

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, OCTOBER 2, 2018**

The meeting was called to by Council President Vecchio at 7:30 p.m., the clerk called the roll and the following Members of Council answered:

SCOTT, BURGIO, ORCUTT, STEMME, MENCINI, POINDEXTER, SALVATORE

Also in attendance were Mayor Gammella, Service Director Gardner, Finance Director Cingle and Recreation Director Elliott.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior to meeting held on September 4, 2018.

Motion by Mr. Scott, supported by Mr. Poindexter, to approve as printed.

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

NAYS: None. The motion carried.

2. Regular Council meeting held on September 4, 2018.

Motion by Mr. Scott, supported by Mr. Poindexter, to approve as printed.

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

NAYS: None. The motion carried.

3. Caucus Prior to meeting held on September 18, 2018.

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

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

NAYS: None. The motion carried.

4. Regular Council meeting held on September 18, 2018.

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

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

NAYS: None. The motion carried

Motion by Mr. Salvatore, supported by Mr. Mencini, to go out of the Regular Order of Business to letter E - Reports of Special Committees for Southwest General Health Center. There is people in the audience that would like to speak during Mr. Salvatore's report.

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

NAYS: None. The motion carried.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center - Trustee, Salvatore

Diana Hosta

Middleburg Hts.

Ms. Hosta spoke on the initiative for breast cancer awareness legislation Brook Park is sponsoring and now extended to Middleburg Hts. and Southwest General

Reports of Special Committees:

Southwest General Health Center - Trustee, Salvatore. cont.

Health Center, that no other cities have done. Breast Cancer affects both men and women of all ages and statistics show early diagnosis saves lives. Ms. Stickney thanked Councilmembers and Administration and is very proud to be part of making this possible. Several women were introduced that are breast cancer survivors and reiterated that early detection is the key for surviving breast cancer. A very special shirt was given back to the city that includes names of people that aren't here today due to breast cancer and through the month of October names can be added. One very special name is Cheryl Hardy who was instrumental in showing how to be a hero in breast cancer.

Liz Sayers

23065 Cedar Point Road

Ms. Sayers understands where these women are coming from and lost family members and friends to breast cancer.

Mr. Salvatore thanked everyone for coming forward and speaking on this very difficult subject.

Mr. Burgio thanked the women for coming and appreciates what they have gone through being his wife is also an 11-year breast cancer survivor; as well as Mr. Salvatore for inviting the women.

Motion by Mr. Salvatore, supported by Mr. Stemm, to go back to the Regular Order of Business.

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

NAYS: None. The motion carried.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee - Chairman, Poindexter

Mr. Poindexter stated no report this evening.

Finance Committee - Chairman, Scott

Mr. Scott reported the Finance Committee has nothing on the agenda, the Board of Control met earlier and approved 19 items, one being the award of the contract to Specialized Construction for the 2018 Crack & Joint Sealing Project in the amount of \$153,680.00, being the only bid that was returned.

Legislative Committee - Chairman, Mencini

Mr. Mencini reported the Legislative Committee has two items on the Council agenda. Mr. Mencini thanked the women for coming out to speak on breast cancer and thanked Mr. Salvatore for being the driving force behind breast cancer.

Reports of Standing Committees: cont.Parks & Recreation Committee - Chairman, Salvatore

Mr. Salvatore reported the Recreation Commission met on September 20th and Recreation Director Elliott gave an update on the Safety Fair, Game Room, Fitness, Bridges Lending Library and the Berea City School fields. Mr. Elliott and staff are looking into different rate changes but during the month of October will be 50% off for signups. The winter sports program registrations started October 1st and run through the end of October. On Sunday, October 28th from 4:00 p.m. to 6:00 p.m. will be Boo Park Halloween festivities with admission of one non-perishable food item per family to benefit Audrey's Outreach Food Pantry.

Planning Committee - Chairman, Burgio

Mr. Burgio stated the October 1st Planning Commission meeting was cancelled due to no applications received.

Safety Committee - Chairman Stemm

Mr. Stemm reported over the last four to five weeks Ward One residents have been dealing with train issues and thanked Mayor Gammella and his Assistant, Tony D'Amico, for reaching out to railroad personnel to hopefully resolve this issue. Mr. Stemm continued that Brook Park is holding these companies accountable with issuing 105 citations in 2017 with fines totally \$14,075 and court fees of \$10,300. In 2018 year-to-date, 86 citations totaling \$11,600 with court fees of \$7,700 with 19 outstanding unpaid citations. Prior to 2017 these citations were going to Berea Court and are now coming to Brook Park Mayor's Court with the city collecting all the fines and 50% of the court costs. On October 3rd there will be 'Coffee with Cops' from 8:30 a.m. to 11:00 a.m. in the Brook Park Recreation Center Snack Bar. This coming weekend, October 6th and 7th is 'National Firefighters' Weekend' and thanked all fire department across the country for what firefighters' do and asked residents' to thank a firefighter, if the opportunity arises. At the last Neighborhood Watch meeting there was a safety talk about an issue occurring in Ward 3 and invited Mr. Orcutt to speak on the issue with the Howard-Johnson Hotel.

Mr. Orcutt stated what was brought up was the number of people there was three and was associated with the low-cost charged to stay at the hotel. Police Chief Foster explained at the Neighborhood Watch meeting on how the law works and how the police department was able to get those sex-offenders to move out in a timely manner.

Mr. Stemm continued the Safety Committee has one item on tonight's Council agenda.

Service Committee - Chairman, Orcutt

Mr. Orcutt reported on Saturday, October 13th is Shred-It day at the service garage from 10:00 a.m. to 1:00 p.m. The 2018 leaf collection program will begin mid-October and run through the beginning of December, weather permitting.

Reports from Standing Committees:**Service Committee - Chairman, Orcutt: cont.**

Saturday, November 17th is the end-date for bringing yard waste to the service garage. Until November 17th yard waste can be brought to the service garage Monday through Friday from 7:30 a.m. to 7:00 p.m.; Saturdays from 8:00 a.m. until 12:00 p.m. Mr. Orcutt thanked service department crews for the tremendous work they do.

Board of Zoning Appeals - Chairman, Scott

Mr. Scott reported the Board of Zoning met October 1st with one new and one tabled item. The tabled vote was placed on the agenda for the request of a 5' side lot variance for an above-ground swimming pool located at 13693 Settlement Acres that the board denied. The new item was to request a 6' side lot variance for an above-ground swimming pool at 13693 Settlement Acres that the board approved. Mr. Scott announced that Kevin Rosala is the new member for the Board of Zoning Appeals, who replaced Mike Lane who resigned due to business conflicts.

REPORTS OF SPECIAL COMMITTEES:**Southwest General Health Center - Trustee, Salvatore**

Note: Portion of Mr. Salvatore's report was moved by motion to the beginning of the meeting. Mr. Salvatore continued the board met on September 26th and approved the financial assistance and emergency medical care policy. A thorough report was given about hospital finances and the preparation of the 2019 Budget, with the focus on the 2020 Budget for streamlining of future budgets. Also presented were the Standard of Conduct Legal and Ethical guidelines for health center representatives with the message being precise from CEO Young that the health center is committed for providing high-quality, safe patient care and great patient experience. Southwest General made a tremendous impact on being part of the city's Safety Fair recently and a big thank you to all who put the Safety Fair together. Mr. Salvatore invited everyone to the 'Salute to the Veterans' concert on October 5th from 7:00 p.m. to 9:00 p.m. in the LifeWorks parking lot located at 7390 Old Oak Blvd; with the opening ceremony of the Ohio Flags of Honor taking place at 5:00 p.m. and runs through Sunday, October 7th at 2:00 p.m. The health center's mission statement is 'Health is our passion, quality is our focus and compassion is our way'.

Berea Board of Education Committee - McDonnell, Poindexter

Mr. Poindexter stated the Berea City School District will be awarded a \$33,000 grant to use for safety, security and mental health initiatives. The parent-teacher signups are going to be different this year with most schools doing online signups with more information to come. This week is Homecoming week for the high school students with homecoming held on Saturday evening. The update about the roof will be on the school board website.

Reports from Special Committees:

Berea Board of Education Committee - McDonnell, Poindexter: cont.

Questions

Mr. Salvatore stated to Mr. Poindexter there was discussion about construction items different than budgeted for. Also, the design change of the roof based on costs to help offset \$6 million-dollars; with the roof being approximately \$2.5 million-dollars.

Mr. Poindexter responded that he will the get information and report at the next Council meeting.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Gammella reported that he absent from the last Council meeting to attend a NASA meeting in Downtown, Cleveland that was extremely informative. The NASA Director of the United States was in attendance and laid out NASA's plan and vision for the future that Brook Park will be a very big part of that plan. The good news is not just for NASA but for the Tech Park area that Economic Development Commissioner Adams and Council approved as an Opportunity Zone, that stretches from Tech Park road to parts of Eastland Road. Brook Park is the only Opportunity Zone on the west side of Cuyahoga County and think that a lot of good things will be seen in the technology park. The city will continue to pursue that technology park along with the Ford property. The city hall parking lot is being constructed that is scheduled to be completed by November 1st, but may be done earlier.

Questions:

Mr. Salvatore stated great news coming out of NASA and is there any timeline that can be given as far as the success that will be seen?

Mayor Gammella responded probably within the next year there will be some very positive things occurring. The good part about this is it's a regional effort of all the resources throughout the region with Brook Park being the epic center.

Mr. Mencini stated that's great news to hear but my question is what will be done with Ford Motor property and Brookgate Shopping Center, since they are not city owned?

Reports and communications from the Mayor:**Questions: cont.**

Also, is there a plan in place that will be coming forward?

Mayor Gammella responded being here for 35 years, there have been many master plans come and go. I do have a master plan and have heard from people across Cuyahoga County that Brook Park is the place to come, that reflects from the Administration, Council and the residents'. Brook Park is very fortunate to be adjacent to the airport, Ford property, Technology Park and benefits of the IX Center. Brook Park has a lot of things that people wish they had and will utilize those assets. With Brookgate if the city brings the money here Brookgate will take care of itself and that's what we're going to do.

Mr. Mencini stated home values are up and I definitely hear a lot of good things from people that want to move to Brook Park. Mr. Mencini met with the Nida family that has been through a terrible tragedy and want to say the community couldn't do enough and am so proud of this community. The Nida family wants to say thank you and is not sure how except for attending city events but I want to say I'm so proud of this city.

Mr. Stemm stated to Mayor Gammella on Saturday evenings Circle K and Pasta Lear's parking lot is packed and across the street is the former Kuts N Such. A few weeks ago, Mr. Adams was in attendance and mentioned there are tanks underneath and talked about having them removed and either renting or selling that property and think that area is a great spot for business.

Mayor Gammella responded the first thing is to get rid of the contaminated soil (from being a gas station in the 1960's). Currently Mr. Adams is looking for a grant to help do remove that soil and eventually that property will be redeveloped.

Mr. Poindexter stated on the last Board of Control agenda there was money set aside for the overhead door at fire station nine (west end) and asked for an update for that project.

Mayor Gammella responded hopefully, as soon as possible, the city has a hook and ladder truck that is so large it won't fit into the fire station. So part of the door had to be broken up so the fire truck can be pulled in under the roof. The truck was currently housed at the service department and thanked Council for approving the funds to have the hook and ladder located at the fire station. Also, kudos to Fire Chief Maund for shopping around and getting the city an excellent price.

Mr. Poindexter commented with all the news coming from NASA and Aerospace Parkway it would behoove the city to have that ladder truck over there.

Reports and communications from the Mayor:**Questions: cont.**

Mr. Poindexter continued with the recent fire at Brookpark Skateland has the city been contacted or aware of any upcoming plans for rebuilding. That's one of the last skating rinks around that people from all over come to and would like to see it rebuilt, upgraded and enhanced in possible and if the city can help in anyway.

Mayor Gammella agrees with Mr. Poindexter's statement on seeing the rink rebuilt but there has not been any contact with the city, except for the fire department, who is still investigating to see how much work has to be done.

Mr. Poindexter stated a call was received that a resident called the city's animal warden about trapping a possum and there was a waiting list on animal traps. Does the city have enough traps to service the resident's and how many traps the city has?

Mayor Gammella responded most of the time the answer to that question is yes but sometimes the answer is no. With the fall and winter months approaching the animals are more active to get ready for the cold months ahead. I will look into this matter tomorrow to make sure the animal warden has enough traps. Earlier in the year I looked at this and what tears up a trap more than anything else is a woodchuck and per the animal warden once a woodchuck tears up that trap there is no reusing the trap.

Mr. Salvatore commented that Recreation Director Elliott may be touching on the subject of Brookpark Skateland.

Mr. Orcutt stated to Mayor Gammella that's exciting news about NASA and have heard earlier that more funds were coming to Brook Park. Mr. Orcutt wished Mayor Gammella the best with all future meetings on NASA. Mr. Orcutt thanked the administration for the cleanup of Brookgate with pressure-washing of the sidewalks at the plaza. Mr. Orcutt continued with the city-owned lot on Stark by Fayette, with demolition through a Cuyahoga County program a few years back. There's been an issue with water rolling back into a resident's backyard and service department crews and city engineer has done some work and thanked them for doing that; there is still more work to be done with the grading. Also, now that monies have been approved for the crack-filling program is there a start date for that program?

Mayor Gammella responded probably within a week for the crack-filling program.

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS, AND OTHER PUBLIC OFFICIALS:**Finance Director Cingle

Mr. Cingle reported September monthly reports will be distributed within the next few days.

Recreation Director Elliott

Mr. Elliott extended thanks and appreciation for all the community groups that participated in the recent Safety Fair and recognized the Police and Fire Chiefs for all their help and participation from the county groups. At the last commission meeting there was discussion about resident and corporate membership and different incentives and packages, nothing specific, but hope to talk to the Mayor and introduce some of those ideas to Council. Winter sports registrations began yesterday, in addition, there are upcoming scheduled events at the center. This Saturday, October 6th the center will be hosting a Wrestling event in the gymnasium and on Saturday, October 13th, the center will be hosting a Martial Arts event in the main gym and Boo Park, annual city Halloween party, will be held on October 28th. The Ohio flags will be returning to Brook Park next summer during the Home Days event. This Friday, October 5th, flu shots will be available to residents at snack bar area between the hours of 9:00 a.m. and 12:00 p.m. Brookpark Skateland skating instructors visited the gymnasium and have inquired about available times and is not a matter if those times will be available. The idea is to keep up people up with their lessons and the gymnasium floor is very similar to the skating floor, that I didn't realize.

Law Director Horvath

Mrs. Horvath stated how thankful and proud of the ladies coming forward earlier to speak about breast cancer and appreciated Council's recognition on the important issue. With regards to my report, I would like to make some comments on legislation on the agenda under N-1, Ordinance No. 11040-2018. My comments would be that basically I feel that addressing this legislation is both timely and important. It's timely because, very shortly, there will be two schools in Brook Park closing; Brook Park Memorial and Brookview elementary schools. I would anticipate the playgrounds at these schools will no longer be used by community children. That's a factor I think that Council needs to consider and I also feel this is important legislation as a mother, grandmother and in addition to law director. It's very important to make sure that the most vulnerable group in our community is safe and that's our children. I would indicate that I would be happy to work in any way possible to make sure that the legislation is improved as much as possible so it addresses those issues and also fair and rational. I would ask Council instead of me elaborating on any points during my report to instead defer to where there is discussion about this legislation. I'm aware of the people in attendance that want to address Council with regards to the legislation and wanted to give Council my thoughts on it, answer any questions and be as helpful as possible.

Reports and Communications from departments, commissions and other public officials: cont.**Service Director Gardner:**

Mr. Gardner reported the loose leaf pickup program will begin when pertinent to do so, middle of the month this is only leaf pickup; no sticks, potted plants, discarded garden plants. The leaf machines are vacuums and clog up with those items and will be pulled out and thrown on the side. Bulk pickup will be on Monday, October 8th, please schedule pickup by calling the department on Friday by 12:00 noon. Crews are working off the list for tree removals, taking older ones first, and working around emergency sewer repairs and safety issues.

Questions:

Mr. Salvatore stated to Mr. Elliott that volleyball registrations through Sept 26th are registrations being accepted after the deadline?

Mr. Elliott responded registrations are still being accepted, there is no date they are told as soon as they can get in the better.

Mr. Salvatore stated the Breast Cancer Awareness shirt presented earlier should be put at the Recreation Center.

Mr. Elliott stated that can be placed in the lobby area.

Mr. Scott clarified with Mr. Elliott the flu shots are this coming Friday from 9:00 a.m. to 12:00 p.m. at no cost.

Mr. Elliott responded correct, residents should bring their health card.

Mr. Poindexter stated to Mr. Elliott with the discussion with Brookpark Skateland was a timeline given for rebuild?

Mr. Elliott responded the person I spoke with is a long-time instructor and did not provide a timeline other than as soon as possible. Since people come from all over what the instructor is trying to do is get east and west side locations; they are talking to other locations also.

Mr. Vecchio commented the Brookpark Skateland ownership is third generation and would like to reopen in 12 months but maybe longer due to the investigation and contractors looking at everything.

Mr. Mencini stated to Mr. Elliott the staff does a great job but has there been any discussions with raising of rates for parties and other.

Reports and Communications from departments, commissions and other public officials: cont.**Questions: cont.**

Mr. Elliott responded earlier this summer in anticipation of the construction project being completed the commission established new rental rates at three levels; one being a member, second a resident and/or member and third is a non-resident and/or business. Information was gathered from seven or eight surrounding facilities and established rates that are competitive and still favorable for renting purposes. Also, working with the law and fire departments to see the occupancy capacity of the community center. The month of October is half-off month and bounced several ideas that haven't been presented to the Mayor as of yet. One idea and/or example would be new rates would begin January 1st with a possible incentive to come in earlier and sign up and receive a few extra months. There have been a few corporate calls last week inquiring about memberships.

Mr. Mencini stated to Mr. Gardner it's good to hear about the tree removal and is there a plan for new tree installation?

Mr. Gardner responded a plan for tree replacement has not been discussed, typically in the past, a tree program was set up through the budget. When roads are worked on in the city trees are included in that program. New trees are being installed but if the resident had a sewer issue they are hesitant about having a new tree planted.

Mr. Mencini asked Mr. Gardner for a total number of employees at the service garage?

Mr. Gardner responded in the service department there are 40 people; 17 laborers, 5 supervisors-foremen and 7 mechanics.

Mr. Orcutt thanked Mr. Gardner on the backlog of trees being removed and for addressing the sinkhole on Shelby earlier today. Mr. Orcutt also asked Mr. Gardner about the Vactor and street sweeper plans during leaf pickup?

Mr. Gardner responded the street sweeper will go out prior to the leaves but is not very effective because it fills up in no time with leaves on the curb. The sweeper is scheduled to go out next week and pick up the debris from the curbs. I've been working with the city engineer on next year's Roads Program and the city does not pave roads that has sewer or storm problems. The address on Shelby Drive will be dug and repaired after the utility companies mark it on Thursday. Just a comment about the trees is that the City of Cleveland has a backlog of 5,000 on the list and Brook Park is in the neighborhood of 25 to get done.

Reports and Communications from departments, commissions and other public officials: cont.

Mr. Orcutt stated spoke with the restoration company for Brookpark Skateland and thanked the Building Department working quickly to get permits pulled for electricity to get on so the pumps could get moving and different things needed. Through those conversations it seems like there was heavy damage up to the amount of \$2 million-dollars and the plan is to reopen.

Mr. Vecchio commented the Titans Youth football, JV and Varsity, goes to the end of the month and then playoffs whenever they may be. To Mr. Gardner and crews', I understand your troubles with tree removal and crews do a great job.

OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Shelley Chernin
8650 Beachwood Drive
Novelty, OH

Ms. Chernin is a mother of two and a rape survivor and is currently with the Ohio RSOL (Rational Sexual Offense Laws) and spoke on Ordinance No. 11040-2018 and the city having stricter sexual restrictions.

Joan Markusic
13911 Bellbrook

Ms. Markusic asked if the Cities of Berea or Middleburg Hts. have been approached for Brook Park residents to use their pools. Clarification of the rules and regulations of the current Council President stating his views or asking opinions but that was not okay when the past term Council President did the same.

Liz Sayers
23065 Cedar Point Road

Ms. Sayers expressed concerns with not being able to sell her house due to the neighbors and neighborhood. Also, concerns with the Mayor's Chief of Staff attacking her.

Mayor Gammella interjected by asking how Ms. Sayers was attacked and if a police report was filed?

Remarks from the audience on any subject matter: cont.

Ms. Sayers responded I don't like the police.

Mayor Gammella continued your statement is ridiculous and Mr. D'Amico does an excellent job for this city and will not have you slander him and if I was Mr. D'Amico I would take legal action against you.

Mr. Vecchio brought the meeting back to order and suggested handling this with the Mayor and/or police department outside of these chambers.

Mayor Gammella stated for the record I hope to gosh that Mr. D'Amico takes legal action on the statements made.

Doug Schwind

13690 Middlebrook Blvd.

Mr. Schwind gave an update with the high school roof by stating originally the roof was a pitched roof design and has been changed to a flat roof with a cost-savings on materials along with the roof size changing from 66' tall building to 52' foot. Mr. Schwind asked Council to support the legislation on this evening's agenda.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORDINANCE NO. 11041-2018, AUTHORIZING THE MAYOR TO ENTER INTO AN EASEMENT AGREEMENT BETWEEN VARBROS, LLC AND THE CITY OF BROOK PARK FOR ACCESS TO THE STORM WATER AREA LOCATED AT 16025 BROOKPARK ROAD IN A U7-B DISTRICT AND DECLARING AN EMERGENCY.

Introduced by Council as a Whole

Motion by Mr. Poindexter, supported by Mr. Mencini, to suspend.

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

NAYS: None. The motion carried.

Motion by Mr. Mencini, supported by Mr. Poindexter, to adopt.

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

NAYS: None. Ordinance No. 11041-2018 has passed under Suspension of the Rules. Adopted.

2. ORDINANCE NO. 11042-2018, APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCE AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; PUBLISHING THE ENACTMENT OF SUCH NEW MATTER, REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio (**Annual Codification Updates**)

Introduction of Ordinances and Resolutions: (First Reading): cont.

Motion by Mr. Scott, supported by Mr. Mencini, to suspend.

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

Motion by Mr. Burgio, supported by Mr. Scott, to adopt.

ROLL CALL: AYES: Burgio, Scott, Orcutt, Stemm, Mencini, Poindexter, Salvatore
NAYS: None. Ordinance No. 11042-2018, has passed under
 Suspension of the Rules. Adopted.

4. ORDINANCE NO. 11043-2018, AUTHORIZING THE CITY OF BROOK PARK'S PARTICIPATION IN THE STATE OF OHIO PURCHASING PROGRAM FOR THE PURCHASE OF THREE 2018 FORD EXPLORERS 4-DOOR AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Scott clarified that the city has to purchase the vehicles and then gets reimbursement from the grant.

Mr. Vecchio concurred.

Motion by Mr. Burgio, supported by Mr. Orcutt, to suspend.

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

Motion by Mr. Mencini, supported by Mr. Stemm, to adopt.

ROLL CALL: AYES: Mencini, Stemm, Poindexter, Salvatore, Scott, Burgio, Orcutt
NAYS: None. Ordinance No. 11043-2018, has passed under
 Suspension of the Rules. Adopted.

4. RESOLUTION NO. 33-2018, OPPOSING STATE ISSUE 1 AND DECLARING AN EMERGENCY. Introduced by Council as a Whole and Mayor Gammella.

The clerk read the Resolution in its entirety, since it was not properly posted.

Mr. Scott urged all residents to read the proposed state issue to find out why this Council is totally opposed to this issue. Also, this is not approved by judges, police departments or anyone in law enforcement.

Mr. Mencini concurred with Mr. Scott have done research and will always go with the city's police department and municipal courts and strongly oppose this.

Motion by Mr. Salvatore, supported by Mr. Mencini, to suspend.

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

Motion by Mr. Salvatore, supported by Mr. Scott, to adopt.

Introduction of Ordinances and Resolutions: (First Reading): cont.

Mr. Salvatore thanked Councilmembers for speaking with police officers for their input and Law Director Horvath for getting this prepared prior to early voting.

The clerk called the roll by Mr. Salvatore, supported by Mr. Scott, to adopt.

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

NAYS: None. Resolution No. 33-2018, has passed under Suspension of the Rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 11040-2018, ENACTING SECTION 533.25 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SEX OFFENDER RESIDENCY PROHIBITION' AND DECLARING AN EMERGENCY.

Introduced by Council President Vecchio, Council as a Whole and Mayor Gammella.

Mr. Poindexter commented he appreciates the courage it takes to stand up for a group of people that is marginalized by society and am a firm believer in giving second chances; but sexual offenses are not acceptable in any capacity in our society. Look at the news with the Supreme Court justices being delayed, powerful people are facing consequences all over our country. The Me-Too Movement has really empowered victims to speak out and all that shows is that sexual abuse is no longer tolerated in our society. Will this Ordinance make it more difficult for registered sex offenders, absolutely. Me personally I want to pass the strongest, strictest Ordinance we can pass that won't be overturned by legal challenges. The first time sex offenders commit a heinous act I want them to have as much difficulty as possible, so people will think twice before they commit a sex crime. If there is nothing else, I would like to have this placed back in committee and put the strongest piece together that won't be challenged by law.

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

Mr. Salvatore commented that Councilman Poindexter eloquently stated his position, think it's a good position and a situation not so much about being challenged. But, having legislation that if challenged the city is in the right position because no matter what is passed. It will probably be challenged along the line and something that needs to be addressed and in proper form would withstand any type of challenge. If this goes into committee, I expect it to be brought out within the next two weeks or so to keep it at the forefront.

Second Reading of Ordinances and Resolutions: cont.

Mr. Scott commented that he read the material provided by the National Association for Rational Sex Offense Laws and my main question is. There are many suburban cities around us that have stricter, more restrictive Ordinances than Brook Park and what we're proposing. My question is why has this organization addressed any of the other cities i.e. Lakewood, Rocky River, who have more restrictive legislation that passed. I have issues why Brook Park is targeted on this when our city isn't as restrictive as other cities. With the material provided the dates on the research is 1992 to 2000, is this the most recent research or studies done? Some of the facts are 26 years-old and I am somebody that wants to be pro-active and this Council must be pro-active, step forward and take what we think is the best course to protect the majorities. For some reason, society is very much special interest oriented and we as a Council have to protect in our best interest the 18,900 residents of Brook Park. I am for this legislation and think there are some Whereas' that needs to be touched up so this is the best possibility for protecting our residents. I don't like the idea of putting in committee but if that's what has to be done to get this finalized for the best possible Ordinance for our residents then I'm for it.

Mr. Mencini commented as being a youth coach and somebody that has grown up in this city I was one that said we have to be strong and tighten our rules. Will this solve everything but that's why it can be left open to do amendments. We do have to protect this community and my point is we appreciate you coming but as a Council we have to do what we have to do. It's a matter that no one wants to think of and wishes it would go away, like people with cancer wish it would go away.

Mr. Vecchio commented being the original sponsor of this legislation, I appreciate everyone's thoughts and ideas of protecting the city and second chances. But, I don't believe we should be insinuating or thinking about for an instance or worrying about protecting a city before protecting a child, that's what this is about. I think that most of the people would go to the ends of the earth to protect a child and keep their innocence. I'm a father of five children and have coached multiple children in this city and we've seen things happen this year that brought this city together. If something happened of this nature to a child that we all knew or close to our houses or anything they'll be another devastating act. I think it's imperative that we do something to protect the innocence and protect the children and the future of this city. If Council wants to put this in committee to do more work I'm not in favor of and think that we need to do something and make an amendment later. If this goes into committee I'm all for it but as Mr. Salvatore stated I would expect this to be done expediently so we can decide what we're doing.

Second Reading of Ordinances and Resolutions: cont.

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

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

THIRD READING OF ORDINANCES AND RESOLUTIONS:

Motion by Mr. Mencini, supported by Mr. Poindexter, to allow go back to Audience Participation.

Mr. Salvatore - Point of Order, are we going back to Audience Participation or address the audience.

Mr. Mencini - Audience Participation.

Mr. Salvatore - there will be debate back and forth?

Mr. Mencini - No, Audience Participation, then we can go back and address the audience on the motion.

Mr. Salvatore - There a difference here, Mr. Chairman.

Mr. Vecchio - There's a major difference, Mr. Salvatore is correct.

Mr. Mencini - In what way?

Mr. Salvatore - If we're addressing the audience it would be like past practice by answering the questions that were made at the microphone during audience participation. If we go back into Audience Participation, then you're allowing the residents or more speakers to come back to the microphone for debate.

Mr. Mencini - I'm fine with that, we've done it before but if this is what we want to do that's fine.

Mr. Vecchio - You also have the ability, gentlemen, to limit whom comes up to answer questions.

Mr. Mencini - I'll change the motion to allow the one person that wishes to come up to address the issue.

Motion by Mr. Mencini, supported by Mr. Poindexter, to allow Ms. Wright to come to the microphone to address the issue.

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

NAYS: None. The motion carried.

Audience Participation for addressing Sex Offender issue only:

Barbara Wright
5675 Arlene Lane
Medina, OH

Ms. Wright stated I've been a volunteer with the ORSOL (Ohio Radical Sex Offenders Laws) for several years and would like to address the Councilman about the materials. Yes, they are outdated and the reason for that is I intentionally used the data available on the website, the sex offender registry. To demonstrate this data has been validated by the Attorney General, who received the information from the center for Sex Offender Management, Department of Justice. I felt that gave it more credibility than some of the more recent data that we also use. This data does verify and has been very consistent with the rate of crime, the rate of sex offenders has actually dropped prior to registration laws. The role of the media and the public in wanting to keep society safe and applaud that. It's unfortunate that it has become a three-headed monster and bigger than itself and think we're creating boogey-men that don't exist. The data supports the fact that you're more likely to have Brett Kavanaugh (Supreme Court Justice) someone that isn't on the register who may have made a sexual offense. As for why Brook Park was chosen that's a good question. We're a new organization in Ohio and just started looking at other jurisdictions but haven't yet determined the appropriate plan or restrictions would be. What we do know is that other states have challenged this under the Home Rule authority and have won. I did some research that was sent to the city's law director where I determined there were four prongs to determine what violates Home Rule authority. In my opinion, this has all four prongs and what I mean by that State Law 2950.034 that already restricts a sex offender from living within a school, pre-school-daycare. Any law that governs the State of Ohio and governs all the registered offenders in the State of Ohio is a general law. This City Council has the right under the Ohio Constitution to pass its own laws, unilaterally governing its own organization. When it comes to police power the general law adopted by the State of Ohio preempts Brook Park's right to bring this ordinance. This is just another witch hunt where we're looking for people in the wrong places. We need to make society safe and as mentioned the materials are older. The Department of Justice materials are July, 2015 in the Smart Office, the office that the government has trusted with maintaining registration laws specifically says not all residency restrictions warrant, they are counter-productive; they increase the risk of the problem.

Audience Participation for addressing Sex Offender issue only:

Mr. Vecchio asked is it not true, that there's no conclusive way to determine if residency laws are working or not? From everything I read across all 50 states, Guam, U.S. Virgin Islands there is no conclusive evidence to say whether they do or not. But, as you're standing here you're saying that they don't but through every governmental site, law site, every city that I've read anything from there's no conclusive evidence; along with psychiatric reports, is that true or not?

Ms. Wright responded the answer is residency has been proven to lead to homelessness and lead to job loss and registered persons living apart from their families. That affects their stability as a citizen in our society and that is, in fact, is what leads to the commission of additional crimes; typically, non-sex crimes. If you look at the traits of a released offender is the rate of recommissioned sex offences is 3x's the rate of petty theft, assault and property problems. The government has determined that is a result of partly registration in general but specifically residency. In 2010, this Council adopted a similar ordinance and did the math to determine that geographically the only place someone could live in Brook Park was the west end of the city, that I know nothing about. If you're telling someone that is the only place they can live because they've committed a crime they served time, community service and has been under supervision and, in fact, the courts are required to classify a sex offender based on the Adam Walsh Act that requires a court to classify according to the offense, not the risk. There are Tier One offenders for offences in an alley or baseball game and is dangerous because they are Tier One and are on the registry for 15 years; Tier Two is 25 years and Tier Three is life i.e. rape. You assume their more dangerous because of the offense they committed, when in fact, common sense suggests that the Tier One person scrolling the Internet, finds a minor and tries to hook up with her that's a Tier One offence as long as the offence is not completed. We can't generally determine risks based on something that the statute say, we need to let the courts do that and need the risk assessment tools to determine the level of risk. To me, that makes more sense than putting out there regulations, laws, restrictions that we think will work let's figure out what really does work.

Mr. Mencini thanked Ms. Wright for coming and stated there are probably a lot of people that aren't happy with the courts making the assessment, you see that with crime. States will rule but there is going to be a time with community sharing and also believe that a city is going to challenge the state. This can be challenged and the city could say let's fight this and might win. I met Adam Walsh not too long after the incident with his son and don't want to see that look on anyone's face and don't want to see it in my community. You say that what we're going doesn't solve the problem but I haven't seen any of you people say what does solve the problem. I don't think there is a solid-based answer for that, we don't know who these people could be but my point is what is the answer; you may challenge us but we're trying to get to that answer.

Audience Participation for addressing Sex Offender issue only:

Mr. Poindexter stated to Ms. Wright, you mentioned that this group of sex offenders is comparable to people of other races and people of other sexual orientation were targeted. Are you suggesting that sex offenders are a pre-disposed natural condition? On one hand you have something not controlled based on DNA, race or sexual orientation. On the other hand, you have a person that makes a conscientious decision to change someone's entire life; rape victims have to deal with this for the rest of their lives; God forbid, we make a sex offenders life a little uncomfortable and strategically plan where they live. I hope that's a deterrent to anyone else who would ever think about sexually assaulting anybody. If anyone did this to any of my daughters, I would lose everything and be a criminal for what they did to my daughters.

Ms. Wright commented I do not suggest that this is a pre-determined trait, I compared those as maybe that's a formality that used to be said by people making assumptions without a rational basis. Sex offenders create crimes, sometimes heinous crimes what I'm here to suggest is you spoke of second chances. These people have gone to prison, been on community supervision and have done everything the courts have asked of them. In fact, the Criminal Justice Committee met in Columbus that is composed of lawmakers, sheriffs', lawyers and judges and they came up with 4,000 pages of recommendations. Judges make mistakes but aren't they in a better position than we are to determine who is dangerous and who is not; when they have the facts before them.

Mr. Vecchio thanked Ms. Wright.

Motion by Mr. Salvatore, supported by Mr. Stemm, to go back to the Regular Order of Business.

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

Miscellaneous Concerns:

Mr. Orcutt mentioned having issues with the Council city emails and asked what is the security level on emails?

Mr. Vecchio responded the security is through the city and everything goes through the server which is fully secured. I don't know the full level of it is because it's the city email, through the city server. As of this date, there hasn't been any issues with it and can find out the exact security level and provide.

Mr. Orcutt asked Mr. Vecchio to also find out who other than the user can access our accounts?

Miscellaneous Concerns: cont.

Mr. Vecchio responded other than the Administrator that set it up which would be the IT person, Zach Ellis, would be the only other person because he sets it up and don't think they have any access to anything there because they're locked in the server.

Mr. Orcutt stated the reason I'm bringing this to the meeting is I tried to reach out to Mr. Ellis and haven't received a phone call back.

Mr. Vecchio interjected I will tell you that sometimes I have a hard time getting responses also but will press the issue.

Mr. Orcutt commented that something happened to his account that is not normal because I don't delete any emails and on two particular occasions emails in my account were deleted.

Mr. Vecchio stated we will have this addressed.

Mr. Salvatore asked the second emails sent were those deleted also?

Mr. Orcutt responded no, I still have those that was prior to me setting it up that they are sent to another account as well.

Mr. Salvatore asked if any Councilmembers are having any problems?

No response.

Mr. Orcutt stated he would like this investigated because they were unique emails of subject matter.

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

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

Mr. Vecchio declared this meeting adjourned at 9:52 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *October 16, 2018*

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

