

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, OCTOBER 16, 2018**

The meeting was called to order by Council President Vecchio at 7:00 p.m., the clerk called the roll and the following Members of Council answered:

SCOTT, BURGIO, ORCUTT, STEMM, MENCINI, POINDEXTER, SALVATORE

Also in attendance were Mayor Gammella, Law Director Horvath, Service Director Gardner, Finance Director Cingle, Economic Development Commissioner Adams and Engineer Piatak (7:06 p.m.).

DISCUSSION:

FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. A RESOLUTION SUPPORTING POSTAL BANKING AND DECLARING AN EMERGENCY. Introduced by Councilman Poindexter.

Mr. Poindexter stated this won't cost the City of Brook Park one cent or hold the city liable. This legislation supports an idea to allow post office locations to offer basic banking services such as check cashing, low cost ATM's and something that can be implemented immediately with little cost. This wouldn't be an infrastructure for post offices to add these services and would be brought out as a trial basis in three communities i.e. the Bronx, Cleveland and Baltimore areas. Mr. Poindexter is asking Council for support of this legislation to try something new and see if it works.

Mr. Mencini asked what exactly does this do for Brook Park?

Mr. Poindexter responded probably won't do much other than residents who may be underserved by banks, giving them another option. If this was a success and were to expand this could create a need for more locations and employees for servicing of these extra services, possibly a post office coming back to Brook Park.

Mr. Mencini continued to Mr. Poindexter this may fall in with other things and possibly bring a post office to Brook Park?

Mr. Poindexter responded the post office doesn't lose money and have to fund pensions seven-years into the future. The post office is a reputable system that FedEx relies on for delivery of over 30% of ground deliveries. In the information sent to you there is a quote from the postmaster general in 2014 stating the post office can make a significant amount of increased revenue off of small loans and

Finance Committee - Chairman, Scott: cont.

check cashing and charge lower rates than the payday lenders and assume that statement holds true today.

Mr. Mencini commented as long as this doesn't affect other outstanding businesses in Brook Park.

Mr. Burgio commented not having much faith in government, especially at the federal level with bringing in operations, there is a dismal record. Has no faith with the government running this program efficiently; especially when Congress is involved sometimes they don't work well together. No confidence with the post office taking on more duties and won't be able to handle it. Maybe in the beginning but down the line they will ask for more monies like the other day with the increase of stamps again.

Mayor Gammella thinks this could help residents of Brook Park because as of now almost 27% of the people in this country don't have a bank account. The check cashing places prey on these people with the high rates and this 27% people don't have bank accounts currently so no banking jobs will be lost as a result. This will help hard working people who use these check cashing places save monies, that's a good thing and is in favor and a possible mechanism to get a post office back in Brook Park.

Mr. Orcutt concurs with Mayor Gammella and Councilman Poindexter in looking out for people in society and commented to this day his father does not have a bank account. His biggest concern with the Resolution speaking about no-fee ATM's and the low interest loans. When thinking about that my thoughts are how much money is going to be generated and how much revenue. Also, agrees with Councilman Burgio and expressed concern with the revenue stream coming in and sees this as being a negative impact with was does it do to the current postal employees; will this restrict from possible future raises?

Mr. Scott stated is this Resolution being sent to the United States Postal Service?

Mr. Poindexter responded no, just to Congresswoman Kaptur. This is in the planning stage and an idea at this point.

Mr. Scott continued this is something for Congress to act on?

Mr. Poindexter concurred and commented like them to explore the option and see if it works.

Mr. Scott continued with the United States Postal Service has a publication 5518 U.S. Postal Service is estimated to provide low cost loans at about a 30% interest

Finance Committee - Chairman, Scott: cont.

rate. Also, this is per the postal banking pros and cons consumer action that the postal service inspector general has indicated he is more interested in a partnership with private sector banks than being in competition. I'm not against his but don't like the fact of forcing an issue and the postal service isn't ready to make an opinion and would like the postmaster general's opinion. To do interest loans qualifications are needed from the bank of regulations.

Mr. Vecchio stated one thing found that is contradictory, to me, is the fact that this program being offered is for, more or less, low income people but in turn want to charge low interest loans. The government wants to offer banking that is conducive to middle income people and charge low interest loans for money to be made off of.

Mr. Poindexter stated to Mr. Scott, this resolution is to let the postmaster general know there is support for the idea of this and the postmaster has not made a ruling or given an opinion; because they're trying to gauge whether there's support or not. To Mr. Vecchio, the low interest loan issue and the banking services that are being provided to low income people are charging them high interest rates currently. A payday loan has a 24% to 30% rate on that short term loan and if check cashing is involved people are being charged 15% to 20% to cash a check, after opening an initial account with fees of \$50.00 or more for check cashing services. To Mr. Burgio, with having no faith in the federal government and doesn't think the public has that sense about the post office. People mail checks or money orders and no doubt that those items will not get where they are going. This would help the public with a service that will be affordable and helpful. Mr. Poindexter would like to see Council support the idea of postal banking.

Mr. Burgio stated at the local level postal workers do a phenomenal job with no question about that. My qualms are with the people that are running it inefficiently. This is not at the local level they do a great job and are constantly asked to do more, mine is with the high level of people running this and Congress being involved. If monies are made Congress will sometimes take that money to be used at other areas that's still not efficient.

Mr. Poindexter stated points are well taken and understands with the post office downsizing and cutting personnel, this could stop that. If more services are provided that could reverse that trend and possibly start adding personnel and locations. With the stamp prices going up additional revenues could potentially freeze the rates of postage.

Finance Committee - Chairman, Scott: cont.

Mr. Mencini stated I like this and would like to see the trial period with this locally and if more work could come to a post office in Brook Park or the Airport Post Office, I'm in 100%.

Mr. Salvatore thanked Mr. Poindexter for bringing this forward to help as many people as possible but doesn't see how this resolution will open up a post office in Brook Park. This has some merit with sending a message to ask Congress to look at and thinks the resolution should state this. This is a boiler-plate resolution that someone is asking to be passed. There is no procedure or by-laws that are going to be followed and what possibly could be done to existing banks.

Motion by Mr. Poindexter, supported by to place on the Council agenda immediately following under First Reading. **Motion** died for lack of a second.

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

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

NAYS: None. The motion carried.

LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. A RESOLUTION DECLARING NOVEMBER AS NATIONAL DIABETES MONTH IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore, Council as a Whole and Mayor Gammella. **Note:** Moved by **motion** from the October 9, 2018 Caucus agenda.

Motion by Mr. Salvatore, supported by Mr. Orcutt, to amend Section 1 by changing the year 2017 to 2018.

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

NAYS: None. The amendment carried.

Motion by Mr. Scott, supported by Mr. Stemm, amend Section 4 by changing the year 2017 to 2018.

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

NAYS: None. The amendment carried.

Motion by Mr. Salvatore, supported by Mr. Burgio, to amend Section 1 to read 'this Council along with the Mayor does hereby designate the month of November, 2018 as Diabetes Awareness Month and recognizes November 14th as Worldwide Diabetes Day in the City of Brook Park'.

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

NAYS: None. The amendment carried.

Legislative Committee - Chairman, Mencini: cont.

Motion by Mr. Salvatore, supported by Mr. Mencini, to amend by adding a fifth 'Whereas' to read The City of Brook Park along with Southwest General Health Center recognizes November as Diabetes Month.

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

Motion by Mr. Salvatore, supported by Mr. Burgio, to place on the Council agenda immediately following.

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

Mr. Vecchio stated this will under M-2 as Resolution No. 35-2018.

SAFETY COMMITTEE - CHAIRMAN, STEMM:

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. Mencini stated to Law Director Horvath, some of this was brought forward in 2005, correct?

Mrs. Horvath responded in 2005 someone that appeared on the registry was banned from being present at recreational facilities. That is a totally different ordinance that is still in effect and my understanding there were circumstances that lead Council, at that time, to pass that type of legislation.

Mr. Mencini stated with this piece in front of us doesn't cross-over what was done in 2005; things were just added that stand on this legislation.

Mrs. Horvath responded I think you're talking apples to oranges comparison, in the sense that 2005 legislation bans someone on the registry from being present at a baseball field. That is different from telling someone they have to live 1,000' from a school, daycare facility or public park. One piece of legislation speaks to anyone who may be on the registry and the other piece speaks of people wanting to be Brook Park residents limited to where they reside.

Mr. Salvatore asked Law Director Horvath what is different with the piece received tonight and the one that was brought out of committee.

Safety Committee - Chairman, Stemm: cont.

Mrs. Horvath responded the prior piece talked about no two people on the registry would be allowed to live in the same household has been stricken. Also, in Section a there is an addition of public parks with language stating that the legislation uses the State of Ohio's definition of who should be classified as a person to appear on the registry. And, also reiterating that the intent is the same, when adopted, as the determination in the Ohio Revised Code. The idea is being eliminated that two registrants will not be able to live in the same household and adding in additional places where a registered (offender) would have to reside 1,000' or more, most importantly, public parks.

Mr. Salvatore asked if the legislation on the agenda will be amended or is the piece received tonight considered a brand new piece.

Mrs. Horvath stated this looks to be an amendment by substitution or amend each section. However, it would be appropriate for Council to introduced a new piece of legislation.

Mr. Salvatore stated he would feel more comfortable introducing a new piece of legislation since the prior piece has had two readings and with third reading would go back to second.

Mrs. Horvath stated that is Council's discretion and commented this is timely especially with Brook Park having two schools that will be closing but the playgrounds will remain.

Mr. Salvatore commented some of the reasons behind the movement towards this was some activity going on at a hotel on Snow Road, is that correct?

Mrs. Horvath responded that was something that was discussed around the time this legislation was introduced and know there were issues with that particular location. I don't believe this piece would necessarily affect that location and don't believe there is any place that people would have to be 1,000' close to that location; this doesn't really address that issue. This is strengthening the Ohio Revised Code provision concerning the sexual predator registry, the city is not changing any footage but is adding additional places. That strengthens that particular ordinance but doesn't do anything to solve a problem that would have occurred at a hotel or some other facility in the city.

Mr. Vecchio stated in rewriting this and making the amendments Council had asked I took the original section b out and added additional items with the help of the law department. This was on second reading originally and then placed back

Safety Committee - Chairman, Salvatore: cont.

in committee, so it never made it to third reading with still being on second reading. I'm fine with placing the prior legislation in committee and starting new but let's get this done, we've kicked this down the road long enough.

Mr. Mencini stated as Councilmembers we're to vote on ordinances such as this and agree with Mr. Vecchio about bringing this forward and why it was brought forward. Don't know so much about kicking it down the road for the simple fact being a Councilmember you have to make these right, especially on high-powered ordinances. Many residents are in agreement with this and some may not but we need to get this right and are going to get it right. The key part of a Councilperson is to read, understand, vote and get a feel from the residents.

Mr. Orcutt commented this is a no-brainer from the beginning and we have to make sure this is right, as Councilman Mencini stated, and need that support from the law department. I, too agree, that we haven't been kicking the can we've been looking out for the residents and our purse making sure that no one comes back and takes city monies in a lawsuit. Mr. Orcutt clarified with Mr. Vecchio the removal of section b.

Mr. Vecchio stated the original section b were it stated it was unlawful for a sex offender who is required to register with the county sheriff, as a sex offender to reside in any residential development with another sex offender who is also required to register with the county sheriff as a sex offender. The legitimacy of that was brought forward by Mr. Salvatore as to a married couple on the registry and telling them where they can or cannot live. I agree with that and made other amendments that any person who violates this provision is herein guilty of a misdemeanor with the breakdown of a through g. the verbiage has changed a little but Council adopts the determination and intent of the Ohio General Assembly as articulated in the O.R.C. (Ohio Revised Code) and this section applies to any person registering on or after the affected date of this legislation. Also, Council finds that because children are especially vulnerable in being the victims of sexual abuse behavior, kidnapping and abduction and likely to be present. As significant amount of time on or near school premises, daycares, preschools, libraries and municipally owned recreational facilities. That certain persons that have been convicted of or have plead guilty of a sexual oriented offense or child-victim offense and classified as a sexual predator. Must not establish a residence or occupy a residential premise within 1,000' of any school premise, daycare, library or preschool.

Mr. Burgio thanked Councilmembers and Law Director Horvath for all the work done on this to make sure that everything was covered and to limit challenges, of course anything can be challenged at any time. We would like to have the strongest

Safety Committee - Chairman, Stemm: cont.

sex offender laws possible without leaving the city open to legal challenges. Mr. Burgio asked Mrs. Horvath what if a challenge did come forward and the city lost the case. The city would still be covered by sex offender laws and would be able to amend the legislation at any time.

Mrs. Horvath responded the only issue would be whether or not under Home Rule have the ability to pass something like this. It seems to be a very confusing area of law with courts flipping back and forth if this is a general law and something that we have the authority to go ahead and make our own ordinance. Generally, you'll always see a penalty section and can always make it stricter than what the State of Ohio requires. For example, there is a fine of \$500.00 the city could make them stricter that considered to be appropriate under Home Rule powers. We're not changing the 1000' criteria and adding additional places. Looking through a number of home rule cases, particularly one involving the City of Cleveland, the argument was made that they had certain city ordinances involving taxis and traffic items. The court said yes there is a place where a city can go ahead and continue to legislation and designate 100% to follow the Ohio Revised Code verbatim. In this instance, given the fact that locations are being added and also pulled out the language that restricts the ability of people to determine who they're going to live with, I think this is something that would be upheld but there are no guarantees. I think this is an area under Home Rule powers to make ordinances with regards to and would surprised to see any courts say this is improper.

Mr. Burgio appreciates the law director's analysis and the input that is very valuable and feel confident that due diligence was done to make this successful to hold up against challenges. Willing to go forward to do what is best for the community with confidence.

Mr. Salvatore commented with the statements made by the law director this protects the integrity of Home Rule.

Mayor Gammella strongly supports this legislation.

Mr. Stemm also supports this legislation.

Motion by Mr. Salvatore, supported by Mr. Mencini, to place the new piece on tonight's Council agenda immediately following.

Mr. Poindexter clarified that Council was discussing Ordinance No. 11040-2018.

Mr. Salvatore withdrew his motion along with Mr. Mencini's second to place on the Council agenda immediately following.

Safety Committee - Chairman, Stemm: cont.

Mr. Salvatore suggested introducing the new piece of legislation at the Council meeting under Rule #12.

Mr. Vecchio concurred and suggested to place Ordinance No. 11040-2018 back in committee.

Motion by Mr. Mencini, supported by Mr. Orcutt, to place Ordinance No. 11040-2018 back in committee.

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

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

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

Mr. Vecchio declared this meeting adjourned at 8:00 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.

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