

**ITEMS TO BE CONSIDERED  
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING  
TO BE HELD ON TUESDAY, MAY 21, 2019**

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 Finance Director Cingle, Service Director Gardner and Law Director Horvath.

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**DISCUSSION:**

1. DEPARTMENT OF LIQUOR CONTROL – SNOWBERRY FRESH MARKET LLC, DBA SNOWBERRY FRESH MARKET 13425 SNOW ROAD, BROOK PARK, OH 44142. **C NEW 8340503; C1 & C2. Deadline date no later than 6/6/2019. Note:** Moved by **motion** from the 5/14/19 Caucus meeting.

Mrs. Horvath requested Council move this to the June 4<sup>th</sup> Caucus Prior to agenda for more due diligence.

**Motion** by Mr. Poindexter, supported by Mr. Scott, to move to the June 4<sup>th</sup> Caucus Prior agenda.

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

2. DEPARTMENT OF LIQUOR CONTROL - BROOK PARK SUNOCO, INC., D.B.A. ENGLE AND HOLLAND SUNOCO, 6313 ENGLE ROAD, BROOK PARK, OH 44142. **C TRFO (Transfer) 0976874. Deadline date no later than 6/10/2019.**

Mrs. Horvath stated the current owner is retiring and selling the business and this transfer request is for transfer to the new owner.

**Motion** by Mr. Mencini, supported by Mr. Poindexter, to move to the Council meeting immediately following.

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

Mr. Vecchio stated this will appear as letter J-1.

Mr. Poindexter stated at the last meeting a motion was made to discuss the 'No Smoking' in playgrounds that was inadvertently left off this agenda for the proper

**Discussion: cont.**  
amendments.

**Motion** by Mr. Poindexter, supported by Mr. Salvatore, to discuss Ordinance No. 11092-2018, amending section 5245.16 of the Brook Park Codified Ordinances entitled 'Smoking Prohibited in Municipally Owned and Operated Buildings and declaring an emergency. Introduced by Councilman Mencini, C/W and Mayor Gammella.

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

**Motion** by Mr. Poindexter, supported by Mr. Burgio, supported by Mr. Poindexter, to amend the title to read 525.16 smoking prohibited in municipally and owned buildings and in smoke-free areas of parks and playgrounds.

Mr. Scott asked Mrs. Horvath if there are any objections to the amendment.

Mrs. Horvath responded no.

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

**Motion** by Mr. Poindexter, supported by Mr. Mencini, to amend section (a) to include the possession of lighted material in any form is prohibited in any and all municipally owned buildings and within 25' of signs posted in parks & playgrounds within the city.

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Mr. Mencini commented this legislation does not take away smoking in any way this will cover a 25' distance from the sign.

Mr. Scott asked Mrs. Horvath if there are any objections to the amendment.

Mrs. Horvath responded no.

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

Mr. Poindexter stated section b remains as written. A new proposed section (c) that will read 'signs indicating that smoking is prohibitive within 25' of this sign shall be adequately posted near ballfields, dugouts, bleachers, pavilions, playground equipment or any other area where smoking can disrupt any recreational activity'.

**Discussion: cont.**

Mr. Vecchio clarified a new section (c) is proposed so the current letter (c) would become d and current d would become e.

Mr. Poindexter concurred.

Mr. Salvatore asked Mrs. Horvath if smoking can disrupt any recreational activity would include the (summer) concerts?

Mrs. Horvath responded the legislation reads parks & playgrounds and the concerts are held at the gazebo and I would consider that a park area. Council could include parks, gazebos and playgrounds to cover more definitely and would say that a concert is a recreational activity, recreational activity is not limited to just sports.

**Motion** by Mr. Poindexter, supported by Mr. Burgio, to amend by adding a new section (c).

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

Mr. Poindexter continued the new section (d) reads this would become effective June 1<sup>st</sup> and wasn't sure if the legislation would be passed in time to be in effect June 1<sup>st</sup>. The proposal is this shall become effective immediately upon passage and approval by the Mayor.

Mr. Mencini asked the law director for interpretation.

Mrs. Horvath responded whatever we amend this section to will appear in our codified ordinances and the problem with this is. Anybody that looks at this, perhaps a client that is charged with this particular offense; they are not going to be able to tell effective date this was enacted. I think, the date of June 1<sup>st</sup> should be left in and what you're trying to achieve is probably contained in section 4 to have this effective on an emergency basis. When the (police) chief spoke on this he talked about having a little period of time for people to get used to the change and so forth.

Mr. Poindexter commented after hearing the law director's synopsis I think we should just leave that section alone and don't recommend any other changes to this ordinance.

**Motion** by Mr. Mencini, supported by Mr. Poindexter, to accept the amendments and place this back on the Council agenda under number eight.

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

**Discussion: cont.**

Mr. Salvatore asked Council's indulgence to add a Resolution honoring paralyzed veterans to the Council agenda.

**Motion** by Mr. Orcutt, supported by Mr. Mencini, to place a Resolution honoring paralyzed veterans on the Council agenda.

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

Mr. Salvatore pointed out a typo in the third 'Whereas' changing **out** to **our**.

**Motion** by Mr. Stemm, supported by Mr. Mencini, to have Mr. Orcutt read the 'Whereas' at the Council meeting for his years of service.

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

Mr. Salvatore asked for all Members of Councils' name appear individually on the legislation when read.

Mr. Vecchio stated this will appear under M-14 as Resolution No. 21-2019.

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Mr. Salvatore mentioned that at the last meeting to invite BoxCast representatives to a meeting and apparently they unable to make a meeting. I have had several discussions with a representative as well as the clerk and the Council President. Is there any correspondence received?

Mr. Vecchio responded yes, an email was received today and what it comes down to is the meeting where I.U.P.A.T. was in attendance was setup incorrectly from 7:00 a.m. to 7:30 p.m. When the clerk sets up the meeting it is set up in advance of an end-time and it wasn't setup properly. So Mr. Hurst and the technician unplugged BoxCast and when plugged back in started approximately one-half hour later. Also, at the same time, the question I had for BoxCast is if there is a better box than what the city currently has; because the box the city has is a lower-level box. There is a professional box that has the latest updates of internet connections, Wi-Fi chip, better compression for less bandwidth on the internet. The audio connections give more audio controls and has a preview touch screen that will do a lot with manning connections. The cost is approximately about \$3,000.

Mr. Salvatore would like to have more discussion on this subject matter so this doesn't happen again and how Council is going to move forward.

Mr. Mencini and Mr. Orcutt were having a hard time hearing Mr. Salvatore speak.

Mr. Mencini does not understand because the city paid good money for this equipment.

Mr. Salvatore would like to see this discussed further because there are issues that need to be discussed further.

Mr. Vecchio stated this will appear on the June 11<sup>th</sup> Caucus meeting.  
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There being no further business to come before this meeting a **motion** by Mr. Mencini, supported by Mr. Orcutt, to adjourn.

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

Council President Vecchio declared this meeting adjourned at 7:31 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*  
Michelle Blazak  
Clerk of Council

APPROVED *June 4, 2019*

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

1,409 words

