

**SPECIAL COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK  
HELD ON MONDAY, JULY 22, 2019**

The meeting was called to order by Council President Vecchio at 7:00 p.m., who read the meeting notice. 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 and Finance Director Cingle.

**REMARKS FROM THE AUDIENCE ON THE ORDINANCES AND/OR RESOLUTIONS THAT PERTAIN TO THE AGENDA ONLY:**

Jim Astorino

6258 Engle Road

Mr. Astorino stated in Section 2 of the legislation on the agenda shows repealing of legislation (dates) but doesn't see Ordinance No. 11101-2019 passed on July 2, 2019 is not shown. If that Ordinance is not being repealed wouldn't Section A be expressed in both ways? If Ordinance No. 11101-2019 is not repealed that language still exists in legislation form. If that has to be done my suggestion would be to amend the legislation on the agenda to include Section B of the legislation passed on July 2<sup>nd</sup>; if not repealed Section A would be stated in two different ways on two different Ordinances and still in existence. Also, with the legislation on this agenda the word scrivener's is misspelled, should be scrivener. The question is how can this be referred to as a scrivener error, legal term for scribing and such. The example given is if both parties agreed to a price of the car at \$5,000 and the sale price was written up for \$500.00 that would be a scrivener's error because both parties agreed to \$5,000. In this situation, the legislation was introduced on June 18<sup>th</sup> in that manner and if there was an error. First off, it has the law director's signature verifying the legislation is correct in the format it is in and didn't see the error at that time. When it came before Council there was chance to make that change and wasn't done and passed an Ordinance and think it was the responsibility of the law director and Council to make a change. A major mistake has been made with the July 2<sup>nd</sup> legislation due to reestablishment of minimum-manning now being reversed; not daily but departmental. This looks like a mistake made by the law department and affirmed by the law director signature as to legal form and correctness. When it came to Council no changes were made and are now making the change categorizing as scrivener's error and don't think that is proper. The big concern is doesn't Ordinance No. 11101-2019 adopted on July 2, 2019 have to be repealed because 'Section A' will be two different ways with that legislation still on the books.

**Council Questions and comments:**

Mr. Salvatore stated to Mayor Gammella this piece in front of Council is the intent to amend or repeal the original Ordinance and adopt this legislation.

Mayor Gammella responded the intent is to make the legislation correct, it was an error on everyone's part and should **not** have read 'not less than 40', it should have read not more than 40; the verbiage needs to be put in to read 'not more than 43 police officers'.

Mr. Salvatore asked why can't the existing legislation be amended if that's the only change?

Mayor Gammella responded that could be done and referred to Mrs. Horvath.

Mrs. Horvath concurred that could certainly be something with keeping with the intent of what this is trying to do. Obviously, sometimes despite the best of intentions mistakes happen, errors are made. In this particular case that's the reason for describing as a scrivener's error because it's not a typo but using the wrong template used and not caught when legislation was done. This should be amended as it were a typo and think the intent of what Council wanted to do is quite clear and certainly should read 'not more' as the previous Ordinance reads.

Mr. Salvatore stated if that cleans the legislation up and puts in proper form and everyone agrees it be amended that could be done tonight. If going a different route legislation can't be passed tonight due to repealing of the prior legislation, that should be done at the same time.

Mayor Gammella commented whichever way Council wants to proceed but the words 'less to more' has to be changed

Mr. Poindexter stated to Mrs. Horvath when legislation is changed typically the original ordinance is written and then the change is also written.

Mrs. Horvath concurred.

Mr. Poindexter continued with the original legislation that wasn't the intent to change that word to change from 'more to less', was it?

Mrs. Horvath responded no, as indicated it's a situation with the typing of the particular piece (legislation) there are a number of prior ordinances dealing with this and the wrong template of prior ordinances was used, rather than the most recent having the less instead of more. This wasn't something that was the main focus and reason why labeled as scrivener's error.

**Council Questions & comments: cont.**

Mr. Poindexter commented this is just a mistake and should be moved forward tonight.

Mrs. Horvath agreed.

Mr. Stemm stated this looks like an oversight that can be discussed to figure out the correct verbiage wanted in there, if a mistake was made we will own up to it.

Mr. Mencini commented since being on Council many mistakes have been made, mostly little ones, that can be corrected.

Mr. Vecchio stated with this being a special meeting per Council Rules, Council can dispose of the rule and move forward with the amendment tonight, if Council desires. Mr. Vecchio polled Council - Orcutt - move forward tonight, Burgio - move forward tonight, the intent is known and same category as a typo, Scott - move forward, Salvatore - move forward, Poindexter - move forward, Mencini - move forward, Mr. Stemm - move forward. The vote is unanimous to move forward with the legislation on tonight's agenda.

Mr. Vecchio stated a motion would be needed to amend Ordinance No. 11101-2019, is that correct Mr. Salvatore?

Mr. Salvatore responded yes, but nothing can be added to a special meeting but Ordinance No. 11101-2019 is attached.

Mr. Vecchio commented correct so it's not an addition but an amendment.

Mrs. Horvath agreed.

Mr. Vecchio stated Ordinance No. 11101-2019 is being amended for proper verbiage with action being taken on what is on there.

Mr. Salvatore reiterated nothing can be added to a special meeting, even though there is an attachment, so the recommendation would be.

Mr. Poindexter interjected the agenda item is amending Section 141.02, Council should move forward, take a vote and the legislation is amended.

Mrs. Horvath commented the finance director and I are suggesting to amend the title to be compatible.

The clerk commented the amendments would be to the title, first Whereas and Section 1 and Section 4.

**Questions & comments: cont.**

Mr. Stemm suggested the best interest of this piece is to have the legislation redrafted, prior legislation repealed and introducing new legislation.

Mr. Poindexter asked for an explanation why the changes; the title states exactly what Council wants to do by amending Section 141.02a. If this were passed exactly as is it amends the existing legislation by changing section 141.02a.

Mr. Mencini concurred.

Mr. Vecchio commented the new piece does not have sections 'b or c' shown but the title reads 'amending 141.02a; of 11101-2019.

Mrs. Horvath concurred.

Mr. Vecchio reiterated the amendment is to the Ordinance passed on July 2, 2019. To Mrs. Horvath do you see an issue with doing it that way?

Mrs. Horvath responded no and thinks one word is being substituted for another.

**Motion** by Mr. Mencini, supported by Mr. Scott, to amend section 'a' as outlined.

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

**NAYS:** None.

**ABSTENTION:** Stemm. The motion carried with a vote of six and one abstention.

Mr. Vecchio assigned Ordinance No. as 11106-2019 and placed in Safety Committee.

Mr. Stemm deferred to Safety Co-Chairman Scott to bring out of committee.

Co-Chairman Scott pulled the legislation out of the Safety Committee to be placed on tonight's agenda.

Mr. Salvatore suggested Council passing this legislation tonight and at a later date bringing out Ordinance No. 11101-2019 and this for combination of one piece of legislation.

Safety Co-Chairman Scott pulled the legislation out of committee.

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

- 1. ORDINANCE NO11106-2019, AMENDING SECTION 141.02 (a) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'COMPOSITION: EXECUTIVE HEAD' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

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

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

**NAYS:** None.

**ABSTENTION:** Stemm. The motion carried with a vote of six and 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. 11106-2019 has passed under Suspension of the Rules with a vote of six and one abstention. Adopted.

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

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

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

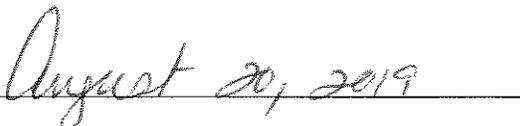
Council President Vecchio declared this meeting adjourned at 7:26 p.m.

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.

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