

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, JANUARY 22, 2019**

The meeting was called to order by Council President Vecchio at 7:30 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 Mayor Gammella, Law Director Horvath, Finance Director Cingle, Recreation Director Elliott, Service Director Gardner and Engineer Piatak.

**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. CAUCUS PRIOR TO THE COUNCIL MEETING HELD ON DECEMBER 18, 2018.  
**Motion** by Mr. Salvatore, supported by Mr. Scott, to move to the February 5, 2019 due to printing.

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

**NAYS:** None.

**ABSTENTION:** Stemm. The motion carried with a vote of 6-1.

2. REGULAR COUNCIL MEETING HELD ON DECEMBER 18, 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.

**ABSTENTION:** Stemm. The motion carried with a vote of 6-1.

**Motion** by Mr. Salvatore, supported by Mr. Poindexter, to go out of the Regular Order of Business to letter G.

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

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

**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**

1. A PROCLAMATION HONORING BROOK PARK SCHOOL CHOICE WEEK

2. A PROCLAMATION HONORING THE 2018 9-10 YEAR-OLD SUBURBAN YOUTH FOOTBALL CONFERENCE JUNIOR VARSITY CHAMPIONS 'TITANS'

3. A PROCLAMATION HONORING THE 2018 9-10 YEAR-OLD SUBURBAN YOUTH FOOTBALL CHEERLEADING CHAMPIONS 'TITANS'

4. A PROCLAMATION HONORING CHRIS SHICK, ANNOUNCER AND VOICE OF BROOK PARK YOUTH FOOTBALL.

The clerk read the proclamations in their entirety as Mayor Gammella and the recreation staff distributed to players and coaches and commended them on a great season. The clerk read the proclamation honoring Chris Schick 'Announcer and Voice of Youth Football as Mayor Gammella congratulated Mr. Schick.

**Introduction of Resolutions and Commendations: cont.**

Recreation staff employee, Danny Colonna, stated we were in a tough rut a few years ago with no announcer for the football games. After brainstorming of the recreation staff we asked Chris about announcing football games and there was no hesitation and said he would do anything for the kids. Last few years Chris has become a staple to the city’s program and the teams; it’s really enjoyable when you have an announcer like Chris who actually gets to know the players and gives nicknames during games. Not only that, the team played Brunswick, Brooklyn, Strongsville and a lot of other communities and all of them stated what an awesome place it is to play on Kennedy Field and Chris is the person that makes the awesome because of his announcing and enthusiasm in the press box. Mr. Colonna thanked Mr. Schick on behalf of the recreation staff and presented Chris a little appreciation gift for everything he does for the community.

Mr. Schick stated announcing is a lot of fun and both his children played in the youth league and growing up in Bedford there was no football league. Coming here and seeing this football league is amazing and this is an opportunity to be out there on Saturdays and be involved and enjoy doing it; thank you to everyone who supports and recognizes me.

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

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

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**REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee - Chairman, Poindexter

Mr. Poindexter reported the Aviation & Environmental committee has nothing on tonight’s agenda, however, the annual Rocky River Watershed meeting will be held on Wednesday, January 23<sup>rd</sup>, at the Don Umerley Civic Center, 20616 Hilliard Blvd., open to the public. Mr. Poindexter congratulated the teams honored and are a sign that Brook Park has a very bright future. Mr. Schick’s honor is very well deserved and he does a good job announcing the games.

Finance Committee - Chairman, Scott

Mr. Scott reported the Finance Committee has nothing on tonight’s agenda. The Board of Control met earlier and approved 24 items with the two largest being Gas & Diesel fuel for \$40,000 and TCC, IT management agreement, for approximately \$50,000.

Legislative Committee - Chairman, Mencini

Mr. Mencini reported the Legislative committee has two pieces of legislation on First Reading. Mr. Mencini congratulated the youth football team winners and commented the cheerleaders did a great job; all the teams did a great job.

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

Mr. Salvatore reported at the January meeting, Director Elliott thanked the commission for their hard work and volunteer work for 2018; Mr. Salvatore agrees the commission was in attendance at many events. Director Elliott presented ideas and wish list for the budget and capital improvements such as cardio exercise space on the platform area. A few announcements baseball, softball and tennis signups will start on February 1<sup>st</sup>, the Knight of Columbus free-throw was held on January 20<sup>th</sup> and the Home Days celebration is scheduled for July 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup>; with some minor changes due to construction of Holland Road. The Ohio Flags of Honor will be held during the Home Days celebration. A new program includes a daytime and evening class of Chair Yoga. Mr. Salvatore congratulated all the team and cheerleaders and thanked Mayor Gammella for bringing the proclamations back to Council meetings.

**Planning Committee - Chairman, Burgio**

Mr. Burgio reported the January meeting was cancelled and congratulated all the football teams, cheerleaders, volunteer coaches and parents for all their support.

**Safety Committee - Chairman Stemm**

Mr. Stemm announced the next Neighborhood Watch meeting will be held on February 20<sup>th</sup> at 7:00 p.m. at the Brook Park Library; special presentation by ICAC (Internet Crimes Against Children) will be presented with topics including Human Trafficking, Cyber-bullying and encourage everyone to attend. Mr. Stemm thanked Police Chief Foster for his years of service in Brook Park and congratulations on retirement. Congratulations to new Police Chief, Tom Dickel, who was sworn in last Friday.

**Service Committee - Chairman, Orcutt**

Mr. Orcutt stated the Service committee has one item on tonight's agenda. Mr. Orcutt mentioned that snow removal took 31 personnel working 12-hour shifts over three days to remove all the snow; thank you to the service crews for all their hard work and dedication. Mr. Orcutt congratulated the teams for receiving their proclamations and there is one-person worth mentioning and that is Jay Scott who runs the program, does all the fundraising for both Junior Varsity and Varsity; hats off to the whole organization and everything they do and thank you to Mr. Scott.

**Board of Zoning Appeals - Chairman, Scott**

Mr. Scott thanked the coaches for allowing him to spend time with the football players and mentioned it was a great year for the team coming back from 5-2 and playing the championship game against Strongsville with a good attitude. Mr. Scott stated the Board of Zoning meeting was cancelled.

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

Mr. Salvatore reported the Outpatient Physical Rehabilitation implemented a new electronic records system to better serve patients. Retail Pharmacy has expanded

hours and the recent renovation of another area has led to better serve patients. Southwest has performed better or on-target on key point quality and safety indicators which continues to be a focus for CEO (Chief Executive Officer) Young. A new program was introduced providing health system board members an opportunity to gain greater understanding of the hospital's operation. Southwest continues to receive strong volunteer support from the community. The next board meeting will be held on February 27<sup>th</sup> at 6:00 p.m.

Berea Board of Education Committee - McDonnell, Poindexter

Mr. Vecchio stated Mrs. McDonnell is attending the State of the Schools address and will provide a report at the next meeting. Mr. Poindexter mentioned the State of the Schools is being held tonight and the next school board meeting is January 28<sup>th</sup>.

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**REPORTS OF BOARDS AND COMMISSIONS:**

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**INTRODUCTION OF RESOLUTIONS OF CMENDATION:**

**Note:** Moved by motion to the beginning of the meeting.

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**REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Gammella stated the government shutdown is affecting the city's largest taxpayer, NASA, the city has reached out letting NASA know if they need food or essential help the city is willing to do that. Mayor Gammella thanked the service department for their outstanding job during the recent snowstorm. Most of the contracted snow plow drivers did a good job for the seniors except for one that the city is not happy with and is being brought into tomorrow; numerous calls were received and this snow service will get up to city standards. The letter of confirmation for a new senior bus in the amount of \$49,000 has been received thanks to several administrative staff, law director, NOACA and Cuyahoga County Executive Budish. Police Chief Dickel was Police Captain for many years and will do a great job. To retired Police Chief Foster who did an outstanding job as chief and will be missed.

**Questions:**

Mr. Mencini asked Mayor Gammella is there a place for shelter in the city in an emergency? Is the recreation center ready generator wise?

Mayor Gammella is not sure of the generator status and asked Mr. Elliott on the status.

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

Mr. Elliott responded the center's generator will not provide beyond approximately four hours. The center can be a shelter if the rest of the city is out, as through the years. If ourselves had an issue the center would not be a long-term solution.

Mayor Gammella commented once the rest of the renovation work is done in the pool area with the roof and walls, a full service generator needs to be looked into.

Mr. Stemm stated to follow-up on that, I think a part of the Cuyahoga County Emergency Management agreement for warming centers may fall under that category.

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

Mr. Piatak reported the NEORSD (Northeast Ohio Regional Sewer District) as part of the ongoing evaluation study will be conducting dye-testing on sewers within the right-of-way on Doris, Shelby, Ashland and Harrison tomorrow.

**Service Director Gardner**

Mr. Gardner reported the snow equipment worked very good thanks to the mechanics, few small setbacks with the hydraulics, plow and blade changes; there is still road salt on hand. With the amount of snow that fell in a short period of time along with the wind, city personnel came in worked 12-hour shifts over the 36-hours and did a phenomenal job.

**Law Director Horvath**

Mrs. Horvath reported on January 18<sup>th</sup> the final reply brief was filed by the City of Cleveland in regards to the west-end lawsuit. The law department is viewing the arguments in that brief and hopeful that soon there will be a court appearance.

**Recreation Director Elliott**

Mr. Elliott congratulated and thanked the teams, coaches and parents for participating in the fall program and all programs. Beginning, February 1<sup>st</sup> baseball, softball and tennis signups start. Brook Park Night with Cleveland Monsters is scheduled for February 22<sup>nd</sup>, interested parties can stop at the front desk to fill out an application and pay for tickets. Due to the government shutdown the recreation center is a drop-off location for the USO (United Service Organizations). The seniors club did not meet due to bad weather, just a reminder that if Berea City Schools are closed the seniors do not meet.

**Finance Director Cingle**

Mr. Cingle reported that December month-end reports were distributed and the Mayor and I are working on through the 2019 budget and hope to present to Council in the next few weeks.

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

Mr. Mencini asked Finance Director Cingle will the budget be received early or mid-February?

Mr. Cingle responded as soon as the Mayor and I work through the NASA issue and revising income tax projections and working through the Capital Improvements.

Mr. Mencini stated to Service Director Gardner the service crews did a great job the past four days. How is the city doing on salt?

Mr. Gardner responded the city just received 500-tons and with the cold weather there isn't a lot of salt used because it doesn't work as well.

Mr. Mencini stated there is a lot of water coming down Sylvia near Barbara Lane with the upcoming rain is the city prepared.

Mr. Piatak responded as far as I'm aware and am sure Mr. Gardner has things prepared.

Mr. Gardner concurred.

Mr. Mencini stated to Mr. Elliott that Saturdays are great up here, things are going fantastic and complimented the staff. Mr. Mencini expressed weather concerns with schools being closed and one of his teams traveling to Brecksville; for single mothers and grandparents.

Mr. Elliott responded when there are away games we depend on those people to let us know as early as possible so that everyone traveling can be contacted, will continue to communicate the best we can.

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

New Legislation:

1. An Ordinance authorizing the Mayor to enter into a contract with Signal Service Company, without public bidding, to provide for the maintenance of traffic control devices and declaring an emergency. Introduced by Mayor Gammella. Placed in Safety Committee.

**Other Communications and petitions and verbal approval: Introduction of New Legislation: cont.**

New Legislation: cont.

2. An Ordinance authorizing the Consulting Engineers of Brook Park and Middleburg Heights to prepare plans and bid documents and the Mayor to advertise for bids and enter into a contract for the Sheldon Road Resurfacing project and declaring an emergency. Introduced by Mayor Gammella. Placed in Service Committee.

Verbal Approval:

1. AMENDMENT TO COUNCIL RULE NO. 1.

**Motion** by Mr. Poindexter, supported by Mr. Salvatore, to verbally approve.

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

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

2. AMENDMENT TO COUNCIL RULE NO. 2

**Motion** by Mr. Poindexter, supported by Mr. Burgio, to verbally approve.

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

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

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**MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**

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**REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**

Joan Markusic

13911 Bellbrook

Ms. Markusic expressed concerns with residents speaking at a public meeting and having information that Council has no knowledge of is not aware of.

Tom DuFour

15300 Richard Drive

Mr. Dufour asked for elaboration for IT services in the amount of \$50,000 that appeared on the Board of Control.

Susan Anderson

5700 Grayland

Ms. Anderson expressed concerns with litigation against her and former Council Investigator, Rob Slattery. (Documentation presented is on file in the Council office for public review).

**INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):**

1. ORDINANCE NO. 11058-2019, AMENDING SECTIONS 1323.03 OF THE BROOK PARK CODIFIED ORDINANCES AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Vecchio stated Ordinance No. 11058-2019 has had its First Reading.

Mayor Gammella asked if M-1 could be under suspension, as well as the next three ?

Mr. Salvatore commented no vote was taken and reconsidered going back to item number one.

Mr. Vecchio accepted the motion to reconsider M-1 for first reading.

**Motion** by Mr. Salvatore, supported by Mr. Scott, to suspend.

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

**NAYS:**

**ABSTENTION:** None. The motion carried with a vote of 6-1 with one abstention.

**Motion** by Mr. Burgio, supported by Mr. Mencini, to adopt.

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

**NAYS:** None.

**ABSTENTION:** Stemm. Ordinance No. 11058-2019, has passed under Suspension of the Rules with one abstention. Adopted.

2. ORDINANCE NO. 11059-2019, AMENDING CHAPTER 1414 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'RESIDENTIAL RENTAL HOUSING REGISTRATION' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella

**Motion** by Mr. Orcutt, supported by Mr. Mencini, to suspend.

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

**NAYS:** None.

**ABSTENTION:** Stemm. Ordinance No. 11059-2019, has passed under Suspension of the Rules with one abstention. Adopted.

3. ORDINANCE NO. 11060-2019, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT OF COOPERATION WITH THE COUNTY OF CUYAHOGA FOR THE RESURFACING OF SHELDON ROAD (COUNTY ID#1224) AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

**Motion** by Mr. Burgio, supported by Mr. Mencini, to suspend.

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

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



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

**Motion** by Mr. Mencini, supported by Mr. Orcutt, to adopt.

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

**NAYS:** None. Ordinance No. 11060-2019, has passed under Suspension of the Rules. Adopted.

4. ORDINANCE NO. 11061-2019, ADOPTING A WRITTEN CREDIT CARD POLICY FOR THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY.

Introduced by Mayor Gammella

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

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

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

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

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

**NAYS:** None. Ordinance No. 11061-2019, has passed under Suspension of the Rules. Adopted.

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**SECOND READING OF ORDINANCES AND RESOLUTIONS:**  
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**THIRD READING OF ORDINANCES AND RESOLUTIONS:**  
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**Motion** by Mr. Scott, supported by Mr. Stemm, to address the audience.

**ROLL CALL:** Scott, Stemm....

Mr. Salvatore - Mr. Chairman, before you call the roll I would like to make a motion to address the audience. There was a question asked by one of the residents out there that I think should be addressed.

Mr. Vecchio - We're already in roll call, Mr. Salvatore.

Mr. Salvatore - ask the mover of the motion to reconsider and withdraw their motion.

Mr. Scott - Reconsider.

Mr. Stemm - I'll redact

Mr. Vecchio - motion is redacted.

**Motion** by Mr. Salvatore, supported by Mr. Poindexter, to address the audience.

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

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

**Address the audience:**

Mr. Salvatore asked Mr. Cingle for an explanation of the IT breakdown of \$50,000.

Mr. Cingle responded this is for the information technology services contract for 2019 for the city and can be provided. The gentleman is onsite four hours a week to provide information technology services as well as other times allotted; same contract the city had for 2017 and 2018 and maybe 2016.

Mr. Salvatore stated to Ms. Anderson about her comment that the city would be liable for hundreds of thousands of dollars based on the lawsuit. I'm not claiming to be a lawyer but don't see how the city would be involved in a case between residents. Mr. Salvatore deferred to the law director if those comments are warranted.

Mrs. Horvath commented basically the question is would Mr. Slattery come under the definition of who is an insured under the city's insurance policy. I have looked at this issue and think he probably would not come under that definition. There is an indemnification clause in his contract with the city. Obviously, indemnification clauses basically say if I'm sued and have to pay out something then in turn the person who is indemnifying me would make me whole. That would be the issue more than whether or not, in my opinion, there would be a question that he would be insured under the city's insurance policy. In order to indemnify something or someone you would first have to have the individual or organization asking for indemnification to be made to pay out. I don't think that he and his company would fall under the definition of insured but there would be the possibility there might be some future liability.

Mr. Salvatore commented I don't know how we would be involved with a contract that would put us at risk for an investigation by an outside third party. To Ms. Markusic's comments of a resident having information prior to City Council and obtaining that same information.

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

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

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

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

Mr. Vecchio declared this meeting adjourned at 8:47 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*  
Michelle Blazak  
Clerk of Council

APPROVED *February 5, 2019*

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

3,443 words

