

**REGULAR CAUCUS MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, NOVEMBER 13, 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, Finance Director Cingle and Mayor Gammella.

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**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. Regular Caucus meeting held on October 9, 2018.

**Motion** by Mr. Mencini, supported by Mr. Poindexter, to approve as printed.

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

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

**Motion** by Mr. Salvatore, supported by Mr. Poindexter, to go out of the Regular Order of Business for Mr. Salvatore to speak at the podium and distribute military medallions to those who served in the military.

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

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

Mr. Salvatore invited Mr. Orcutt to the podium to present a medallion for serving in the military received from St. Stevens Church on Lorain Road. Mr. Orcutt presented medallions to audience members, including Mrs. Sensel for her family members who served in the military.

Mr. Orcutt thanked Mr. Salvatore for this great honor, it means a lot.

Mr. Poindexter thanked all the Veterans' for the service provided to this country and stated there are a lot of veterans in his family and understands the sacrifice families go through when family members are called to serve.

Mr. Mencini stated Monday, November 12<sup>th</sup>, Veterans' serving now and in the past were honored and thanked them for their sacrifices made and for their service.

Mr. Stemm thanked all the Veterans' for what they have done and did and will continue to do.

Mr. Burgio stated yesterday on the news World War II Veterans' were given a trip to Washington, D.C. to visit the WWII monument, the veterans' appreciated the trip. The one thing these veterans' had in common is they don't consider

**Discussion: cont.**

themselves heroes they went to do a job for their country, the heroes are the ones that did not come back. Everyone serving in the military are heroes and doing a great job and that's why we gave a great country.

Mr. Scott stated I have family members that served in the military and my enlistment came up one year to late due to stopping the draft. Mr. Scott thanked the Veterans' and hold a spot in your heart for the ones that didn't come back.

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

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

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**DISCUSSION:**

1. REQUEST APPROVAL FOR A CONDITIONAL USE PERMIT AT 18301 BROOKPARK ROAD 'BOSS PRO-KARTING' LOCATED IN THE U7-A DISTRICT, TO OPERATE AN AIRPORT PARKING FACILITY IN CONJUNCTION WITH THE CURRENT TENANT USE. Received from Planning Commission on November 7, 2018. **In attendance:** Mr. Steven Pryatel - General Manager of Boss Pro-Karting.

**Steven Pryatel**  
**Boss Pro-Karting**  
**General Manager**  
**18301 Brookpark Road**  
**Brook Park, OH**

**Brad Copley**  
**18301 Brookpark Road**  
**Brook Park, OH**

Mr. Vecchio assigned to the Planning Committee.

Mr. Poindexter asked what is being proposed?

Mr. Pryatel stated a power point presentation is available.

Mr. Vecchio commented if that was known ahead of time that could have been set up.

Mr. Pryatel stated the proposal is to operate airport parking business on existing of Boss Pro-Karting behind the building for the outside track section. During the winter when that area is closed that area would be utilized to park cars for the airport parking business.

**Discussion: cont.**

Mr. Poindexter clarified that the parking spaces would only be operated in the winter?

Mr. Pryatel responded Phase I would be to utilize the existing infrastructure that is in place and then once that becomes successful. We would then proceed with Phase II of adding additional pavement to the southwest corner of the building for operation of airport parking year-round.

Mr. Mencini commented he would like to see the power point presentation because there are a lot of questions.

Mr. Salvatore commented that this was assigned to the Planning Committee and the chairman should make the decision to set this up and would give Mr. Salvatore time to decide if he can discuss this due to affiliation with the parking industry.

Mr. Burgio stated the Planning Commission this past Monday and there are two phases. From a memo from the city engineer to the city's building commissioner, the engineer has no objections for Phase I for airport parking but Phase II will need full civil-site plans and storm-water detailed information to be considered. The first phase would consist of 10 to 15 parking spots with phase II, if approved, would be for an additional 75 parking areas.

After much discussion and many questions of the proposed project Mr. Burgio stated this project was passed unanimously by the Planning Commission and suggested having Mr. Pryatel and Mr. Copley return on November 20<sup>th</sup> Caucus Prior to meeting to present the power point presentation; also have Building Commissioner Hurst to answer questions on this project.

Mayor Gammella commented that Planning Commission approved this unanimously and one issue was with other people on Brookpark Road wanting airport parking but due to zoning, location and proximity they are west of the railroad tracks.

**Motion** by Mr. Mencini, supported by Mr. Poindexter, to place on the November 20<sup>th</sup> Caucus Prior to agenda for the power point presentation.

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

**NAYS:** None.

**ABSTENTION:** Salvatore. The motion carried with a vote of 6 with one abstention.

**Discussion: cont.**

2. DIVISION OF LIQUOR CONTROL - **C NEW 6523138 FOR OHIO LIQUOR NETWORK, LLC, 15200 BROOKPARK ROAD, BROOK PARK, OH 44142 FOR A D-5. Postmark date: 11/19/18**

Mrs. Horvath stated she has not had an opportunity to talk to the applicants and sees questions that need to be asked. In talking with the clerk earlier a 30-day extension could be requested and am asking for that extension, to give the law department more time for research.

**Motion** by Mr. Salvatore, supported by Mr. Orcutt, to approve the 30-extension.

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

3. AN ORDINANCE PROVIDING FOR A CONTRACT BETWEEN THE CUYAHOGA COUNTY GENERAL HEALTH DISTRICT AND THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella

Mr. Vecchio assigned the legislation to the Legislative Committee.

Mr. Salvatore asked Mayor Gammella if this is time-sensitive?

Mayor Gammella responded yes.

**Motion** by Mr. Salvatore, supported by Mr. Stemm, to bring out of committee for discussion purposes.

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

Mayor Gammella stated this is a renewal situation with the General Health District to assist Brook Park with a cost of \$91,065 for 2019 and \$104,705 for 2020, that has been done for many years.

Mr. Cingle concurred with the statement of being done for many years.

**Motion** by Mr. Salvatore, supported by Mr. Orcutt, to place on the next Council agenda.

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

**Discussion: cont.**

4. AN ORDINANCE AMENDING SECTION 525.16 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SMOKING PROHIBITED IN MUNICIPALLY OWNED AND OPERATED BUILDINGS AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini

Mr. Mencini stated this legislation has been on the books since 1995 and included in Section 525.16 now includes playgrounds and parks. This came up earlier this summer with concerns of smoking around children playing sports and how it will enforced is for another discussion.

Mr. Orcutt stated in conversation with the law director we specifically talked about where can the city put an area? Mr. Orcutt asked Mr. Mencini if this includes the entire park?

Mr. Mencini responded at Hufsey, Forbes and Kennedy fields there are many games played maybe people could go to the rear, by the sidewalk.

Mr. Orcutt commented in discussion with the law director was to have an area of possibly 25' around the bleachers section and backstops where smoking would be prohibited; I don't think residents would favor the whole park.

Mr. Mencini commented that's something to look at and don't want to take people's right of smoking. This would be around children by the dugouts, swings, athletic events and picnics.

Mr. Orcutt stated to Mrs. Horvath the legislation states the possession of lighted smoking material, does that include e-cigarettes?

Mrs. Horvath responded that is an interesting question and as a non-smoker I have a sketchy idea of what vapor cigarettes do and am not sure how close it is to an actual cigarette and would have to research as to what effects those devices would have.

Mr. Mencini commented a recent study shows e-cigarettes being as bad as cigarettes but there was nothing said about second-hand smoke of these devices.

Mr. Orcutt mentioned that should be looked into and included in this legislation.

Mr. Scott mentioned one of the western suburbs, Avon or Avon Lake, passed legislation of not being able to use tobacco products within 25' of the municipal fields. Being on Kennedy field would be advantageous because the entire parking lot can't be a non-smoking area. Also, with the jewels and vapors should also be looked into.

Mr. Stemm commented verbiage could be inserted of any tobacco product of a smoking type of device i.e. nicotine, vapors and all pipes. As stated lighted smoking materials can be narrowed to tobacco and smoke causing devices.

Mr. Poindexter suggested instead of 25' of a field an x-amount of distance from location why not propose having signs created saying 'No Smoking from 100' of this sign and place them strategically where people might be affected; per this ordinance number.

Mr. Salvatore stated the biggest obstacle that needs to be determined is what is Council trying to accomplish with this legislation, obviously, trying to keep cigarette smoke away from the children. It appears the only change is this affects city parks and playgrounds. With the vapor cigarettes I don't think there is enough research of having a negative impact on second-hand smoke.

Mr. Mencini stated most smokers are respectful but this give a little more teeth.

Mr. Vecchio commented being the only smoker and trying to quit, I believe there should be a perimeter. One of the things to be looked at is our pavilions that are rented out for family functions those are within the area because there are multiple issues to look at there. I don't smoke in my vehicle and try to keep my children away when smoking, I've tried to use the e-cigarettes to kick the habit and think they are worse than a cigarette.

Mr. Stemm commented that Councilman Salvatore asked what is the goal with this legislation. The way I read it I think our goal is more of public health concern over a citation driven legislation. There is a difference with upholding the law and enforcing it, so having that option this is a very good piece to have.

Mr. Vecchio assigned this legislation to the Safety Committee.

#### 5. CITIZEN OF THE YEAR COMMITTEE (Councilman Scott)

Mr. Scott stated the past two years started late and would like to start earlier to get information out to the residents, applications submitted and crunched meetings in a small timeframe.

Mr. Salvatore stated as founder of this in 1997 it's never too early to bring this forward. Under bylaw five (5) I would like to amend to have the same committee members currently serving.

Mr. Vecchio stated the Citizen of the Year Committee for 2019 what is the base for consideration for 2018 or Citizen of the Year for 2019?

**Discussion: cont.**

Mr. Salvatore responded it's been both ways and think the criteria was trying to get something done from the previous year for the new year. That was so difficult because the first one done ran into the next year throwing off the timing of selection. This began with Council given to the Mayor and then taken back by Council and still use a part of the Mayor's Best of Brook Park event. A lot of people think that is the same it's not the Citizen of the Year is one component of Best of Brook Park Committee.

Mr. Poindexter commented having served on the committee prior parameters were set for what year and can give this more guidance.

Mr. Scott stated to get back on chronological track if there are two winners for 2018, so be it.

Mr. Salvatore commented one year this wasn't done that's the reason for not being on track.

The clerk commented that the Citizen of the Year Committee serve a two-year term for Councilmembers serving on Council. One year was missed and that's the reason for this committee being out of sync.

Mr. Vecchio stated the 2019 Citizen of the Year committee will be presenting for 2018 winner.

Mr. Scott concurred, if there are two winners so be it.

Mr. Vecchio concurred and commented to get back on numerical track.

Mr. Orcutt asked what year was missed?

Mr. Salvatore stated between 2013 to 2016, a year was missed.

Mr. Orcutt asked there will be two winners for 2019?

Mr. Vecchio clarified there would be two people getting an award for 2018, one winner last year and next year's committee will also have a 2018 award.

**Motion** by Mr. Salvatore, supported by Mr. Poindexter, to place on the November 20<sup>th</sup> Council agenda under Verbal Approval.

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

**Discussion: cont.**

## 6. 2019 CAUCUS-COUNCIL MEETING SCHEDULE.

Mr. Vecchio stated the schedule in the packet mimics off what was agreed on by Council in June, 2018. January 1<sup>st</sup> is the first meeting in 2019 and I asked the clerk to move out one week to January 8<sup>th</sup>.

Mr. Poindexter commented he likes the format Council is in now and maximizes time used, however, I see a need for more meetings during budget talks and possibly look at summer session.

Mr. Mencini stated the schedule shows the meetings being held on the same day for the September Primary election and November General Election.

Mr. Scott commented the schedule can be adjusted going through.

Mr. Salvatore stated for the record I wasn't in favor of a lot of changes made last year and some dialogue was we're not going to do that in 2019, it appears that we are. This should be worked out at a Caucus meeting because when there were no meetings, special meetings were called after the timeframes were adjusted. I, personally, would like to go back to the way the schedule was prior to last year and will not support going forward with last year's schedule.

Mr. Orcutt stated last year I did not support the changes to the meeting schedule and there are things that will probably come forward that Council will need to work on. I'm in agreement with Mr. Poindexter when it comes to the budget Council did a great job last year with having special meetings and so forth; I think this year looks the same especially with the loss of a few police officers and service department personnel.

Mr. Mencini commented that he would like to see what other cities do along with the government and thinks a little break helps. Mr. Salvatore mentioned this should be done at Caucus and we're here so let's lay some groundwork.

Mr. Vecchio stated with November 5<sup>th</sup> being the General Election, I would like to have that moved to the day before or after.

Mr. Scott commented it's always been moved to the day after.

Mr. Vecchio commented while in Caucus, let's work on as much as possible; the primary election is September 3<sup>rd</sup> and general election November 5<sup>th</sup>.



**Discussion: cont.**

**Motion** by Mr. Mencini, supported by Mr. Stemm, to move the September 10<sup>th</sup> meeting to September 11<sup>th</sup>, due to Primary election. Also, moving the November 5<sup>th</sup> meeting to November 6<sup>th</sup>, due to General election.

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

**Motion** by Mr. Mencini, supported by Mr. Stemm, to move summer session recess to March 12, 2019 agenda.

**ROLL CALL: AYES:** Mencini, Stemm, Poindexter, Scott, Burgio, Orcutt  
**NAYS:** Salvatore, Orcutt. The motion carried with a vote of 5-2.

**Motion** by Mr. Poindexter, supported by Mr. Mencini, to place on the November 20<sup>th</sup> Council agenda under Verbal Approval as amended.

**ROLL CALL: AYES:** Poindexter, Mencini, Stemm, Scott, Burgio  
**NAYS:** Salvatore, Orcutt. The motion carried with a vote of 5-2.

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**FINANCE COMMITTEE - CHAIRMAN, SCOTT:**

1. A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION WITH THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR A COMMUNITY DEVELOPMENT SUPPLEMENTAL GRANT PROGRAM, AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella and Council as a Whole.

Mayor Gammella stated with the Sheldon Road project the city has \$250,000 and believes that another \$50,000 can be obtained for that project, reason for this legislation. If the \$50,000 is not granted the Sheldon Road project will take place but this would be additional to the \$250,000 the city has for the project.

Mr. Scott asked if this is a joint grant with Middleburg Hts., due to being a joint project.

Mayor Gammella responded no, this money is only for the City of Brook Park.

**Motion** by Mr. Mencini, supported by Mr. Salvatore, to place on the November 20<sup>th</sup> Council agenda.

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

**Finance Committee - Chairman, Scott: cont.**

2. A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAX REVENUES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella

Mr. Cingle stated every year legislation is passed allowing the county fiscal officer to advance tax revenues to the City of Brook Park; this allows the city to get monies before the annual two settlement dates. The legislation needs to be to the county fiscal officer by the end of 2018.

**Motion** by Mr. Salvatore, supported by Mr. Poindexter, to place on the November 20<sup>th</sup> Council agenda.

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

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**Miscellaneous Remarks:**

Mr. Burgio suggested having proper legislation drawn up for Boss Pro-Karting for next Week.

Mrs. Horvath concurred.

Mr. Vecchio commented at the last Caucus meeting, Mr. Orcutt brought up the subject of missing emails. Have you reached out to the city IT person, Zach Ellis?

Mr. Orcutt responded yes, a phone call to the company and have not heard back. The reason for the phone call is due my email being compromised. Mr. Ellis stated in a prior phone call that he wanted to meet privately to discuss some issues one on one. I think the meeting of October 19<sup>th</sup> Council mandated to have to have Mr. Ellis appear at a Caucus meeting and don't see why Mr. Ellis is not following Council's direction.

Mr. Vecchio stated information was received this afternoon Mr. Ellis' company contracted by the city for eight hours of service a week, four hours twice a week. I don't know the cost but believe to have Mr. Ellis appear before Council there's going to be a cost incurred to Council.

Mr. Cingle commented the company is paid a monthly fee of \$4,100 and any additional time outside the scope of the contract is billed at \$150.00 an hour with a minimum two-hour commitment.

Mr. Orcutt asked is that why Mr. Ellis is not returning phone calls.

Mr. Vecchio responded that could be possible, obviously contracted by the city through the Mayor's office.

**Miscellaneous Remarks:**

Mr. Orcutt mentioned looking into a different type of service within Mr. Ellis' company or another company because, this to me, is a high priority.

Mr. Vecchio commented if Council wants him here, it's going to cost a minimum of two (2) hours at \$150.00 per hour, \$300.00 total.

Mr. Orcutt interjected it took a month for Council to find this out?

Mr. Vecchio - yes.

Mr. Orcutt - that's unsatisfactory, in my opinion.

Mr. Vecchio - not part of the contract that's from the city administration side.

Mr. Orcutt - to find that out over a month, Mayor, if that's where it's coming from I think is unsatisfactory.

Mayor Gammella - don't put me in the middle of this argument, this is strictly a Council issue. Councilman (Orcutt) I had the gentleman call you, did he call you?

Mr. Orcutt - Yes, he did.

Mayor Gammella - did he say he would meet with you?

Mr. Orcutt - absolutely.

Mayor Gammella - I don't know what else you would like me to do.

Mr. Orcutt - that's why I asked for help, Mr. Ellis called right from city hall.

Mr. Mencini clarified with Mr. Cingle that Mr. Ellis works eight hours.

Mr. Cingle responded correct, two four-hour sessions twice a week.

Mr. Mencini asked can he work for four hours one day and come to a meeting for the other four hours, if that can be split.

Mr. Stemm stated if there is a troubleshooting error on the city's system on a Saturday after the weekly eight hours were committed. The city is subject to pay \$300.00 minimum for any type of correction?

Mr. Cingle responded billed into the contract is 40 or 50 hours of additional time that could be utilized for troubleshooting

**Miscellaneous Remarks: cont.**

Mr. Salvatore stated to Mr. Cingle the city has a contract and in that contract there is x-amount of hours allotted for the contract amount. If a problem should arise then the city should be able to capture a solution within that contract time limit. How were problems solved that were outside of the eight-hour window timeframe?

Mr. Cingle asked Mayor Gammella if he was aware of any issues outside of office hours?

Mayor Gammella responded no.

Mr. Cingle stated in speaking with Mr. Ellis earlier today he stated that he utilizes more than the allotted hours, 40 or 50 hours, of additional time in the contract with the recent move. So Mr. Ellis has been very busy with the transition of one building to another building.

Mr. Salvatore stated most city contracts if people go over and above the call of duty the city is additionally charged. The amount of \$300,00, \$500,00 or \$600,00 is a small price to pay to get this situation resolved and what can be done so it never happens again. If this needs a vote of Council to approve a \$300.00 expenditure, I'm in.

Mayor Gammella stated we just went through a huge move with City Hall, Council and the Clerk of Courts, there was a lot of things going on. I haven't heard of any problems with emails for quite a long time, from the initial moving to this building, when making a move like this there is going to be some glitches and problems. If Council wants to get involved with this particular email that's Council's doing. As administrator of this city I have done everything to try and make this right.

Mr. Salvatore appreciated Mayor Gammella's comments with problems happening with the large move and those problems have been resolved. This is another isolated case that might be absolutely nothing so we can move on.

Mr. Poindexter stated he hasn't had any issues with email but certainly respect Mr. Orcutt's right to have his emails protected and would like to see the city's IT Representative come to a meeting to answer some questions and walk Council through some scenarios how this may have happened.

**Motion** by Mr. Orcutt, supported by Mr. Mencini, to pay the cost of Mr. Ellis to attend a meeting.

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

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

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

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

Council President Vecchio declared this meeting adjourned at 8:39 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*  
Michelle Blazak  
Clerk of Council

APPROVED *December 11, 2018*

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

