

**SPECIAL CAUCUS MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
HELD ON THURSDAY, JULY 26, 2018 IMMEDIATELY  
FOLLOWING THE SPECIAL COUNCIL MEETING**

The meeting was called to order by Council President Vecchio at 6:34 p.m., who read the meeting notice. The clerk called the roll and the following Members of Council answered:

**SCOTT, BURGIO, ORCUTT, STEMM, MENCINI, SALVATORE**

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

Councilman Poindexter is on vacation.  
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**DISCUSSION:**

1. AN ORDINANCE ENACTING CHAPTER 1358 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella

**Motion** by Mr. Mencini to place on the Special Council agenda immediately following. Died for a lack of a second.

Mr. Orcutt asked Mayor Gammella for insight on the new House Bill recently passed.

Mayor Gammella responded this must be passed by July 31<sup>st</sup>, the city received it late. This has to do with the new technologies that will be coming out.

Mr. Orcutt continued this restricts where an antenna can be placed?

Mayor Gammella concurred.

Mr. Vecchio commented to Mayor Gammella this gives the city authority to say yes or no?

Mayor Gammella concurred.

Mr. Salvatore asked Mayor Gammella what is the downside if the legislation isn't passed in a timely fashion?

**Discussion: cont.**

Mayor Gammella responded that would mean the city isn't going along with the House Bill and there could be ramifications. The new technology of self-driven cars is the way of the future and wouldn't want the city left behind.

Mr. Scott stated to Law Director Horvath was this something I approached you last year that the City of Berea had an issue with this.

Mrs. Horvath responded that could be and not sure what issues the City of Berea may have had. There are some municipalities that are getting requests from various companies to place antennas and other devices in places that cities weren't happy that they were going to be allowed to do so. The main reason to pass this is so the city gets the legislation on the books before the new House Bill takes effect. This would give the city more control and under Home Rule have more of a say as to where the devices may go. If the city waits until the House Bill goes into effect the city may not have the same ability to regulate to the degree, the city can regulate now. The Cities of Strongsville and Berea were approached by some companies to place devices in right-of-ways on poles in different areas and both of those cities felt that may cause problems and certainly didn't look very good wires hanging everywhere. Most of these companies have been waiting until the deadline date for passage. After that date any city that didn't adopt the company will probably renew their request to put devices in spaces that a municipality wouldn't want something to be; or a design that looks ugly, crowded and bad. The City of Lakewood has passed this already and the City of Fairview Park and North Ridgeville will be passing this soon. This is a good thing for the municipality to pass because there are design guidelines that are going to have to be developed at a later date.

Mr. Stemm stated to Law Director Horvath, the Mayor mentioned ramifications. Could it be possible if not passed by the city that unlicensed or unregulated devices could be used and the city would have no authority.

Mrs. Horvath thinks the city's authority would diminish because the House Bill would go into effect and the city wouldn't have the ability to develop guidelines and regulate in a manner the city felt appropriate.

Mr. Burgio commented this appears to be an addition to cellphone towers and looks like they could be on utility poles, traffic signals and so forth. The legislation reads that permission must be given by the city's Building Commissioner.

Mrs. Horvath concurred with Mr. Burgio and mentioned that's the idea that the city wants to regulate this and not have people putting things wherever they want without the city's permission.

**Discussion: cont.**

Mr. Burgio stated he likes the feature of the city having some say-so on how this will affect the community in a negative manner.

Mr. Salvatore stated to Mrs. Horvath I have a couple of questions with some of the requirements. The first one being the \$5 million-dollars for comprehensive general liability. Is that standard or something the city is setting?

Mrs. Horvath wouldn't say it's standard but have seen that figure in a number of municipalities legislation and thinks that's a good number as far as a requirement for some of these companies.

Mr. Salvatore continued under the application fee of \$250.00 and has upper-mobility to increase by 10% within five years or every five years. Is that \$250.00 application fee standard or something the city sets?

Mrs. Horvath responded that is a figure that has been seen in other cities legislation, however, if the city feels that should be increased or decreased; that could be done by amending the legislation.

Mr. Mencini stated this is House Bill 478 and what it does is have lot of things that have to be done prior to placing anything on. Most of our video services and wireless services have most of that in place. There are three different types of applications; 60 days, 90 days and 120 days and thinks that is ample time.

**Motion** by Mr. Salvatore, supported by Mr. Mencini, to place on the Special Council agenda immediately following.

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

**NAYS:** None. The motion carried.

Mr. Vecchio stated this will appear as Ordinance No. 11036-2018.

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

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

**NAYS:** None. The motion carried.

Council President Vecchio declared this meeting adjourned at 6:48 p.m.

RESPECTFULLY SUBMITTED   
Michelle Blazak  
Clerk of Council

APPROVED August 21, 2018

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