

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, DECEMBER 4, 2018**

The meeting was called to order by Council President Vecchio at 7:51 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 Law Director Horvath, Recreation Director Elliott, Finance Director Cingle, Engineer Piatak, Service Director Gardner and Economic Development Commissioner Adams.

Mr. Vecchio excused Mr. Stemm from this meeting.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee - Chairman, Poindexter

Mr. Poindexter reported he will be touring Hopkins Airport on December 19th with the airport director and will be giving a report after that meeting

Finance Committee - Chairman, Scott

Mr. Scott reported the Finance Committee has nothing on the agenda, the board of control met earlier approving 13 items with the two largest being Southwest Regional Communications for approximately \$70,000 and for Cargill in the amount of \$50,000 for road salt.

Legislative Committee - Chairman, Mencini

Mr. Mencini reported the Legislative Committee has nothing on the agenda and nothing to report.

Parks & Recreation Committee - Chairman, Salvatore

Mr. Salvatore reported the Christmas Parade went very well, the Pancake Breakfast with Santa was huge success and thanked the Brook Park Boosters for always being willing to assist. On December 7th the Polar Express movie will be shown, registration is required and beverages and snacks will be provided. Reservations are needed for December 10th & 11th for Santa calls from the North Pole and the holiday sleepover to be held on December 15th.

Planning Committee - Chairman, Burgio

Mr. Burgio reported the Planning Commission meeting scheduled for December 3rd due to no applications received.

Safety Committee - Chairman Stemm

No report given.

Service Committee - Chairman, Orcutt

Mr. Orcutt reported when there is two-inches (2") of snow the street parking ban goes into effect; no cars parked on the streets allowing the plows to clear the roads. Secondly, a request to residents to not park near existing leaf piles during

Reports from Standing Committees:

Service Committee - Chairman, Orcutt: cont.

the hours of 7:00 a.m. and 3:00 p.m., so leaves can be picked up. Mr. Orcutt thanked all city employees for the holiday celebration held this past Sunday.

Board of Zoning Appeals - Chairman, Scott

Mr. Scott reported the Board of Zoning Appeals met on December 3rd and approved variances for the installation of a double-sided electronic message board at 13600 Brookpark Road for Metro Lexus advertisements.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center - Trustee, Salvatore

Mr. Salvatore stated the board met on November 28th with the 2019 budget being Presented and explained in detail and showing a possible downturn in the hospital field and many changes forthcoming for 2020. Recommendations were given from the Bylaws Committee for new policies for attendance records to make sure people attend these meetings. The board approved capital expenditures for finalization of Phase II of the Oakview Inpatient Unit renovation and expansion in the amount of approximately \$3 million-dollars. The hospital received an A-rating award from the LeapFrog Group and patient experience are receiving favorable ratings. The center will be presented with a new international award called the 'Employer of Choice' award on December 14th in the lobby for anyone interested in attending. This is an 18-month process and based on pre-assessment value and proposed action plan. A presentation was given based on data that Southwest is doing very well in the primary area and growth potential climbing in the secondary area. Maternity births were 200 this year and another 200 budgeted for 2019.

Berea Board of Education Committee - McDonnell, Poindexter

Mrs. McDonnell reported the State of School address will be held on January 22nd at 7:00 p.m., at Berea-Midpark High School. A pool renovation ribbon-cutting ceremony will be held on December 19th at 5:30 p.m. at the middle school. On December 14th the Varsity Boys Basketball Team will be collecting adult-size coats to be donated throughout Cuyahoga County. Winter break will be from December 24th through January 4th with school resuming on January 7th. Just a reminder with the upcoming winter weather to check the district website for the two-hour delay schedule.

Mr. Salvatore stated with the coats program is that new and used coats?

Mrs. McDonnell responded new and gently-used coats.

Mr. Mencini asked if the two-hour delay schedule has been used to date?

Mrs. McDonnell responded no.

Mr. Mencini commented it would be curious to see how many students are called off when that happens.

Mrs. McDonnell responded I will be keeping track of that.

Mr. Mencini commented there's been good feedback with that new program instead of losing an entire day.

Mr. Poindexter reported the Junior High Orchestra has a holiday performance on December 10th at the middle school at 7:00 p.m.; the High School Orchestra has a holiday performance on December 11th at 7:00 p.m. and the Show and Traditional Choirs are having their holiday performance on December 18th at 7:00 p.m. at the high school.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Gammella thanked everyone who participated, worked and came out for the holiday celebrations on Sunday and Council, good response from everyone being on the same float and showing unity.

Questions:

Mr. Salvatore asked Mayor Gammella to thank Administrative Assistant, D'Amico, for assisting with a neighborhood problem.

Mr. Scott asked Mayor Gammella for a brief synopsis on the Brookpark Road property, Robertson Trucking Company. There are misconceptions and false accusations that the city and Council dropped the ball on the sale of the property.

Mayor Gammella responded to begin no one on Council, nor the city, dropped the ball. Legislation was passed allowing the Mayor to negotiate for that property and a price the city was willing to sell the property and the buyer agreed to the price. Unfortunately, what happened, is the interested buyers wanted this and this but nothing that was agreed to; sometimes the best deal is the deal walked away

Reports and Communications from the Mayor:

Questions: cont.

from. Basically, the city and buyer couldn't come together on an agreement and now there is another interested party for the same property.

Mr. Orcutt agreed with the Mayor for the company to buy that property for the right price and land in Brook Park. Mr. Orcutt thanked Mayor Gammella for a recent meeting and the semi-trucks driving down Hummel Road.

Mr. Mencini commended all city departments for the tremendous holiday celebrations this past Sunday. Mr. Mencini asked for an update on putting 'For Sale' signs on properties.

Mayor Gammella responded speaking with Economic Development Commissioner Adams what I would like to see is putting 'For Sale' signs with a set price for that property. For the viewing audience, the city gets properties from the county for free, mostly a house that has been razed and now a vacant lot. The city would like to turn around and sell that vacant property for construction of new houses.

Mr. Mencini asked if there has been any contact with Ford representatives as to what possibly can happen at Ford Motor?

Mayor Gammella responded yes, I am in contact with Ford Motor personnel quite often and spoke with an extremely high-level official today and all I can say is the City of Brook Park is going to be okay. I do have some grave concerns because Ford Motor will be going to trucks and SUV's (Sport Utility Vehicles).

Mr. Poindexter thanked the administration staff for a great job on the recent holiday celebrations.

Mr. Vecchio thanked the administration staff, recreation and service workers for the holiday celebration on Sunday. To see the families that came out from morning to evening was a great experience.

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

Engineer Piatak:

Mr. Piatak reported the service department and I were contacted last week from the Northeast Ohio Sewer District indicating that contractors would be out in upcoming weeks to perform residential dye-testing; ten houses on Remora and Pickway have been selected. The contractors will be providing additional notification to the selected addresses with more information forthcoming.

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

Mr. Gardner reported residents should be receiving the 2019 rubbish and recycling calendar shortly; that contains dates for recycle dates, shred-it days and yard waste/rubbish drop-offs. Bulk day will be on Tuesday, December 10th. Please call the service department the Friday before by 12:00 noon with address and items being disposed. Leaf pickup will continue for another week to pick up what is left.

Law Director Horvath

Mrs. Horvath provided an update on the lawsuit filed by the City of Brook vs the City of Cleveland. Last Friday, Brook Park filed response to the City of Cleveland motion for summary judgement along with Brook Park's motion for summary of judgement. This is an interesting case in the sense that there's not much going on in the courtroom, everything is being done with regards to briefing. The City of Cleveland filed a motion for summary judgement on October 26th that consisted of about 27-page brief with a couple of exhibits attached. After reviewing their arguments, I and outside counsel drafted the city's brief of 163-pages, 112-pages exhibits, and filed on November 30th. The best argument was put forward as possibly could with the most detail possible and were careful about arguments made and counter-arguments to the defendant's brief. What happens next with the holidays coming my feeling is the city is fulfilling our time constraints as far as briefing but don't have any control over of what the possible outcome may or may not be. With the city's brief filed the defendant has an opportunity to answer the city's arguments and put forth in the motion for summary judgement. They have to the date of January 18, 2019 to file their response to the city's arguments. After looking at their brief and comparing it to the arguments put forward, knowing the case as it is, knowing a lot of the things that residents have had to go through for many years. I'm confident that the court will listen to the city's arguments and we've attempted to do the best that we possibly could to put forth everything we could to help us do the best we can to get a result for those residents. This was a very odd feeling to proceed just on writing because you don't get any feedback and, to me, it's very frustrating. I would like to be able to provide residents more feedback and some idea, perhaps, as to what the court is thinking or looking at this, unfortunately, that's sort of impossible. Mrs. Horvath reported the city has a new lawsuit involving an employee that filed suit against the city and will provide an update with the next Active Civil litigation next week.

Recreation Director Elliott

Mr. Elliott reported the holiday events held this past weekend went very well. The Polar Express movie will be this Friday in the main gym and utilizing the giant screen purchased earlier this year, to date there are approximately 200 people signed up and accepting more. On Saturday, December 15th is the annual children's sleepover, registrations are necessary and be taken care of at the front

Reports and communications from departments, commissions and other public officials:Recreation Director Elliott: cont.

desk. In January, 2019 a community night has been organized with the Cleveland Monsters Hockey Team for February 22nd, more information to follow and tickets will be available at the recreation center front desk. During the school's holiday break there will be daily activities for children at the recreation center, this was done during spring break and was successful. Mr. Elliott thanked the Berea-Midpark High School Show Choir, Parkway Dance Team for the great job at the holiday festivities; also all the community groups, organizations, city officials, recreation commissioners, city departments, especially the service department for putting up the lights and so forth. The Brook Park Boosters for years have done nothing but good for children and people and greatly appreciate what they do.

Finance Director Cingle

Mr. Cingle reported November month-end reports will be distributed shortly.

Questions:

Mr. Orcutt asked Mr. Piatak to elaborate what the plan is for dye-testing of Pickway and Remora and the locations.

Mr. Piatak responded the houses selected were a representative of the typical house in Brook Park and in areas where flow-meter data was looked at showing inflow and infiltration in those basins, that's how those houses were selected.

Mr. Orcutt asked this was through the analyzing done a few months ago?

Mr. Piatak responded this is through the ongoing study of the Southwest Interceptor Local Source Sewer Evaluation Study (LSSSES).

Mr. Orcutt stated he hopes something can be found especially on Pickway, there are a lot of homes taking on water.

Mr. Piatak commented dye will be introduced in the downspouts on the houses and in the sanitary sewer. Looking for evidence of the dye coming into the sanitary sewer from the downspout, proving there is a cross-connection or inflow from the sanitary sewer.

Mr. Orcutt thanked Mr. Elliott for the holiday festivities and Brook Park Boosters for all volunteering dedication.

Mr. Burgio thanked Mr. Elliott, administration staff and city departments for pitching in with the holiday festivities and the great turnout of families. Mr. Burgio clarified with Mr. Gardner that there is enough road salt for the year?

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

Mr. Gardner responded the city has followed the company's rules and paid their prices and can only hope they will get the salt to us when needed.

Mr. Burgio asked if there is road salt left over from last year?

Mr. Gardner responded approximately 800 tons from last year, a very small amount, the city is obligated to 500-tons this year.

Mr. Scott thanked everyone who participated in Sunday's holiday events. With the upcoming sleepover is there a fee charged and, if so, what do the children receive?

Mr. Elliott responded children ages 8 to 13 will receive food, beverages and a t-shirt.

Mr. Poindexter thanked Mr. Elliott's for the holiday events and asked if there was any discussion of opening the recreation center on Sundays, for basketball practices and so forth.

Mr. Elliott responded there have been brief talks about Sunday hours and will be talking with Mr. Cingle about this. This is driven for practice time for the basketball programs with gym time hard to get. The former Ford Middle School gym space has been replaced with the high school sports center and junior high sports center. There are other things that go with that becoming a budget situation.

Mr. Poindexter thanked Mrs. Horvath for her report on the City of Cleveland Airport litigation that is a hot issue in my neighborhood. After the January, 2019 response from Cleveland is there any inclination how long after that a decision will be made?

Mrs. Horvath responded at that point it's up to the judge as to how long to analyze the material presented. I will say having had several pre-trials and other matters in that particular courtroom I think the judge is diligent and moves things along. This is the same judge when the city had litigations against Howard-Johnson's hotel. The timeframe is hard to predict my hope would be the beginning of March, possibly April, the city may know something.

Mr. Mencini asked Mr. Gardner if the service crews are caught up with leaf pickup?

Reports and communications from departments, commissions and other public officials:

Questions: cont.

Mr. Gardner responded by tomorrow the city has been completed six times, since October 30th. The four leaf trucks need to be broken down to prepare for winter snowplows.

Mr. Mencini stated to Mr. Gardner is anything being done with people putting bulk out ahead of time, there is a house on Sylvia.

Mr. Gardner responded if crews see it out the households will be tagged and a possible conversation with the resident to make them aware and try to schedule something. On Bulk Monday, stops that haven't been called in inhibit the crew's effectiveness and have to drive every street to get those stops up. In the summertime, there are 700 stops called in and another 500 that aren't called in. Two days cannot be justified to do this and have considered going back to address pickup only. This is a problem and needs to be called in, it's not fair to the neighbors to look at.

Mr. Mencini stated to Mrs. Horvath with the airport litigation, hopefully, there will be a logical conclusion for the residents over there.

Mr. Mencini stated to Mr. Elliott with limited staff it's hard for teams to get practice in and think Sundays is the one day for practices, know that's a tough spot. Mr. Mencini stated on January 2nd, the Khloe Group, there will be a New Year's Drop the Ball for children.

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

Verbal Approval:

1. Summer Recess

Motion by Mr. Scott, supported by Mr. Burgio, to approve summer recess the week of July 9th and resuming for the August 20th Caucus Prior to meeting.

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

NAYS: Orcutt, Salvatore. The motion carried with a vote of 4-2.

New Legislation:

1. An Ordinance authorizing the Mayor to enter into a contract for the sale of (+ -) 3.303 acres of land located at 16400 and 16500 Brookpark Road, PPN Nos. 344-30-008 AND 344-30-009 and declaring an emergency. Introduced by Mayor Gammella. Placed in Finance Committee

Other communications and petitions and verbal approval:

New Legislation: cont.

- 2. An Ordinance requesting a change order between Customized Phone Systems and the City of Brook Park for the additional rerouting of wiring at the new Brook Park City Hall and declaring an emergency. Introduced by Mayor Gammella. Placed in Finance Committee.

- 3. An Ordinance authorizing the City of Brook Park to provide a grant to Hardface Technologies, Postel Industries, for a building expansion located in Brook Park, Ohio. Introduced by Mayor Gammella. Placed in Finance Committee.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Tom Troyer

18352 Calvin

Mr. Troyer expressed concerns with being a member of the Beautification & Pride Committee for 12 years and currently being attacked on social media and police investigations taking place.

Rachel McDonnell

13621 Brookdale

Mrs. McDonnell stated on behalf of the Brook Park Neighborhood Watch committee and sent an invite to Mayor, Council, Administration and residents to the group's holiday social this coming Monday at the library at 7:00 p.m.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

Mr. Vecchio assigned items one (1) through four (4) to the Finance Committee.

- 1. ORDINANCE NO. 11047-2018, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE SALE OF PROPERTY LOCATED AT 6363 LOCKAVEN DRIVE, PERMANENT PARCEL NUMBER 343-27-018, AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella
Note: Moved by motion from the November 20, 2018 Caucus Prior to agenda.

Mr. Vecchio stated Ordinance No. 11047-2018 has had its First Reading.

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

- 2. ORDINANCE NO. 11048-2018, AMENDING ORDINANCE NO. 11023-2018, THE APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY.
Introduced by Mayor Gammella

Mr. Vecchio stated Ordinance No. 11048-2018 has had its First Reading.

- 3. ORDINANCE NO. 11049-2018, TO PROVIDE FOR THE TEMPORARY APPROPRIATIONS OF THE CITY OF BROOK PARK, STATE OF OHIO, FOR THREE MONTHS ENDING ON MARCH 31, 2019 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella

Mr. Vecchio stated Ordinance No. 11049-2018 has had its First Reading.

- 4. ORDINANCE NO. 11050-2018, AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER FUNDS TO THE SPECIFIED ACCOUNT.
Introduced by Mayor Gammella

Mr. Vecchio stated Ordinance No. 11049-2018 has had its First Reading.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

THIRD READING OF ORDINANCES AND RESOLUTIONS:

Motion by Mr. Burgio, supported by Mr. Orcutt, to address the audience.

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

NAYS: None. The motion carried.

Mr. Burgio responded to Mr. Troyer that over 12 years ago visiting neighborhoods and speaking with a resident on how to make Brook Park a better place by encouraging people to take care of their properties. Mr. Troyer has done great things with the committee along with others.

Mr. Poindexter thanked Mr. Troyer for coming and stated I attended that Beautification & Pride meeting and was shocked with the way the meeting went very unproductive meeting and didn't do anything for the city.

Remarks to the audience: cont.

Mr. Mencini stated to Mr. Troyer you did a lot for that committee and joined four years ago and meetings ran well, it's unfortunate that it has turned into the political football it did.

Mr. Salvatore commented if there is something wrong with a committee and fraud or illegal activities going on it should be addressed and meetings should not be held on city property.

Motion by Mr. Poindexter, supported by Mr. Burgio, to go back to Regular Order of Business.

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

NAYS: None. The motion carried.

Motion by Mr. Mencini, supported by Mr. Poindexter, to go into Executive Session for Sale and/or Purchase of Property.

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

NAYS: None. The motion carried at 9:35 p.m.

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

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

NAYS: None. The motion carried at 10:02 p.m.

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

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

NAYS: None. The motion carried.

Council President Vecchio declared this meeting adjourned at 10:03 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *December 18, 2018*

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