape. The COG has given the department clear direction that they want the worst performing mains to be addressed and prioritized in this program.

Mr. Burgio stated to Mr. Margevicius for the communities that are part of the agreement is this an amendment that those communities have to sign onto for this new agreement; or are they automatically grandfathered in?

Mr. Margevicius responded there are 35 direct-service communities that are part of this program and all of them have signed the new version of the water service agreement.

Mr. Burgio asked when is the deadline for the new agreement?

Mr. Margevicius responded the most critical item to think about is the twice-a-year scoring system. The department will be taking nominations from communities that sign the agreement in mid-July. So communities that are executed by mid-July then you would be eligible to participate in the next round, if not the next round would be spring of 2019.

Mr. Poindexter thanked Mr. Margevicius for coming and stated with the 35 communities in the program with \$10 to \$15 million-dollars spent. Does that mean Brook Park will be competing for that funding to get some of the projects done?

Discussion:**Questions: cont.**

Mr. Margevicius responded yes, the way this amended agreement was originally crafted is the department has the obligation to spend \$10 million-dollars a year, Cleveland voluntarily chose to increase that to \$15 million-dollars a year. Internal discussions are currently taking place about whether those dollars be increased some more. Today, I can't say what that final number will be there are discussions of up to \$20 million-dollars or phased in over a number of years, there's no commitment currently. One of the things that we would have to think about is if there was a strong desire amongst the communities to take it up to \$30, \$35, \$40 or \$45 million-dollars yearly. Everything the department does is fundamentally supported by water rates so there would have to discussions with the COG and the communities to see if the willingness to support rates to support that level of reinvestment in the distribution system.

Mr. Poindexter asked if this agreement changes current rates?

Mr. Margevicius responded it does not, rates are not changed whether the agreement is signed or not.

Mr. Salvatore stated with the 39 communities that have signed to date it does not show any signups for 2018. Is that because it wasn't offered in 2018?

Mr. Margevicius responded none to date have executed but are close and expect in the next month or two there could be possibly five or six signups this year.

Mr. Salvatore stated it seems a little light over the past few years but a huge signup in 2007.

Mr. Margevicius responded that was the initial year and there was an initial demand and the communities that were ready to sign did so in year one; since that it's been averaging 3 or 4 a year.

Mr. Salvatore clarified the first year shows 2005.

Mr. Margevicius responded the City of Brunswick was a little bit of a different deal and the city actually pre-dated this agreement and were grandfathered into the program; 2007 was the first year of this formally being offered to all the communities.

Mr. Poindexter stated in addition to the replacement of the assets being the department's responsibility. Is there any other incentive that would behoove Brook Park to give the department all our assets.

Discussion:**Questions: cont.**

Mr. Margevicius responded there are two hang-ups that communities have had about signing this agreement. One being the economic development and interested in heavy poaching and the other is the notion of giving up the city's assets. I would argue that this way and former Mayor Zanotti made this case. Those water mains are already providing the city the benefit of the economic development and people able to use water is there, you get that. Mayor Zanotti called it and there is a lot of merit to it is it's more of liability than asset to the city, at this point. It's the billion-dollars the city will be facing down the road you don't use any of the benefit of that asset being in place but do get the benefit of getting dollars from the department for doing reinvestment. Again, not to diminish your point it has been an issue that a couple of communities have struggled with giving up that asset.

Mr. Poindexter stated let's say the city has a project and go through the scoring process and it's not as high as some other communities but there is a need for replacement. Is that replaced at the city's own cost?

Mr. Margevicius responded that question has come up a couple of times and we're working with our law department and think what we would look to do is carve that out, give it back to the city essentially. So the city can then do the reinvestment the city chooses to do of your own. Again, if the city uses bonds or whatever in 20 years that can be transferred back to the department and it becomes our obligation. That mechanism isn't in place yet but is being looked at to do that and there's no reason why the department would oppose something like that in principal, it's more reinvestment being done and a good thing from the department's viewpoint.

Mr. Vecchio thanked Mr. Margevicius for the great presentation.

Mayor Gammella thanked Mr. Margevicius for coming and asked Engineer Piatak if the city had this agreement since 2007. What is your best guess of savings to this city?

Mr. Piatak responded in 2011 a waterline was done on Sheldon Road between I-71 and Smith, in 2017 Brookdale was done and that would have been eligible, there was also another one done but can't remember what street. The savings could have been in the ballpark of \$1 million-dollars in waterlines that could have been eligible.

Discussion:**Questions. cont.**

Mayor Gammella suggested Economic Development Commissioner could attend the next meeting to speak on this because economic development was a bit of a hang-up as stated. I think we can overcome those hurdles and if I'm correct Council may have passed this agreement but for some reason the Administration never signed it.

Mrs. Horvath stated yes, there were some issues with regard to the community reinvestment rate, ours is different than Cleveland. The problem was despite contact with the Cleveland Law Department that issue could not be resolved and we were fearful that the current rate would end up rolling back to a lesser rate.

Mr. Vecchio asked is there an idea as to what year that was (original agreement)?

Mr. Burgio commented about ten years ago, 2007-2008.

Mrs. Horvath commented she thought it was 2016 but may be mistaken.

Mayor Gammella stated this is a big step and we should take our time, be prudent and do our due diligence. We can have the law director, finance director, city engineer and economic development in attendance to see what way the city wants to go, I, for one, thinks it is a good idea.

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

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

2. PROPOSED CHANGES TO THE 2018 CAUCUS/COUNCIL MEETING & SUMMER SESSION SCHEDULE (Councilman Mencini)

Mr. Mencini stated this was brought up a few weeks ago by Mr. Scott and with summer months coming around maybe this is something Council may want to look at. This can be taken line item by line item or whatever way Council wants.

Mr. Vecchio suggested taking each one separately.

Mr. Scott stated the idea from a few weeks ago was to remove the last Caucus meeting of the four months. If anything should come up a special meeting can be called for that purpose; last year, during summer recess there were many special meetings called.

Discussion: cont.

Mr. Vecchio stated there would actually be five Caucus meetings removed because further down is the December 26th Caucus due to the holiday.

Mr. Poindexter stated so far this year meetings have been held except for the fifth Tuesday and after speaking with various departments. It seems that the extra time between meetings would help prepare there may be more on those meeting agendas. But, the preparation would be easier if there was time in between and more time for research of different subjects that I think would be beneficial to Council, not a hindrance.

Mr. Salvatore stated as one Councilman, I'm not in favor of cancelling any of these meetings. The Caucus Prior to the Council meeting was added that was designed to have discussion of a subject matter that might be moved to the Council agenda that same night. With the new Administration and 50% new Councilmembers there is a learning curve involved and thinks the more time that we can assemble to work together will show a definite improvement as moving forward. Not interested in looking at any changes until after the first year or first term and will vote against this.

Mr. Mencini stated the way I'm looking at this is I'm here on Tuesday nights but don't want to be here until 12:00 midnight. Looking at this we're looking at three Caucus meetings a month and the other thing to remember is the move to the Recreation Center at some point; so there will be time to get acquainted over there. I concur with Mr. Poindexter that sometimes the little breaks gives for more reading and seeing what the community feels. I don't think that we need to be here every Tuesday night and get away with letting go of the four Caucus meetings.

Mr. Orcutt stated with the first item there are four dates listed along with December 26th. When actually going through this list and look at every single line-item, four are being taken off with the first line-item, four with the next line-item totaling eight. The November 6th meeting is being removed and added to November 13th totaling nine and then by removing December 26th that equals ten. Going into 2019 and by looking at this that would be 15 and we meet 44 nights a year and this proposal is to take off 15 dates. If this is done in 2019 we are taking off 15 evenings of the 44 that's 1/3 and will not support any of this except possibly December 26th.

Mr. Vecchio stated currently scheduled for the whole year without any of the called Special meetings there were 68 meetings scheduled and have had 30+ meetings to date; with another 38 meetings scheduled for the rest of the year. There are 52 weeks in a year of which we meet bi-weekly is 26, two meetings is 54. There is a point of getting into analysis by paralysis and that's something I think we need to look at.

Discussion: cont.

Mr. Scott stated I'm a little confused, June 26th is one, September 25th is two, October 23rd, November 27th is four, July 24th is five and December 26th is six; I don't see 15 meetings.

Mr. Orcutt clarified what I was saying with this proposal for the year 2019 if you plan to remove a Caucus meeting every month.

Mr. Scott interjected no, we're taking summer recess for four weeks, one being the fifth Tuesday, so there's three weeks there.

Mr. Orcutt asked what days do we have scheduled for July?

Mr. Vecchio responded the current July schedule is two meetings on July 10th and two meetings on July 24th, followed by August 7th and 21st two meetings each. There are four meeting dates scheduled for June which totals six meetings.

Mr. Orcutt clarified we did set the schedule up for July and August earlier this year, correct?

Mr. Vecchio responded Council set the schedule in February.

Mr. Orcutt expressed confusion with the summer recess schedule.

Mr. Vecchio clarified there would be one set of meetings for both July and August as currently proposed.

Mr. Orcutt stated that would be eight meetings, not 15.

Mr. Vecchio commented with that being said that would take Council down to 67 meetings for the year.

Mr. Orcutt stated I was using dates and if this is done for 2019 it looks like there would be 1/3 of that taken away.

Mr. Vecchio commented that special meetings can be called.

Mr. Orcutt concurred and stated the Caucus meetings have been jam-packed and Council has been pausing them and then coming back to that meeting.

Mr. Salvatore interjected what is being discussed has been described two different ways; meetings or meeting dates. The conversation should be meeting dates

Discussion: cont.

because the Caucus Prior meeting to Council is not adding a meeting date it's adding a meeting to an existing meeting date. For summer session it says the weeks of August 7th and 14th, there is nothing scheduled on the 14th.

Mr. Vecchio interjected I interpreted that as the weeks of summer session.

Mr. Salvatore commented we have to be specific, a meeting is going to be cancelled that doesn't exist.

Mr. Vecchio stated we can be specific and discussing it at the moment so as you said it at that point. To specify what you're going to do is probably where we're at. So for clarity those two weeks are the weeks of the proposed summer session.

Mr. Salvatore stated there is a date for the 7th so it's not the week of, for the 14th we don't have a meeting; so it's the week of the 14th but it's really the 21st and we have two meetings scheduled for the same date. For point of clarification I want to be specific and clarify that two meetings on the same date are just that one day, two meetings to conduct business. Mr. Mencini brought up the fact that Council, in the past, was successful in accomplishing things at short meetings. In the past the reason why Council took liberty of setting dates for summer session is so the Administration is so that instead of calling a special meeting the Mayor could would have a date set aside to set his agenda to that date. When getting down the December 26th I can understand cancelling that meeting, unless for some reason, there is something that needs to be passed under an emergency measure.

Mr. Poindexter stated by removing dates it doesn't do anything to the following dates so the Mayor can look at the schedule to have items put on, if something important a special meeting can be called. I don't see where this changes any visibility to put it onto a future Council meeting other than calling a special meeting.

Mr. Orcutt stated by looking at this I'm going to assume that going into 2019 if we were to go with this pattern we would be removing one meeting date per month.

Mr. Vecchio interjected we're not discussing 2019.

Mr. Orcutt commented I'm trying to see what pattern and why are we taking off June 26th?

Mr. Vecchio stated I understand that but we're probably better containing with 2018.

Discussion: cont.

Mr. Orcutt interjected why are we taking off September 26th? What I'm getting at is this if we follow this pattern we will be taking off six weeks between the months of July and August and will be taking off the other ten months one work day, that will be 16 work days taken off.

Mr. Mencini stated Point of Clarification, when bringing this back up my thought process had nothing to do with 2019, absolutely nothing. Our pattern next year could be totally different and one of the things I think we keep missing here is the switch over to the Recreation Center.

Mr. Orcutt stated the reason I brought that up is because it's the middle of May and we don't have our Roads Program done, I can't see how we're having this discussion with taking off those many days.

Mr. Poindexter stated there's a misconception because we're taking these meeting dates off that we're taking days off of work; meeting dates are days where you display the work you've done since the last meeting. I work twice as hard outside of these meetings to make sure that I have something to report and talk about at these meetings. In essence, by taking these meeting dates off I can get out into the community, do research and attend a Big Creek Watershed meeting on a Tuesday.

Mr. Burgio stated good discussion and hear what Councilmen Salvatore is saying and Councilmen Poindexter comments on more time to prepare for the next meeting. This should be taken with 2019 being a separate issue and if special meetings are needed that is done all the time.

Mr. Stemm stated he is okay with the Caucus's being removed but would like to discuss summer session more.

Mr. Mencini clarified the four Caucus dates not including December 26th.

Mr. Vecchio concurred.

Motion by Mr. Scott, supported by Mr. Mencini to remove the last Caucus meeting dates of June 26th, September 25th, October 23rd and November 27th and place on the June 5th Council agenda under Verbal Approval.

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

NAYS: Salvatore, Orcutt. The motion carried with a vote of 5-2.

Mr. Vecchio stated moving to Summer Session there would be the weeks July 24th and 31st, fifth Tuesday no meeting scheduled, and weeks of August 7th and 14th.

Discussion: cont.

Mayor Gammella stated probably late July or mid- August will be the move over the new Council Chambers, there are a lot of electronics and video that needs to be done.

Mr. Vecchio asked Mayor Gammella if there is a plan for files and so forth especially since Council has the history of the city.

Mayor Gammella responded those files will have to be moved over but can't see moving all the paper files with the exception of the airport agreement until that case comes to its conclusion.

Mr. Poindexter stated with the summer session schedule he's okay with having a meeting on July 10th & 24th and August 7th & 21st and is okay with keeping as is.

Mr. Stemm agreed with Mr. Poindexter for the summer session schedule.

Mr. Scott stated last year I'm not sure that would be called a summer recess due to having special meetings. For July 31st there is no meeting and August 7th there may not be a Council Chamber. August 14th was picked because what if the Council Chambers is not ready, I don't know where meetings can be held. In speaking with some of the Administration they suggested July 31st and August 7th for sure but I picked the 14th and 24th for a cushion, due to the construction project.

Mr. Burgio asked nobody knows for sure the problems with the move and asked Mayor Gammella his feelings with the move to the new Chambers?

Mayor Gammella responded if it is a problem we can continue to meet here but would like to have that move by that time and looks like we'll be able to do the target date of late July to mid-August. The Charter clearly states that the months of July and August Council doesn't have to meet at all, that's Council's prerogative.

Mr. Poindexter suggested placing the summer session on the June 19th Caucus prior to agenda because the move-in dates may be more clear.

Mr. Salvatore stated the move doesn't have anything to do with whether there should be a move or not. If we haven't moved yet then the meeting is here and if we move and there are things are dysfunctional, we can have the meeting at the library or gazebo.

Mr. Vecchio interjected there cannot be a meeting if the equipment is not there. If the equipment is in transition there can't be a meeting here. I think what is amiss

Discussion: cont.

by everybody is what all entailed in the move and think it behooves everyone not to take the time to understand there is more to the move than what everybody is looking at superficially. The undertaking of the move is a little larger than what I'm seeing in this discussion.

Mr. Salvatore commented if for some reason we're unable to make that move that meeting can be cancelled. The question is are we going to cancel the summer session meetings that are scheduled?

Mr. Vecchio asked for clarification from Law Director Horvath for Charter section 4.05 – Meetings that reads 'except that it shall hold regular meetings twice each calendar month provided, however, that it may recess during the months of July and August subject to the call of the Mayor. Is that the Mayor's call?

Mrs. Horvath responded no, I would interpret that as the Mayor calling a Special meeting due to an emergency with the city that needs to be addressed. I don't think it would be subject to the Mayor's discretion of special meetings to be called under 4.05 b.

Mr. Salvatore clarified the way the language is written the only one can call a special meeting would be Mayor, Council President and three Members of Council would not have that privilege, is that correct?

Mrs. Horvath responded that is one way in interpreting and would expect that's probably past practice.

Mr. Orcutt stated Mayor Gammella said late July or early August can we have two meetings in early July and later August?

Mr. Scott suggested July 17th to have two meetings in July and two in August.

Mr. Vecchio commented there would be two meetings in early July and end of August so there would be no meetings for the end of July and early August.

Mr. Orcutt concurred by stating July 10th & 17th and August 21st & 28th.

Motion by Mr. Scott, supported by Mr. Orcutt, to place summer session dates of July 17th and August 28th as part of the schedule on the June 5th Council meeting under Verbal Approval.

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

Discussion: cont.

Mr. Vecchio moved forward with the changing of meeting dates.

Mr. Mencini stated November 6th is the General Election and should be moved.

Mr. Salvatore suggested changing the November 6th date November 7th.

Mr. Burgio concurred with that meeting change as in past practice.

Motion by Mr. Mencini, supported by Mr. Scott, to move the November 6th Caucus Prior to and Council meetings to November 7th and place on the June 5th Council under Verbal Approval.

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

Motion by Mr. Poindexter, supported by Mr. Burgio, to remove the December 26th Caucus meeting due to the holiday and place on the June 5th Council agenda under Verbal Approval.

ROLL CALL: AYES: Poindexter, Burgio, Scott, Orcutt, Stemm, Mencini
NAYS: Salvatore. The motion carried with a vote of 6-1.

Motion by Mr. Mencini, supported by Mr. Poindexter, that the July 17th meeting date was discussed.

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

3. REPLACEMENT OF DESKTOP COMPUTER FOR COUNCIL CLERK
CONNECTION SALES QUOTE **\$909.74**

Mr. Vecchio stated the clerk's computer is constantly crashing and cannot run the necessary programs, it's an older system that needs to be upgraded.

Mr. Orcutt reviewed the quote that includes four monitors.

Mr. Vecchio clarified those are for different size monitors and the top two would match the current hardware. Looking at the extended package the monitor would be a 23.8" full-depth Dell monitor for \$273.05 the Dell drive is \$613.00 and the display port adapter at \$23.30 for a total of \$909.74.

Mr. Burgio asked if any other computer comparable were done for cost.

Discussion: cont.

Mr. Vecchio responded this is based on the city's IT recommendation and most commercial or business computers are Dell computers.

Mr. Salvatore stated in discussions with the clerk and recommendations of the city's IT person we've had good luck with this company in the past.

Motion by Mr. Salvatore, supported by Mr. Poindexter, to place on the June 5th Council agenda under Verbal Approval.

Mr. Mencini concurred with Mr. Salvatore and stated when talking to Zach Ellis about technology, phones and computers, Zach is tremendous.

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

4. SIX- MINUTE AUDIENCE PARTICIPATION DURING COUNCIL MEETINGS
(Councilman Mencini)

Mr. Mencini stated early on one of the things I've enjoyed is audience participation and still do it's the people's right to come and speak on issues. Watching other communities and the school board they only allow five-minutes or 15 minutes on any subject and 1/2 -hour on audience participation as a whole, there are a lot of times it doesn't get that far. There have been good ideas, suggestions and things that have come forward and don't think it is a karaoke night where people give personal feelings and political agendas, that's not the place for it. This is an area where it should be professional and when giving a professional or civic opinion I don't think a 1/2-hour is needed. If so then Council can take a vote on five or ten minutes extension and everyone won't be happy with this and it's open for discussion. Every resident and persons has a right to speak at the microphone and hopefully have everything in order and understand the emotions. I'm very impressed with the Cities of Cleveland Hts., Middleburg Hts. and Lakewood when at the microphone.

Mr. Vecchio stated there are 14 cities and two counties in the general vicinity that have set time limits for audience participation; ranging from three to five minutes. Some communities have eliminated speaking on any subject matter and only containing the participation portion to items on the agenda. The average person speaks between 110 and 150 words per minute. A five-minute span is 750 words equals a page and a half of printed words. The surrounding cities of Brunswick, North Olmsted, Parma, Parma Hts. Strongsville, Westlake, Cuyahoga County of Council have all instituted three and five minutes. This is not discounting the thoughts of residents because some communities through

Discussion: cont.

their rules have a time limit on how long Members of Council on what they speak on and how many times they can go through. I'm in support of reducing the time and keeping things on point for that very reason. There is business to go in the meetings and we do want to hear from the residents but some of the personal items needs to be negated.

Mr. Scott stated my personal opinion is this is something that should be looked at and would take a serious look at this after moving to the new Council Chambers, hopefully, moving into a new location the mindset of the audience can possibly change. I'm not against or for this, at this time, and once we move to the new location see how the people react; if it's the same scenario then we should take a look at this.

Mr. Vecchio asked Mr. Scott do you think the Council meetings are going to change by going to a new Chambers?

Mr. Scott responded honestly, hope so. I think once people see the new modern facility they will be more businesslike.

Mr. Stemm stated kind of an arbitrary question but do we know what the average time is for residents speaking at the podium, currently?

Mr. Vecchio responded with the exceptions that we've had and by the clerk and I writing down starting and ending times. I would say the average, non-habitual, is right around three or four minutes. That would be the average person then, obviously, there have been some that are 40-plus minutes for this year. That's where the issues are because it's taking the audience participation time to anywhere between 45-minutes to 1 ½ hours.

Mr. Stemm commented he is trying to come up with a number where it's fair for the resident and us to keep business up here.

Mr. Vecchio suggested whatever time-limit is put on this it's at our discretion if a few more minutes is needed. Also, if a person knows they will need more time they can schedule with the Council office to get on the agenda. If they have a personal nature that we're trying to eliminate they appear on the agenda with a given allotted time.

Mr. Orcutt commented when people speak at the microphone they are expressing their true emotions and there are times when people can go on a little bit in expressing their issues. When I was watching meetings on cable you could

Discussion: cont.

find out the reason the residents are in attendance and assist with giving, for example, the phone number for the service director, is not in support.

Mr. Mencini commented at one meeting there was a resident who came to speak and waited patiently for her turn and there are some topics that probably could be handled easier by calling City Hall. It is not my intention to take this away but speaking with other people they're telling me that audience participation is getting a little out of hand. Maybe us sitting up here should interrupt and say we understand and not totally put that on the Council President. The residents' have a right to come up and speak and want to hear them and respond to them. Past and the current Council Presidents have tried to tell residents that we understand and that's hard for them to do.

Mr. Poindexter stated he is on the fence with this and doesn't want to take anyone's right or desire to speak at the podium on any subject pertaining to city business. But, on the other hand I don't want that same podium to be the soapbox of airing out dirty laundry and don't want to hear people preaching about this group or that group. That microphone should be for city business and in six minutes you can get a lot of information out.

Mr. Salvatore stated as one Councilman I wouldn't want to put a time-limit on anyone coming before Council. At one time the Council agenda was separated out in two sections with Remarks from the audience on items appearing on the agenda only and then audience remarks on any subject. When people come to the microphone 99% of the time they're coming to vent about something that is bothering them, something in the neighborhood or something that happened personally, this is the only place they can do that. The Council President can stop any unnecessary dialogue coming from the microphone especially if it's repetitious. During the airport issue this room was packed with people who wanted to speak for 10 to 15 minutes a piece and the Chairman would say to them, if something is repeated three, four or five times; the chair can control any negative situations. This is something that is going to be a rule and if not followed that's okay a few extra minutes will be given or call ahead of time to be put on the agenda. That's not how it works this is a rule and needs to be followed and the only way it can change is by a vote of Council at that meeting to allow someone to continue.

Mr. Vecchio stated some communities have sign-in sheets and believe the school board does for people to sign-in to speak at the podium. The discussion on this is great and obviously we're not the only ones if there's this many communities including the Cuyahoga County Council that has done this. I think part of it is to be able to control the pace, cadence of meeting and what is taking place.

Discussion: cont.

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

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

5. RESOLUTION NO. 27-2017, TO EXTEND THE BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, IN ORDER TO ALLOW THE CITY ADMINISTRATION, COUNCIL AND THE BROOK PARK PLANNING COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE BROOK PARK ZONING CODE RELATIVE TO SUCH USE AND DECLARING AN EMERGENCY. Introduced by Councilman Scott.
Note: Resolution was adopted on December 5, 2017 per override of Mayor's veto with a vote of 6-0 for a six-month moratorium that will expire on June 5, 2018.

Motion by Mr. Salvatore, supported by Mr. Mencini, to have the law director prepare legislation for the next Caucus Prior to for extension of the moratorium for six months.

Mr. Poindexter the legislation reads to place a moratorium for six months in order to allow the Administration, Council and Brook Park Planning Commission to review applicable Ohio statutes, criminal codes and Brook Park Zoning Code relative to such use. In the past six months has anything been learned on those points?

Mrs. Horvath responded these rules and so forth are moving targets and are revolving. The point is well taken that as a city we haven't really fully discussed any of the different parameters that we have here and, certainly, should do so. I'm not sure everything is complete to do a six-month moratorium. In order to get Council information about what is going on and what other cities are doing and what the rules are now. So at sometime between now and the six months the city has an idea of the direction to go.

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

SERVICE COMMITTEE - CHAIRMAN, ORCUTT:

1. AN ORDINANCE AUTHORIZING THE CONSULTING ENGINEER TO PREPARE PLANS AND SPECIFICATIONS AND THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR CITY OF BROOK PARK CONTRACTS 1802, 1803 AND 1804 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella

Mr. Orcutt stated at last week's discussion I believe there was a general consensus that the four Ward Councilmembers would meet; to discuss and decide some of the worst areas to be brought forward to the Mayor. We met and hashed out the worst areas that were brought forward to the Mayor.

Mayor Gammella clarified for Council to follow along and read the requests as received. In Ward 1, Independence Court and Hio.

Mr. Stemm concurred.

Mayor Gammella continued in Ward 2, Delores from Holland to Sylvia and Sylvia Court.

Mr. Mencini concurred.

Mayor Gammella continued in Ward 3, Hummel Road from railroad tracks to Fry Road and Wengler Drive. In Ward 4, Brookhaven, Saylor and Carol crack-seal. When discussing this with the engineer he will need time to look at each one of these streets, figure out what is needed. Or Council tell him what they think is needed so that a price can be given to move forward.

Mr. Mencini thanked Mayor Gammella and clarified that the four Councilmembers did not meet together.

Mr. Stemm stated to Mayor Gammella the question asked was what was entailed. For Ward 1, Independence Court and Hio was the resurfacing charge for both projects.

Mr. Salvatore applauded the Ward Councilmembers for getting together because that's the way it was done in the past and successful. Mr. Salvatore asked Engineer Piatak how long he thinks this will take for Council to have something for drafting of legislation.

Mr. Piatak responded it will take a few days to get the numbers on this, I would be surprised if available before the end of the week; sometime next week hopefully there will be information sent over.

Service Committee – Chairman, Orcutt: cont.

Mr. Salvatore clarified Council could possibly have something by the Caucus prior to agenda of June 5th.

Mr. Piatak concurred.

Mayor Gammella stated it's extremely important that the Ward Councilmen speak up at this time exactly what they want entailed in these projects, to know exactly what needs to be done.

Mr. Burgio applauded the Ward Councilmembers for getting together at various times during the week to get what is needed in their wards and also applauded the Mayor for working together on this.

Mr. Poindexter stated I have no opinion because he hasn't been provided a list and would like to have that as soon as possible for review of numbers when coming back from the engineer. At this point, I want to carry forward as much money as possible with the large roads program we will have for 2019.

Mr. Scott stated to Engineer Piatak, Contract 1803 will not change as Brookhaven that's the concrete joint repairs as stated. Saylor Drive resurface and Carol is crack-seal. Mr. Scott stated to the residents there was a small pot to work from and tried to divide it up equally as possible per Mr. Orcutt's numbers. There isn't one significant ward getting any monies directed than any other ward.

Mr. Mencini stated these weren't easy choices and Mr. Cingle has been bringing it forward to Council from the beginning that money is very tight and 2019 not much better.

Mr. Vecchio clarified to Mr. Mencini what is being done in your ward for Delores and Sylvia Court?

Mr. Orcutt thanked everyone involved and appreciate everyone's patience on this matter. To give a synopsis the starting amount was \$1,211,500 and made amendments to that budget and re-appropriated \$295,000. As Mr. Cingle told us that is \$1,506,500 and after working on all the streets that we did. There will be a total on nine streets done and we're originally going to put \$265,200 into the 2019 Roads Program. Currently, with all these streets and numbers we're over \$500,000 and that doesn't include engineering for 2018 but the remaining will go towards 2019 roads.

Service Committee – Chairman, Orcutt: cont.

Motion by Mr. Orcutt, supported by Mr. Mencini, to include Hio Drive, Independence Court, Delores Blvd. from Holland Road to Sylvia Drive, Sylvia Court resurfacing projects; Hummel Road from the west-end railroad tracks to Fry Road, Wengler Drive and in Ward 4 Saylor Drive and Brookhaven concrete joint repairs and Carol Drive from the end to Park Drive for crack-fill.

Mayor Gammella requested to hear from the Ward 2 and 3 Councilmembers to see what exactly you want done on these streets so the engineer can made a logical assessment.

Mr. Mencini stated Ward 2 Sylvia Court resurface, Delores from Holland to Sylvia resurface.

Mr. Orcutt stated Hummel Road from the west-end railroad tracks to Fry Road resurface and Wengler Drive resurface.

Mr. Poindexter asked Mr. Piatak if the crack-seal is done in-house or contracted out.

Mr. Piatak responded in the past that project has been bid out.

Mr. Piatak stated not sure if it's my time to speak but want to go on the record that some of these streets I don't know if we want to resurface. They may require more concrete repairs to get the asphalt to stay on top of a condition that would warrant resurfacing. I don't know if you can resurface Sylvia Court or Delores. We can but I don't know if you're going to get the product and longevity that you're going to expect, I want everyone to be aware.

Mr. Orcutt commented we did use the street report provided to Council for the numbers.

Mr. Piatak responded correct, but not all of the streets on there...that database is a guide, it's not a mend-all, be-all. I need to go through all these streets and reevaluate where they're at. I can tell you that I'm probably not recommend to the city to resurface Sylvia Court because I don't know if you can do it. I think the equipment is going to tear it up and you'll end up with rubble.

Mr. Orcutt stated when the asphalt is torn off and find an open spot that's been damaged from salt. You're talking about concrete that has to be cut out and re-poured those numbers will change because of that action.

Service Committee – Chairman, Orcutt: cont.

Mr. Piatak concurred, as I stated the database is a guide. Anytime I've done an evaluation of the street I will visit the street, do more detailed investigation to try and come up with logical termini of the project so that it makes sense, with the stopping here and starting there. I want this to be out there I don't know if we can resurface some of these streets.

Mr. Salvatore stated to Mr. Piatak, it sounds that you're confident that Sylvia Court should be reconsidered. Having heard that I think there should be a backup plan in place in the amount of \$55,900 for Sylvia Court. Do you agree or disagree with that?

Mr. Piatak clarified the numbers.

Mr. Salvatore concurred.

Mr. Piatak continued I don't have those in front of me so I really don't want to speak. Earlier I did an evaluation on Sylvia Court and provided an budget number for a reconstruct but don't have those numbers with me.

Mr. Salvatore continued assuming that the \$55,900 amount is accurate and assuming that your assessment of that street would be advisable not to have done at this time. A backup plan would be to either move that \$55,900 into the 2019 Roads Program or have another street in Ward 2 for around \$50,000 in place for discussion. If you could have a suggestion ready if your recommendation is that Sylvia Court not be considered at this time.

Mr. Piatak commented my recommendation would be to put that money in the crack-fill program because doing a crack-fill on one street is not much of a program. Last year, I think there was \$100,000 in crack-fill as well as the year before. The city has been around \$75,000 to \$100,000 a year in crack-fill.

Mr. Salvatore stated if Mr. Piatak suggests putting those dollars into the crack-fill program that would be a good plan B for this proposal.

Mr. Mencini thanked Mr. Piatak and knew that might come because I realized with the Ward 2 streets we're talking curbs and aprons. With the crack-fill I would like to talk to the city engineer and administration because I don't want to make that choice right now.

Mr. Orcutt commented what we could do with that situation is probably talk about some of these numbers tomorrow to get this moving forward.

Service Committee – Chairman, Orcutt: cont.

Mayor Gammella commented to Mr. Piatak we want this done right, give us your best estimates but again we don't want to go back in, we want this done correctly. If there are changes we will make the necessary changes.

The clerk called the roll on the motion by Mr. Orcutt, supported by Mr. Mencini, to include Hio Drive, Independence Court, Delores Blvd. from Holland Road to Sylvia Drive, Sylvia Court resurfacing projects; Hummel Road from the west-end railroad tracks to Fry Road, Wengler Drive and in Ward 4 Saylor Drive and Brookhaven concrete joint repairs and Carol Drive from the end to Park Drive for crack-fill.

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

Mr. Salvatore commented legislation is needed to be prepared to discuss this and what Council did this evening is ask the engineer to come back with estimates. On the proposed changes and recommendations for the Sylvia Court situation, once that is all finalized proper legislation can be drafted.

Mr. Vecchio stated you did do that but this legislation needs an action that is currently in front of us has been amended or changed completely.

Mr. Orcutt concurred.

Mayor Gammella – Point of Information to Mr. Piatak. On this legislation contracts 1802, 1803 and 1804 are the projects for next year?

Mr. Piatak responded no, what I did on contract 1802 attachment A is try to group the projects together that I would sell together and sign a contract number. So there was no question what Council was moving forward with because there was some discussion of a 2018-2019 Roads Program.

Mayor Gammella clarified contracts 1802, 1803 and 1804 was the 2018 Roads Program and the remaining \$763,000 was for 2019.

Mr. Vecchio stated Council voted on the amendment and are now defeating this legislation that is in on the agenda. Because you're not enacting anything on this legislation. So the motion should be that this legislation should be Read in Committee and have new legislation drafted, this legislation matters no more.

Motion by Mr. Poindexter to place the legislation back in committee per the city engineer's recommendations. Died of for lack of a second.

Service Committee – Chairman, Orcutt: cont.

Mr. Stemm stated to Mr. Piatak other than Sylvia Court are you comfortable with the other roadways listed for work?

Mr. Piatak responded no, not at this point.

Mayor Gammella stated to Mr. Piatak on the major projects for 2019; Sheldon Road, Holland and Smith Roads, how soon is legislation needed to start engineering and so forth?

Mr. Piatak responded the Smith Road legislation has been authorized, Holland Road is prepared to come forward probably at the next meeting and with Sheldon Road I'm still working on some of the details with Middleburg Hts. and Cuyahoga County.

Mr. Salvatore stated with the legislation before us for Contracts 1802, 1803 and 1804 provides for a Consulting Engineer lump sum fee of \$55,500. With the proposed suggested changes is that going to change that figure?

Mr. Piatak responded yes.

Mr. Salvatore asked if a ballpark figure is available?

Mr. Piatak responded I do not.

Mr. Salvatore continued until that number is known we really can't do anything with this legislation on the Special Council agenda immediately following. So until that information is given and new legislation will have to be drafted.

Mr. Vecchio stated Point of Order, since the amendment was made for this legislation (Ordinance) needs to be defeated. New legislation needs to be drawn up and brought forward. Mr. Poindexter made the motion to go back to committee and that's what needs to be done because of the amendment, that motion died for a lack of a second. My suggestion is to put back in committee and then have it Read in Committee.

Mr. Salvatore commented we're not going to amend this.

Mr. Vecchio interjected the motion was made for the amendment.

Mr. Salvatore stated it was a suggestion approach on how to move forward and what streets should be done; really has nothing to do with what is in front of us.

Service Committee – Chairman, Orcutt: cont.

Mr. Vecchio clarified that a vote was taken so that's where it stands. That's why I'm saying...

Mr. Salvatore – it wasn't a motion to amend.

Mr. Orcutt – we made a motion to change all those streets on 'Attachment A'.

Mr. Vecchio asked the clerk if the motion was to amend.

Clerk - that was my understanding.

Mr. Vecchio – on record the motion was to amend. Overruling everyone there is a second motion, properly seconded to place back in committee.

Mr. Orcutt – what is the motion properly seconded.

Mr. Vecchio – to put back in committee and it's in your committee so you can make the motion that it was 'Read'.

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

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

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

2. AN ORDINANCE AUTHORIZING THE MAYOR TO HIRE INSPECTOR(S) FOR BROOK PARK CONTRACTS 1802, 1803 AND 1804 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella

Motion by Mr. Mencini, supported by Mr. Poindexter, that item number two was Read in Committee.

ROLL CALL: AYES: Mencini, Poindexter, Stemm

NAYS: Salvatore, Orcutt, Burgio, Scott. The motion failed with a vote of 3-4.

Mr. Salvatore stated to Mr. Piatak once streets are agreed upon for the Roads Program these inspector(s) will be needed, correct?

Mr. Piatak responded correct.

Mr. Salvatore stated to Mr. Piatak the contract numbers won't change, correct?

Mr. Piatak responded they might.

Service Committee – Chairman, Orcutt: 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.

There being no further business to come before this meeting a **motion** by Mr. Poindexter, supported by Mr. Mencini, that this meeting was adjourned.

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

NAYS: None.

Council President Vecchio declared this meeting adjourned at 9:50 p.m.

RESPECTFULLY SUBMITTED



Michelle Blazak
Clerk of Council

APPROVED



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