

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JUNE 11, 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 Mayor Gammella Law Director Horvath, Economic Development Commissioner Adams, Finance Director Cingle, Charter Review Commission members and Engineer Piatak (9:20 p.m.).

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING HELD ON MAY 14, 2019.

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. Orcutt, supported by Mr. Scott, to go into Executive Session for Purchase and/or Sale of Property.

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

NAYS: None. The motion carried at 7:02 p.m.

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

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

NAYS: None. The motion carried at 7:25 p.m.

Motion by Mr. Salvatore, supported by Mr. Mencini, to go out of the regular order of business to Planning Committee, Chairman Burgio.

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

NAYS: None. The motion carried.

PLANNING COMMITTEE - CHAIRMAN, BURGIO:

1. REQUEST APPROVAL FOR A CONDITIONAL USE PERMIT TO OPERATE A HEAVY EQUIPMENT REPAIR BUSINESS AT 16400 BROOKPARK ROAD 'COMPANY WRENCH' LOCATED IN THE U7-AE DISTRICT.

In attendance: Ken Jenkins

Ken Jenkins

**620 Construction/Janotta & Herner
Company Wrench**

Mr. Burgio stated this came before the Planning Commission and forwarded to Council for approval.

Planning Committee - Chairman, Burgio: cont.

Mr. Poindexter stated Company Wrench came before this Council in December, 2018 for purchase of the property. Along with that they gave a proposal that included plans for the business and Fogg Builders. My question is what happened with Fogg Builders?

Mr. Jenkins responded he has no knowledge of Fogg Builders that's a question for Company Wrench. I am representing Company Wrench but not employed by them, I'm an employee of 620 Construction/Janotta & Herner.

Mr. Mencini stated you're set up in Monroeville?

Mr. Jenkins responded 620 we're set up in Monroeville but is based out of Medina, Ohio and about five or six years ago Janotta & Herner purchased 620's assets and employees. Company Wrench owns eight facilities nationwide and is renting a building in Cuyahoga Hts. and wants to make Brook Park home.

Mr. Mencini asked how many employees will be coming and will additional employees be added?

Mr. Jenkins responded currently there is five to nine employees and has no space to add employees; that's the whole purpose for the Brook Park location. With the 8,312 sq. ft. with 20% being office and 80% being shop with field technicians based out of the Brook Park location as well as the selling of attachments. Most of Company Wrench's work is in the field so the technicians will live around Brook Park and be dispatched from this facility; Company Wrench expects an expansion of 12 to 15 employees. An expansion plan has been incorporated to a building that hasn't been built yet because they expect to expand in the future.

Mr. Orcutt stated the plans presented look very good but I have concerns with the company switching and need more information on that. My question to Mr. Cingle with the dispatching of employees from this facility does the city get the income tax for those employees?

Mr. Cingle responded that depends on how the payroll officer accounts for the time worked for those employees. If they are being dispatched out of their homes, then there is a good chance those employees will pay local tax to the home-residency community. I don't have an answer without talking to the payroll officer of the company.

Mr. Jenkins commented there will be employee locker room and employee lockers at this facility; so it seems the employees will be coming to the facility and going from there.

Mr. Poindexter asked Mr. Jenkins if 620 Construction is a local workforce?

Planning Committee - Chairman, Burgio: cont.

Mr. Jenkins responded yes, with approximately 18 local employees to Medina and sell some Sully excavation to perform concrete, rebar, steel erection and studs. Other stuff is self-contract with hundreds of partners and have a very strong subcontractor base.

Mr. Poindexter stated 620 will do some of the work and other portions are subcontract out, for example with structural steel your company will do some of it and subcontract out some of it?

Mr. Jenkins responded no, if the right technicians are available at the right time... We have hundreds of jobs going all over Northeast Ohio currently in north and central Ohio. If a steel crew is available, we will build this if not it will be subcontract to somebody else.

Mr. Poindexter clarified 18 local employees how many will set foot on this site?

Mr. Jenkins responded could be all of them or could be a few of them, I don't have that answer right now. We plan on breaking ground in a few weeks.

Mr. Poindexter interjected at the peak of the building, how many people will be on the site.

Mr. Jenkins responded I would guess at the peak number of total subcontractors, employees or tradesmen on a project might be 20 to 25.

Mr. Poindexter asked for the average wage for employees?

Mr. Jenkins responded I don't know that within my company.

Mr. Poindexter commented the reason for the question is when Company Wrench came with the original proposal a representative from Fogg Builders was in attendance and assured that high-skilled union tradesmen would be used on the job. As you know, that would bring to the city a certain amount of income tax revenue and trying to gauge whether it's the same benefit with your company...

Mr. Jenkins interjected our employees are highly skilled and whether they are union or not..

Mr. Poindexter asked if employees attend a certified apprenticeship program?

Mr. Jenkins responded yes, a bunch of employees have attended apprenticeship programs and will say that we have partnered with two subcontractors and have signed Site Tech who are signatory with the operations union and also have HVAC

Planning Committee - Chairman, Burgio: cont.

(Heating, Ventilation and Air-Conditioning) contractor that we have partnered with and believe they are signatory as well; we partner with the best employees, best companies and best subcontractors for each project; two out of two are union subcontractors.

Mr. Poindexter asked if any of Mr. Jenkins employees considered subcontractors or are they direct employees.

Mr. Jenkins responded they are all straight-up employees.

Mr. Salvatore asked Mr. Burgio for specifics on what the conditional use permit is going to be used for and why is one needed?

Mr. Jenkins responded the area is zoned as adult entertainment currently and Company Wrench plans on using the property for heavy equipment repair, not diesel so there will be no nasty fumes or smoke. The diesel equipment will be used to move the heavy attachments in and out of the shop. Local technicians will be employed and kept local to perpetuate this business and grow the tax-basis of Brook Park.

Mr. Salvatore asked did this change come up suddenly or something that was in the original plan? Does the conditional use include any construction changes?

**Scott Adams - Economic Development Commissioner
6161 Engle Road, Brook Park.**

Mr. Adams stated this was part of the negotiations throughout the process prior to the sale and then post-sale to work with Company Wrench on a conditional use permit. The location is a U-6AE District - adult entertainment and the conditional use permit will allow a service industry of this kind to build on the location.

Mr. Salvatore continued when did this come up and does it involve any construction changes?

Mr. Adams responded no, it won't involve anything different. What it will do is allow this to be built there moving forward.

Motion by Mr. Orcutt, supported by Mr. Mencini, to have legislation drafted and placed on the next Caucus Prior to agenda.

Mr. Poindexter commented will vote to move this forward in the hopes of a Company Wrench representative be in attendance at the next Caucus Prior to agenda.

Planning Committee - Chairman, Burgio: cont.

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

Motion by Mr. Stemm, supported by Mr. Orcutt, to go back to the Regular Order of Business to Discussion item number one.

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

DISCUSSION:

1. 2020 TAX BUDGET

Mr. Cingle stated this is the annual tax budget submitted to the County Budget Commission that sets the city's tax rate; time-sensitive to mid-July to be down to the County Budget Commission.

Motion by Mr. Orcutt, supported by Mr. Salvatore, to place on the June 18th Council agenda under Verbal Approval.

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

2. PROPOSED CHARTER AMENDMENTS. **In attendance: Charter Review Commission Members will be indicated as CRC Members.**

Charter Review Chairperson

Rachel McDonnell

13621 Dalebrook

Ms. McDonnell stated the CRC meeting dates were posted and open to the public, agendas and minutes were created via journal. Which according to the Charter that journal is located with the Clerk of Council. As far as the process the CRC went through each section three times and at the third time we did a final review and voted on each section; on Saturday, June 8th, the CRC did the last final vote of all sections. While not all of the CRC members agree on parts a consensus was reached that all six members will stand by. Also, the CRC requested information from the Board of Elections (BOE) and had the BOE attend a meeting as well as contacting different directors for information and worked close with the city's law director.

Mr. Stemm stated to Mrs. McDonnell reading these proposals a few times, I like the terms of office idea of term limits and the lapse of one term and also the four-year term for Council.

Charter Review: cont.

Mr. Poindexter commented the packet was received last Friday and on Saturday an email was received including an entirely different packet.

Mrs. McDonnell interjected it wasn't entirely different there was a couple of clerical verbiage that was changed. There were a couple of typos' that needed to be clarified and a few things such as Section 4.05 the word 'or' needed to be read and strike-through instead of just black. When the BOE came to a meeting we went through and said any suggestions that needed to be taken off the current Charter, read and strike-through also anything that needed to be bold and italicized. At the last meeting the changes were Section 17.04 the CRC had a huge discussion about the idea of the terminology of majority and after speaking with the law director and looking at certain definitions it was determined that section and taken out of the Charter. Another thing changed around is originally the CRC Members wanted the vacancy section for the Mayor to be under the Mayor's section. Because as people who were coming together from all different avenues of life we thought it made more sense since it pertains to the Mayor.

Mr. Salvatore suggested that each Charter section be taken one at a time with the CRC's recommendations why those changes are being recommended.

Charter Section 2.01:

Mrs. McDonnell stated the only addition is to the third line by adding the words 'or if not prescribed wherein' because comparing the ordinances and Charter side-by-side. The CRC noticed that some information that should be included in the Charter was already in the ordinances. By adding that section, it allows anyone in the city reading the Charter to change something in the ordinances quicker than the Charter; it was found that the ordinances contradicted what the Charter reads.

Charter Section 3.01:

Mrs. McDonnell stated the change is to the third line by adding the words 'No person elected Mayor shall hold the office for more than three (3) consecutive terms or twelve (12) consecutive years, unless one (1) full term or more has elapsed since that person last held the office of Mayor'. The seventh line shows a strikeout of the words 'He may be a candidate to succeed himself', the CRC took that out to clarify the more specifics of the third line. Under this section, the CRC suggested adding new verbiage for 'Qualifications that reads 'He shall have been for at least one (1) year prior to his election or appointment and during his term of office or employment shall continue to be a resident of the city. The Mayor, whether elected or appointed to fill a vacancy, shall serve in a full time-capacity, shall hold no other full time private employment and shall comply with all ethics laws of the State of Ohio. In the case of the Mayor, he shall have attained the age of twenty-five (25) years prior to assuming such office'.

Charter Review: cont.

Charter Section 3.02:

Mrs. McDonnell stated the CRC clarified some parts about absences, particularly if the Mayor shall be absent or inaccessible or unable for any cause his duties verbiage added 'he shall notify the President of Council in writing and the President of Council shall be Acting Mayor and shall also continue as President of Council with all the powers and duties of that position'. The thinking is to have the language in the Charter have a clearer understanding for everyone in the city.

Charter Section 3.03:

Mrs. McDonnell stated third paragraph, third line the only change is adding the words 'the two (2) and members appointed by'.

Mr. Mencini asked with section 3.02 - Absences with the verbiage 'unable to perform his duties' is that considered health or out of town? That was in the Charter previously but not very specific.

Greg Wellman

6542 W. Vancey Drive

Mr. Wellman stated unable means health issues, out of town or for whatever reason.

Mrs. McDonnell commented the CRC viewed several different Charters so that specific verbiage would be used for someone reading the Charter and understanding what it indicates. This was the verbiage that most of the city Charters included and spoke with the law director.

Mr. Wellman commented unable would be for any cause.

Mr. Poindexter clarified the only change with Section 3.02 is to notify the Council President in writing?

Mrs. McDonnell stated that's already included in the Charter it is just clearer verbiage.

Mr. Salvatore stated the Charter already clarifies the beginning and the only recommendation 'shall notify in writing'. My question is should that be more specific in nature where the Mayor is at and how long will he be gone?

Mr. Wellman clarified that the fourth line that reads 'Whenever the Mayor shall be out of state' should have been stricken-out.

Mr. Poindexter stated with section 3.01 with the striking of may be a candidate to succeed himself.

Charter Review: cont.

Mr. Wellman interjected for three consecutive terms the verbiage 'he may be a candidate to succeed himself' doesn't need to be in there.

Mr. Poindexter stated with the 25-year age requirement.

Mr. Wellman responded numerous cities have 25-age limitation.

Mrs. McDonnell commented other city Charters viewed by the CRC were in-line with Brook Park's population and economic status.

Mr. Poindexter asked for the CRC's purpose of the 25-age requirement.

Mr. Wellman responded when talking about education at 18 years or 21 years what life experiences 25-year seemed like a good year and starting point.

Mr. Salvatore stated with 3.01 the verbiage 'shall hold no other full-time private employment'. Is there a reason why it's full-time and not part-time?

Mrs. McDonnell responded the CRC were under the impression that full-time meant any other type of job.

Mr. Wellman the word 'full-time' was stricken at Saturday's meeting and is included in the updated version emailed; full-time and private was stricken out.

Mr. Salvatore stated a lot of Mayors' across the county get appointed to a board or commission i.e. RTA (Regional Transit Authority) would that be included?

Mr. Wellman responded the CRC considers employment getting paid to do a job.

Mr. Salvatore commented this would disallow a Mayor to serve on a board or commission that may help the city in the future.

Mr. Wellman reiterated these are suggestions and if Council wants that verbiage in there that's their choice.

Mr. Scott stated the qualifications for the Mayor falls into section 15.01 and the CRC is wanting to put into section 3.01. Serving on two CRC's our Charter has bits and pieces everywhere and the ideal thing would start with page one and regroup.

Mrs. McDonnell commented that there are typo's that she wanted to fix but every one of them would be an amendment so had to subside.

Mr. Stemm stated with the secondary employment it needs to be worded correctly

Charter Review: cont.

if it's going to be a compensated or hired position and if permitted is there going to be a cap on hours allowed; we don't want a full-time Mayor working 32-hours elsewhere. With the 25-years of age most communities are doing that because most people have to fill the military commitment or graduate college up to a master's degree with life experiences.

Mr. Mencini commented with the full-time a Mayor could have his own business and a tough situation.

Mrs. McDonnell interjected when speaking on this the CRC used the situation as to what happened in Middleburg Hts. The CRC couldn't come up with every situation to cover everything in the Charter. But, the CRC agreed that if someone is going to represent the City of Brook Park as Mayor the CRC would prefer that is strictly that person's job of representing the people of Brook Park.

Mr. Vecchio commented something verbiage wise with the exception of boards and commissions pertaining to whatever it may be.

Mayor Gammella stated with section 3.01 I didn't have issue with shall hold no other private employment was stricken. So the proposed amendment reads 'shall hold no other employment'.

Mrs. McDonnell concurred.

Mayor Gammella stated serving as safety director with no compensation would that preclude from doing that?

Mr. Wellman responded there is nothing in the Charter stating that the Mayor becomes safety director, that would be Council's determination.

Mr. Mencini stated in section 3.03 it states the Mayor shall be the chief executive officer of the city. Shall supervise the administration of city's affairs and shall exercise control over all offices, departments and divisions; so that verbiage would cover that position.

Mr. Vecchio commented the next line reads 'shall be the conservator of the peace within the city and shall see that all laws and ordinances are enforced... Using that verbiage falls under that.

Mr. Salvatore stated if the Mayor is acting Safety, Service or whatever position assumed would be covered.

Mayor Gammella stated reading section 3.02 the CRC states that when the Mayor is out of town the Council President is acting Mayor? Thinks that needs to be

Charter Review: cont.

clarified with today's mass of communication i.e. cell phones and computers.

Mrs. McDonnell stated in the first part when speaking of absence, inaccessible or unable the CRC wasn't specifically saying two or three days' analogy.

Christine Przybysz
6106 Delores Blvd.

Ms. Przybysz stated the active Mayor language is in the current Charter section 3.02.

Mayor Gammella reiterated with today's communication age, for example, the Mayor travels to Washington, D.C. for city business. Doesn't think the Council President should be Acting Mayor and needs to be clarified. People elect the Mayor, whoever it is, and just because the Mayor is out of town on city business. Doesn't mean the Council President becomes Mayor because the Mayor is still accessible.

Ms. Przybysz stated if the Mayor is out of town acting in Mayoral duties the Mayor is still performing the duties of the Mayor's office and not absent or inaccessible.

Mr. Poindexter commented with section 3.02 the two members of the Parks & Recreation Commission those two would serve at the pleasure of Council or only at the pleasure of Council when being appointed to that position.

Mr. Wellman responded those two would serve at the pleasure of Council because Council appointed those two commissions.

Ms. Przybysz commented this language just clarifies the language in the current Charter. The ending clause of that section reads 'shall serve at the pleasure of the Mayor with the exception of the two Parks & Recreation Commission members appointed by City Council appointment'... The CRC clarified what particular members of the commission were talking about and clarified the number of commissioners referenced in section 11.05.

Mr. Salvatore stated that commission was reduced to an advisory board so what this is going to cleanup is the commissioners appointed by Council. Those one or two would be working at the pleasure of Council and the remaining commissioners would work at the pleasure of the Mayor.

Ms. Przybysz responded yes and it clears up any risk of contradiction within the Charter.

Charter Review: cont.

Mr. Salvatore commented that may create friction against the committee that serves as an advisory board. This would tell the two Council commission appointments work at the pleasure of Council and the remaining work at the pleasure of the Mayor. In all reality, if the Mayor is the chief executive officer of that advisory board should report to the Mayor. For example, if the Mayor brings forth an appointment that needs approval by Council that doesn't mean that appointment works at the pleasure of Council. In this case, Council is given the opportunity to have a say-so of the next pick for the commission.

Ms. Przybysz commented the CRC is not trying to change the goal or oversight of that commission but trying to clean up the language and from the CRC viewpoint. If Council was at a point to pick those particular members then those members should only be able to be removed by Council.

Mr. Salvatore commented Council does not have the only authority to approve that person, that employee can be removed for any violation of ethics or illegal activity. Even though Council put them on the commission they cannot take them off, those people are appointed for a term.

Section 4.01:

Mrs. McDonnell stated the major language change would be 'Each Ward Councilperson shall hold their office for four (4) years beginning January 1, 2022 of their election in 2021. At Large Councilmembers and the Council President shall hold their office for four (4) years beginning January 1, 2024 of their election 2023. The CRC was trying to have some people in office while a transition to new people because there is a learning process with this job; this would have overlap and stagger terms.

Mr. Stemm stated is the purpose of the gap is so a mid-term still exists within the Administration between elections in 2021 and 2023?

Mrs. McDonnell concurred.

Mr. Scott stated sitting up here for four years would be great and relieves a lot of pressure for a lot of trying things. Sitting in the audience and there are three, four or five Councilmembers that don't meet the standards the public is stuck with those members for four years.

Mr. Wellman interjected that is what the city has with the Mayor currently, the Mayor doesn't have a two-year term. This would be the same for Council of a four-year term. If that member is not liked, then there can be a recall or the member serves for four-years and learn to work together.

Charter Review: cont.

Mrs. McDonnell stated looking at section 15.02 - Removal of Councilmembers states 'any Councilman or other elected official who shall cease to possess any of the qualifications herein required... If someone was sitting on Council that could be that incompetent Council has justifications to discuss that. The CRC thinks that four-years would be a more appropriate time to serve and make a difference.

Mr. Burgio stated sees the good in a four-year term being better for more time to do certain things. The Mayor is a little different being the CEO of the city and having ideas that takes more time to get accomplished and implemented.

Mr. Wellman commented that past Councilmembers stated the same thing of not having enough time to get something going.

Mr. Salvatore commented at one time the Mayor did have a two-year term that was put on the ballot along with Council for a four-year term; the Mayor passed and Council did not by a vote of the people. This four-year term would begin January 1, 2022 why not this election.

Mr. Wellman responded that's the next election cycle.

Mr. Mencini stated there is a lot of work to this for everyone and there's a learning curve sitting up here and four years would give the serving Council more time to get things done.

Mr. Stemm commented at the federal level the senators have six-year terms and the House of Representatives have two-year terms. As far as the 2019 election not sure how that could be amended from the two-year term.

Mr. Poindexter asked was there any particular reason for the decision to make the Ward Councilmembers four-years first and at-large second or just random?

Mr. Wellman responded just random.

Mr. Poindexter commented being a new Councilmember I understand the learning curve and would be in favor of extending the term but not four-years; possible three-year term. Reason being the first year would be learning curve year, the second year can actually contribute and the third year running for re-election on what was learned and done. The way it is now this city could potentially have an entire new government every four years; where if the Mayor is on four and Council on three that possibility could occur every 12 years. That would leave stability in city government and start planning out 12 years long to carry out the plan.

Mrs. McDonnell interjected not sure how that would go with the election cycles.

Charter Review: cont.

Mr. Vecchio commented the 12-year could start an annual election cycle which would then become no longer cost-effective to the city.

Mr. Orcutt thanked the CRC for their hard work and stated only half the amendment was read for Section 4.01 and commended the CRC for the staggering, which is good. It is very difficult to get things accomplished during the first year of service and see where there is a challenge to represent. Can see where the four-years would help out and give it to the electors.

Mrs. McDonnell continued with the second paragraph of Section 4.01 - Composition and Term 'No elected Councilperson shall hold the office for a period longer than three (3) consecutive terms or more than twelve (12) years, unless one full term or more has elapsed since that person has last held the position of Councilman and continues with current Charter verbiage. Mrs. McDonnell clarified after 12 years that Councilperson would have to choose to run for a different position and re-run for the prior position. The CRC thought that a decade was pretty long to be in one position and there are pros' and cons'; the CRC thinks that 12 years is a sufficient cap for Council.

Mr. Orcutt stated thinks this is an infringement on the democratic process and restricts the residents' rights to vote for the most qualified person.

Mr. Wellman commented the person wanting to run would have to go up against well-known Councilmembers that are currently in office. The CRC is imploring the city to create new ideas as to not deal with the same kinds of ideas over a steady period of time.

Mr. Orcutt stated anyone can run for office and reiterated this is an infringement towards the citizens to vote on the best candidate.

Mr. Wellman commented then let's the citizens make that call.

Mr. Mencini stated after 12 years the person is basically done.

Mrs. McDonnell stated this came up with the Board of Election meeting and the CRC was able to clarify that question and did the best to be specific.

Mr. Mencini stated if the public wants a person with new ideas but then the public may like their representative. Were there any cities around that have that stipulation?

Mrs. McDonnell commented that will be clarified later, that question can be answered. A lot of these proposals were from surrounding cities and there were a lot of cities that have term-limits.

Charter Review: cont.

Mr. Vecchio clarified three consecutive terms is based upon the prior paragraph of four-year terms.

Mr. Stemm stated looking at this section this is a research proposal plan for leadership. In a research plan there is the situation or topic, then the hypothesis that would be ten years (10) in a business is usually the peak where it becomes stagnant. Then going to the null end of this is there concern of a lame-duck term?

Mr. McDonnell commented this particular section was one of the longest the CRC has in discussions.

Mr. Salvatore stated the City of Independence has term-limits and does cause some animosity in a small town. A person can be doing extremely well but by Charter must leave. In some cases, term-limits can be good and in other cases not so good and thinks term-limits are established by the voting public. If these two items don't pass together then the 12 years don't mean anything.

Mrs. McDonnell continued with Section 4.05, the Charter currently reads 'any subject that would require a special meeting called by the Mayor, President of Council or three (3) Members of Council 'shall be given to Members of Council and the Mayor by serving on each of them personally or leaving a copy at their usual place of residence not less than 24-hours preceding the date of such meeting'. The CRC struck out the words place of residence and added 'by serving on each of them personally or electronically or as otherwise determined by Council Rules'. This went through the law director and the BOE basically said that most people are starting to do everything digital i.e. voting, electronic signatures, etc.

Mr. Scott commented at one-time Council tried doing a (Council) rule change and was recommended by the law director that the CRC should address this. In 2016, the former Mayor disbanded the personal delivery and basically were in violation of the Charter and this would make it legal.

Mrs. McDonnell concurred.

Mr. Mencini commented this is a long time coming.

Mr. Vecchio concurred.

Mr. Salvatore stated to Mrs. Horvath has this been researched thoroughly, there are some cities that still have police deliver notices.

Mrs. Horvath responded there are some cities that still do that and this would be an attempt to free-up personnel for other duties. I have mixed feelings about electronic notice but, unfortunately, this is the way the society is moving. Later

Charter Review: cont.

this year there will be online notarization being allowed and already have an Ohio Revised Code (ORC) section that speaks to electronic signatures.

Mr. Salvatore stated shouldn't an electronic signature be sent back verifying that the notice was received? When delivered by a police officer it is verified an attempt was made and left at the door.

Mrs. McDonnell commented with the electronic part an invitation must be sent in order for it to move on the person actually has to click on acceptance, that would almost be like the police officer justifying it was delivered.

Mr. Vecchio commented currently people are electronically signing documentation for homeowners' vehicles, etc. and this follows the ISO 27001 standards for electronic submission; computer companies have that certifications and follows the confidentiality reports.

Mr. Poindexter stated could possibly pass and then Council can change verbiage in the Council Rules to text message and/or emails.

Mrs. McDonnell concurred.

Mayor Gammella thanked the CRC for the hard work put forward.

Mrs. McDonnell commented it was interesting to be able to sit down with six people with different views, opinions and having healthy discussions with the only common goal of making the city a better place.

Motion by Mr. Mencini, supported by Mr. Orcutt, to move the Charter Review proposals to June 18th Caucus Prior to agenda starting with Articles Five (5), six (6) and seven (7).

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

NAYS: None. The motion carried.

3. BOXCAST LIVESTREAMING

Mr. Vecchio provided copies of correspondence received from BoxCast representative.

Mr. Salvatore commented Council should consider bringing back the company doing this before to take on the responsibility, instead of the clerk and Council President. Due to the recent issues what does Council have to do so that there are no issues in the future?

Discussion: cont.

Mr. Orcutt stated receiving this tonight and not having time to review, what was the synopsis from BoxCast?

Mr. Vecchio responded the synopsis is the culmination of the start time on our end. When the clerk sets up the meeting date a time window is also set; for the I.U.P.A.T. the time window was set up for a half-hour only. What was determined is that the clerk needs to have a phone up here to check to see the video is playing, even though the Council Rules speak differently. By having a phone on the dais the clerk is in the livestream just like someone watching from home. The issues with the microphones is an in-house issue due to volume settings for the community room used by other people. When the system was originally set-up it was for Council only then it became the community room with other people using the system. What has been determined is to make another simple screen that will be ready in a few weeks to be able to see what the volume is and everything that is going on.

Mr. Orcutt asked where is the schedule set up?

The clerk responded on Fridays from her desk.

Mr. Orcutt mentioned in the documentation provided there is a new BoxCast system?

Mr. Vecchio responded that is the ProSystem upgrade.

Mr. Orcutt mentioned not being in favor of spending another \$4,000 on this when \$100,000 has already been spent, is in favor of a third-party.

Mr. Mencini stated after a recent meeting a private conversation was picked up when the microphones were off. Good money has been paid for this system and am now hearing things about the phone system, this has to get corrected.

Mr. Stemm asked if there is any way to troubleshoot the system before every meeting such as 6:45 p.m., to make sure it's up and running.

Mr. Vecchio commented it would be in Council's best interest to purchase a I-pad for the clerk to physically look to see if the meeting is logged-in and log-off immediately after the meeting. Because these are two different systems BoxCast is what is displayed out to homes and the internal system is what is heard in this room and what is seen on the screens. The clerk shuts down one system and also shuts BoxCast down using her phone. If an I-pad was purchased approximately \$1,000 the clerk could immediately do that and observe.

Discussion: cont.

Mr. Salvatore reiterated turning over the livestreaming to someone and let them run it; sometimes the clerk is busy doing other things i.e. making copies. The clerk does three or four things at meetings and it's difficult.

Mr. Scott clarified to Mr. Salvatore you think hiring a third-party to run the livestream?

Mr. Salvatore responded when someone else ran the system there were no problems, friends in Florida who like to watch the meetings and aren't able to.

Mr. Scott asked if a budget would have to be set for that?

Mr. Vecchio commented one a budget would have to be set for it and secondly the other issue is. Because it comes through the system this board on the dais, in front of the clerk, is what operates everything. So this may have to be looked at in-depth.

Mr. Scott interjected if a third-party is brought in more equipment may need to be purchased.

Mr. Vecchio concurred and stated will speak to Mr. Hurst and the people who set up the system to inquire about a third-party and more equipment.

Motion by Mr. Salvatore, supported by Mr. Poindexter, that item number three was discussed.

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

NAYS: None. The motion carried.

LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. ORDINANCE NO. 11037-2018, PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO ARTICLE IV, SECTION 4.01 AND 4.02 OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Councilmen Salvatore, Orcutt, Scott and Stemm.

Motion by Mr. Salvatore, supported by Mr. Orcutt, to place on the June 18th Council agenda.

Mr. Poindexter commented my stance on this has not changed and will be voting no.

Legislative Committee - Chairman, Mencini: cont.

Mr. Scott commented he will be voting no and thinks it's a good idea to defeat this and if necessary to bring it up again have it rewritten.

Mr. Stemm commented when this was written up the CRC was not in office and appreciates all the work the CRC is doing and would like to hear more from them before voting.

Mr. Orcutt commented my stance on this stays the same and there have been cuts in other departments. Example is the service department is down five (5) full-time and one (1) part-time employee since 2014. This is a way to start streamlining government and other communities that have more residents than Brook Park have the same amount of representation. This would eliminate one (1) Council-at-Large and allow the Council President to vote and is a new way to streamline government in Brook Park without taking money or people away from representation, allowing those monies to be put into another department where needed. This is a perfect way to streamline city government and will be supporting this.

Mr. Salvatore stated all Members of Council, at one time, agreed that there is a need to look at Council first by downsizing or streamlining and something that needs to be addressed. This will eliminate one Councilmember to free-up some monies to be put someplace where needed. This should be the people's decision whether this is a good move or not.

Mr. Scott thanked Mr. Salvatore but personal opinion this doesn't mean that much. I would like to see this rewritten and discussed after the CRC makes their recommendations and put it to the people. When first discussing this I was in support of the Council President voting but am not comfortable with that now.

Mr. Stemm agreed with both Councilmembers Scott and Salvatore but currently there is the CRC review and don't think this is a rush right not. There should be more work to incorporate the new ideas and then put it to a vote of the people.

Mr. Orcutt clarified to the public that has come up in the past with discussions of speaking with the Council President not voting; the Charter states if there is a tie the Council President does vote.

Mr. Mencini stated this was brought out to clean up the Legislative committee and when the layoffs were occurring I voted to take a pay cut to start with Council and there are some that didn't vote for that. This city needs like a lot of things such as employees and streets and not sure by cutting one person will actually do that.

Legislative Committee - Chairman, Mencini: cont.**ROLL CALL: AYES:** Salvatore, Orcutt, Burgio**NAYS:** Scott, Poindexter, Stemm, Mencini. The motion failed with a vote of 4-3.

Mr. Vecchio advised that the only action that can be taken since it is assigned an Ordinance number it must be moved to a Council agenda.

Motion by Mr. Scott, supported by Mr. Poindexter, to place back in committee.**ROLL CALL: AYES:** Scott, Poindexter, Mencini, Stemm**NAYS:** Orcutt, Salvatore. The motion carried with a vote of 5-2.

Mr. Salvatore asked Mrs. Horvath if legislation is ready for compensation for elected officials?

Mrs. Horvath responded that will be given by the next meeting.

2. ORDINANCE NO. 10069-2019, AMENDING CERTAIN SECTIONS OF CHAPTER 153 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'EMPLOYEES GENERALLY,' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne:

Motion by Mr. Poindexter, supported by Mr. Stemm, to place on the June 18th Council agenda.**ROLL CALL: AYES:** Poindexter, Stemm, Mencini, Salvatore, Scott, Burgio, Orcutt**NAYS:** None. The motion carried.

3. RESOLUTION NO. 30-2019, HONORING ASTRONAUT AND SENATOR, JOHN GLENN, AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer and Council President Astorino.

Mr. Scott stated to Mr. Salvatore this was put in committee to find out what would happen with the school property?

Mr. Salvatore responded the walkway has been put on hold until the ownership was captured where the walkway was going to be, that was owned by the school board. The second issue is in order to do some of those things permission must be given by the family, that is being worked on currently with NASA.

Mr. Mencini commented the walkway of Mr. Glenn and other dignitaries would fall under location.

Mr. Salvatore interjected that is the dialogue with NASA of opening the walkway to Ohio Astronauts.

Legislative Committee - Chairman, Mencini: cont.

Mr. Poindexter commented in favor of the walkway honoring Mr. Glenn but this Resolution has nothing to do with the walkway and am in support of moving this forward.

Mr. Stemm commented is in favor of adding a plaque or walkway down the road.

Motion by Mr. Poindexter, supported by Mr. Stemm, to place on the June 18th Council agenda.

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

- 4. AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; PUBLISHING THE ENACTMENT OF SUCH NEW MATTER, REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio.

Mr. Vecchio stated this is annual maintenance of changes by legislation to the city's codified ordinances.

Mayor Gammella stated this is used for citations and/or complaints.

Motion by Mr. Scott, supported by Mr. Stemm, to place on the June 18th Council agenda.

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

PLANNING COMMITTEE - CHAIRMAN, BURGIO:

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

SERVICE COMMITTEE - CHAIRMAN, ORCUTT:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GREATER CLEVELAND AUTO AUCTION, PUBLIC AUCTIONEERS, FOR THE PURPOSE OF DISPOSING OF OBSOLETE CITY VEHICLES AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Motion by Mr. Salvatore, supported by Mr. Burgio, to place on the June 18th Council agenda.

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

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS FOR PROFESSIONAL CONSTRUCTION MANAGEMENT SERVICES IN CONNECTION WITH THE SMITH ROAD RESURFACING PROJECT (PID 108950) AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Piatak commented this is the last piece of legislation needed for the Smith Road project moving forward. Three proposals were received and the formed committee reviewed the proposals independently ranking them and Hill International was selected to be the most qualified firm. Bids were opened today for this contract with two bidders within a reasonable amount; one being six-percent (6%) under estimate and one being one-half-percent (1 ½%) over estimate.

Motion by Mr. Mencini, supported by Mr. Salvatore, to place on the June 18th Council agenda.

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

3. AN ORDINANCE AUTHORIZING THE MAYOR TO DISPOSE OF OBSOLETE CITY VEHICLES THAT ARE UNSAFE AND NO LONGER ROAD WORTHY AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella commented the listed vehicles are no longer road-worthy and need to be disposed of.

Motion by Mr. Mencini, supported by Mr. Burgio, to place on the June 18th Council agenda.

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

Mr. Vecchio reminded Council to bring their June 11th Caucus packet to any meetings where Charter Review proposed amendments are discussed, the proposed amendments will not be reprinted due to the many pages. Mr. Vecchio wished a belated birthday to Councilman Burgio and Mayor Gammella and Happy Birthday, today, to the clerk.

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, Stemm, Salvatore, Scott, Burgio, Orcutt

NAYS: None. The motion carried.

Council President Vecchio declared this meeting adjourned at 9:50 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.

7,581 words

