

**CAUCUS PRIOR TO
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON AUGUST 20, 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, Finance Director Cingle, Recreation Director Elliott and Service Director Gardner.

DISCUSSION:

1. PROPOSED CHARTER AMENDMENTS **Note:** The following Charter sections were moved by **motion** from the July 9, 2019 Special Caucus Meeting for further research by the law director:
 - a. Article III, Section 3.02 - The Mayor - Absence
 - b. Article III, Section 3.03 - The Mayor - Duties and Powers of the Mayor
 - c. Article VI, Section 6.01 - Department of Law - Election
 - d. Article VIII, Section 8.06 - Department of Building
 - e. Article XII, Sections 12.01 - Primary Elections, 12.02 - Municipal Elections, 12.03 - Declaration of Candidacy, 12.04 - Designation of Candidates and 12.05 - Independent Candidate proposed as Write-in Votes; Ballots.

Mr. Vecchio referred to the law director for the findings.

Mrs. Horvath provided a memo to Councilmembers for Charter sections 6.01, 8.06 and 15.03 and the other additional sections could be discussed.

Mr. Salvatore stated to Law Director Horvath with the items under discussion could legislation could be prepared for to make the deadline to the Board of Elections (BOE)?

Mrs. Horvath responded yes, now that the template is in place.

Mr. Mencini stated to Law Director Horvath with sections 6.01 and 8.06.

Mrs. Horvath responded with 6.01 the Charter Review Commission (CRC) referenced the standards of the court case State Rocco v Cuyahoga County Board of Elections that uses rules for superintendents. Anyone who wants to be active in the court of law must take an admissions test unless they qualify under the rules of superintendents as indicated. One of the issues is who is Acting Prosecutors

Discussion: cont.

and a few others don't need to take the exam. This standard has been recognized by the State of Ohio as being valuable. The suggestion by CRC this is a viable standard due to being proven in an Ohio Supreme court case.

Mr. Scott stated this section would probably be better in ordinance form, due to the fact, that Council can edit or delete; with a Charter amendment must go back to the people for any changes. Also, with the law director and building commissioner in ordinance form for any additions or deletions in the future. I like the qualifications for both the law director and building commissioner.

Mr. Orcutt stated 3.01 is not listed on the agenda, are we going to take them one at a time.

Mr. Vecchio commented 3.01 received a two (2) nays to five (5) ayes so it didn't make the agenda.

Mr. Mencini stated sections 3.01, 3.02 and 3.03 were set aside to another date.

Mr. Orcutt commented since the CRC worked very hard on these and suggested taking each line item one at a time. Mr. Orcutt is not in favor of term limits for the Mayor, that restricts the residents. Section 3.02 the law director explained and think there was a differential between sections 3.02 and 15.03. Section 15.03 (b) was if the office of Mayor becomes vacant the Finance Director becomes Mayor; if it's a temporary vacancy the Council President fills in and thinks that should remain.

Mr. Salvatore commented my position has not changed since last meeting.

Mr. Vecchio polled Council to add 3.01 to the for discussion; all Members of Council voted yes to move forward.

Mr. Salvatore requested Mr. Vecchio to give a brief synopsis of each Charter amendment.

Mr. Vecchio read the proposed change, '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. New amendment - Qualifications - 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 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) prior to assuming such office'.

Discussion: cont.

Mr. Salvatore clarified for the point the amendment, anyone running for Mayor has to be a resident of the city; I don't want anybody thinking that's not part of the process.

Mr. Vecchio concurred.

Mr. Mencini stated this city had one Mayor for 20 years, one for 12 years as well as the current Mayor. In an ever-changing world and community the Mayor has a tough job on an everyday basis and things get done.

Mr. Stemm is in support of this amendment and agrees that three consecutive terms is enough.

Mr. Salvatore is not in support of the amendment and stated term limits are established by the voters to decide if someone is brought back.

Mr. Scott concurs with Mr. Salvatore.

Motion by Mr. Scott, supported by Mr. Orcutt, that Charter section 3.01 was discussed.

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

NAYS: Mencini, Stemm. The motion carried with a vote of 5-2.

Mr. Orcutt referred to the law director that sections 3.01, 3.02 and 3.03 would be one ballot issue.

Mr. Vecchio concurred.

Mrs. Horvath agreed they would be combined if there are only two amendments they would be combined as one ballot issue.

Motion by Mr. Poindexter, supported by Mr. Salvatore, that sections 3.02 and 3.03 were discussed.

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

NAYS: Orcutt, Mencini. The motion carried with a vote of 5-2.

Article VI, Section 6.01 - Department of Law - Election

Mr. Vecchio read the proposed addition 'and shall have engaged in the active practice of law, as defined by the Supreme Court of Ohio's Rules for the Government of the Bar of Ohio, continuously for a period of not less than five (5) years preceding his appointment'.

Discussion: cont.

Mr. Poindexter stated he is not opposed to the law director having five-years minimum experience but this isn't written that way. The way I see it if a person took one year off they would not be eligible to run for office.

Mr. Scott commented this should be done in ordinance form not by Charter amendments

Mr. Stemm stated to Law Director Horvath with the case study provided in B-5 fulltime employment as a teacher of law. Would that fit the standard of this proposed Charter amendment?

Mrs. Horvath responded that would be a determination by Council but that is one of the standards recognized under the Rules of the Superintendents. Someone can come to Ohio and not have to take the bar exam because they have the experience. There are basically five types of scenarios under the Rules of the Superintendents that are recognized and could be changed in the future, I wouldn't want to see Council having to come back and make another Charter change.

Motion by Mr. Scott, supported by Mr. Poindexter, that section 6.01 was discussed.

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

NAYS: None. The motion carried.

Article VIII, Section 8.06 - Department of Building

Mr. Vecchio read the proposed deletion under (b) Qualifications 'the building commissioner shall hold a valid and current 'Chief Building Official' certification issued by the State of Ohio Board of Building Standards or The International Code of Council and shall have at least five (5) years-experience in the building trades or related occupations'.

Mr. Scott commented this should be in Ordinance form for additions or deletions in the future.

Motion by Mr. Poindexter, supported by Mr. Orcutt, that section 8.06 was discussed.

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

NAYS: None. The motion carried.

Article XII - Sections 12.01 Primary Elections, Section 12.02 - Municipal Elections, Section 12.03 Declaration of Candidacy, Section 12.04 Designation of Candidates and Section 12.05 Independent Candidate proposed as Write-in Votes; Ballots.

Mr. Vecchio commented Article XII is an overview to bring the city to a non-partisan election. Section 12.01 addition is 'Except as provided otherwise in this Charter, candidates for all offices to be voted for at any municipal election under the

Discussion: cont.

provisions of this Charter. Shall be nominated at a non-partisan Primary Election to be held in odd-numbered years on the second Tuesday in September at a time and place provided by the County Board of Elections.

12.02 - no changes.

Section 12.03 - Declaration of Candidacy

Mr. Vecchio read the proposed redactions 'for a party nomination' and 'of the same political party as the candidate'.

Section 12.04 - Designation of Candidates

Mr. Vecchio read the redaction 'Candidates for party nominations to municipal offices shall have their names printed on the official primary ballot, by filing a declaration of candidacy together with the required number of valid signatures and paying the required filing fee. If the number of persons filing such declaration for one political party does not exceed the number of offices available for nomination, then no primary election shall be held for such office and the persons so filing shall be declared nominated. The appropriate certificates of nomination, certifying their names to the proper election officials shall be issued in order that their names may be printed on the official ballots provided for use in the next succeeding regular municipal election'. Proposed addition 'The number of candidates for the office of Mayor, President of Council, Director of Finance, Director of Law, and Council-By-Ward at any regular municipal election in the City shall be the two (2) candidates on the primary election ballot receiving the highest number of votes at the primary. The number of candidates for the office of Council- At-Large at any regular municipal election in the City shall equal the number of candidates filing a valid petition for the nomination of a candidate for the Office of Council-At-Large, and such person shall appear at the Regular Municipal Election. The filing deadline for such petition for nomination of a candidate for the Office of Council-At-Large shall be the ninetieth (90) day before the primary election date as established in Charter. In case there shall be no more than two (2) persons who shall have filed petitions for the office of Mayor, President of Council, Director of Finance, Director of Law, and Council-by-Ward, as provided for in this Charter, then said persons shall be the candidates at the regular municipal election and the primary election for the office not exceeding two (2) persons shall not be held. All persons who have filed petitions for the office of Council-at Large as provided for in the Charter shall be the candidates at the regular municipal election.

Anyone who has not properly filed a petition for the appropriate primary election as provided by this Charter, shall be ineligible as a designated candidate in the regular municipal election. The appropriate certificates of nomination, certifying their names to the proper election officials shall be issued in order that their names may be printed on the official ballots provided for use in the next succeeding regular

Discussion: cont.
municipal election.

Section 12.05 - Independent Candidate Write *in Votes; Ballots*

Mr. Vecchio read the redaction 'Any person desiring to become an independent candidate for election to any office to be voted for at the next succeeding regular municipal election shall, not later than 4:00 p.m. of the ninetieth (901) day before primary election day, file a nominating petition. Such petition shall require signatures of registered electors and shall be accompanied by the written acceptance of the nominees. The petition for offices of council-at-large and all other city offices-at-large shall be signed by that number of electors equal to at least four (4) percent in number of the electors voting at the next preceding regular municipal election. The petition for office of ward councilman shall be signed by that number of the electors equal to at least four (4) percent in number of the electors voting in the next preceding regular municipal election for councilman in that ward. Names of independent candidates will not appear on the primary ballot, but will appear on the ballot of the next regular municipal election'.

Proposed addition 'Write-in votes for a municipal candidate in the City of Brook Park shall not be permitted at a primary or general election unless no person files for a particular municipal office and no person is duly nominated at a municipal primary. The procedures for filing as a write-in when permitted under this section shall be determined by the laws of the State of Ohio and the Cuyahoga County Board of Elections. The ballots used in the primary and general municipal election shall be without party mark or designation. The names of all candidates shall be placed upon the same ballot and should be rotated in a manner provided by the laws of Ohio'.

Mr. Orcutt stated personally I don't believe in parties it brings division and this is something that won't be welcomed immediately. But, in the long term will help this community on how to move forward as a city. Section 12.03 is redundant and is an agreement with Section 12.04 with a proposed amendment that if five people were running for office in a primary election three would move forward to the general election. Section 12.05 in support of removing the word 'not' to allow for write-in ballots.

Mr. Stemm agrees with several issues that Mr. Orcutt stated and thinks the CRC thoughts was the person that receives 51% of the votes moves forward.

Mr. Mencini agreed with taking out the word 'not' and concurs with two candidates moving forward.

Mr. Orcutt commented this may be hard for the long-term residents but will centerline on the issues that need to be focused on.

Discussion: cont.

Mr. Poindexter stated if there is a crowded primary of non-partisan candidates there may be a possible chance that one person may not get the 51% of the votes; which defeats the purpose of having a clear majority winner. Residents of Brook Park are passionate about politics and if their person doesn't make the primary they may not show up to vote at the general election. Primary elections bring issues to the forefront and this doesn't hinder anyone from running and sees no reason for the change

Mr. Salvatore stated to Mrs. Horvath all five of these sections need to be included together, correct?

Mrs. Horvath responded yes and that is what the BOE wants also.

Mr. Salvatore continued if one was taken out...

Mrs. Horvath interjected Council has to be careful with taking one out because there could be a situation where there is conflict between the revisions; non-partisan has to be consistent. This is a policy issue and the changes are legal and its Council's decision to make that policy for the city.

Mr. Scott stated this should be separate and something Council should take a look at placing on a future ballot; more discussion is needed and this may be overwhelming for this ballot.

Mr. Mencini commented he could either way and would like to tweak but agrees with Section 12.05 that the word 'not' should be deleted because people should be able to have a write-in vote.

Motion by Mr. Scott, supported by Mr. Poindexter, that the entire Article XII was discussed.

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

NAYS: Orcutt. The motion carried with a vote of 6-1.

Motion by Mr. Orcutt, supported by Mr. Scott, to place Article XV, Vacancies in Elective Offices Section 15.03 (b) Vacancy proposed amendment on the agenda.

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

NAYS: None. The motion carried.

Mr. Vecchio read the proposed amendment 'If the office of the Mayor becomes vacant by the reason of: death, disqualification, recall, removal or resignation, the ~~President of Council~~ Director of Finance shall thereupon become Mayor and he shall serve as Mayor for the unexpired term, except that if such vacancy occurs more than one twenty days (120) prior to a Primary Election date for the election of Municipal

Discussion: cont.

Offices, and the unexpired portion of the term exceeds eighteen (18) months, then the vacancy shall be filled by a Special Municipal Election to fill such vacancy for the balance of the unexpired term. A Director of Finance who thus succeeds to the office of Mayor shall have, and continue to have all the qualifications and duties as an elected Mayor'. Proposed addition (c) 'In the event of a vacancy in the Office of President of Council, the President Pro-Tem of Council shall become the President of Council and shall serve as President of Council for the unexpired term, and the Council shall immediately elect from among its members a person to act as President Pro-Tem'.

Mr. Poindexter stated to Mrs. Horvath if this change was moved forward would changes need to be made to Section 7.02 - Duties of the Director of Finance?

Mrs. Horvath responded yes, Council may want to look at that provision to determine whether or not the changes are needed as to how the Director of Finance would step in as Mayor. Would someone be stepping in as the Director of Finance and mandate how that will be done or if a Special Election would be needed to fill the position.

Mr. Poindexter commented there was a lot of discussion at the last meeting and nobody knows the finances as well as the Director of Finance. If the Council President needs to step in to serve as Mayor, the Director of Finance still serves in that capacity. Not in support due to the necessary amendment needed to Charter section 7.02.

Mr. Stemm asked Law Director Horvath would this pose an issue of the Director of Finance forfeiting his position?

Mrs. Horvath stated in this city there is one person serving in two positions i.e. the Mayor serving as the safety director which is an appointed position. Mrs. Horvath commented she is uncomfortable with one person serving in two elected positions.

Mr. Scott stated he was in support of this change when it first came to Council. As of right now this should be left as is due to the changes that would be needed for the Charter.

Mr. Salvatore stated he has not changed his position and doesn't believe anyone can serve in two elected positions at the same time. The process that is in place works currently with the Council President stepping into the Mayor's position and the Council President Pro-Tem stepping up to serve as Council President.

Motion by Mr. Poindexter, supported by Mr. Burgio, that Section 15.03 was discussed.

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

NAYS: Mencini. The motion carried with a vote of 6-1.

Discussion: cont.

Note: At the July 9, 2019 Special Caucus meeting, City Council by **motion** requested legislation drafted for discussion items two (2) through six (6).

2. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE II, SECTION 2.01; OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

Mr. Vecchio read the proposed addition 'or if not prescribed wherein'.

Mr. Salvatore asked Mrs. Horvath is this a necessary addition.

Mrs. Horvath responded yes.

Motion by Mr. Scott, supported by Mr. Poindexter to place on the Council agenda immediately following.

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

Mr. Vecchio stated this will appear under M-1 as Ordinance No. 11107-2019.

3. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE IV, SECTION 4.05(b); OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

Mr. Vecchio read the proposed amendment 'by serving on each of them personally or electronically or as otherwise determined by Council Rules'.

Motion by Mr. Mencini, supported by Mr. Poindexter, to place on the Council agenda immediately following.

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

Mr. Vecchio stated this will appear under M-2 as Ordinance No. 11108-2019.

4. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE IX, SECTION 9.04; OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

Mr. Vecchio read the proposed addition 'and shall have the qualifications as may be

Discussion: cont.

set in the city ordinances', relating to the Director of Recreation.

Mr. Salvatore asked Mrs. Horvath with the minor adjustment of 'shall have the qualifications as may be set forth in city ordinances' if this passes what changes.

Mrs. Horvath responded it would be Council's determination of qualifications in the city ordinances.

Mr. Salvatore continued if this fails what changes?

Mrs. Horvath responded the change would be minimal.

Mr. Salvatore commented basically with or without this nothing changes since qualifications would be set by ordinance.

Mrs. Horvath concurred.

Motion by Mr. Mencini, supported by Mr. Scott, to place on the Council agenda immediately following.

Mr. Poindexter commented he sees no reason to move this to the agenda and is not in support.

ROLL CALL: AYES: Mencini, Scott, Burgio, Orcutt, Stemm
NAYS: Salvatore, Poindexter. The motion carried with a vote of 5-2.

Mr. Vecchio stated this will appear under M-3 as Ordinance No. 11109-2019.

- 5. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE XI, SECTION 11.04 (a); OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

Mr. Vecchio read the proposed addition 'subject to approval of a majority of the Members of Council' relating to Board of Zoning and Building Appeals.

Mr. Scott commented this is the only board having that approval to date?

Mr. Salvatore stated to provide some history, at one time the planning and zoning board were one of the same. With the same members except for the Councilmember serving on each board. When this section went to the electorate at a past election the language was not carried over, this would be a housekeeping issue.

Discussion: cont.

Motion by Mr. Salvatore, supported by Mr. Mencini, to place on the Council agenda immediately following.

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

Mr. Vecchio stated this will appear under M-4 as Ordinance No. 11110-2019.

6. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE XIII, SECTION 13.01; OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

Mr. Vecchio read the proposed amendment for the redaction of '60 days' and changing to '90 days'.

Mr. Scott commented this is a change requested by the BOE to be in compliance with other cities.

Motion by Mr. Salvatore, supported by Mr. Mencini, to place on the Council agenda immediately following.

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

Mr. Vecchio stated this will appear under M-5 as Ordinance No. 11111-2019.

IV. LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO DISPOSE OF OBSOLETE OFFICE FURNITURE, FILE CABINETS AND OTHER MISCELLANEOUS OFFICE EQUIPMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated the former city hall furniture is not useful and has to be disposed of per law.

Motion by Mr. Scott, supported by Mr. Burgio, to place on the Council agenda immediately following.

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

Mr. Vecchio stated this will appear under M-6 as Ordinance No. 11112-2019.

Legislative Committee - Chairman, Mencini: cont.

2. AN ORDINANCE ENACTING CHAPTER 163 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'TECHNOLOGY COMMISSION' AND DECLARING AN EMERGENCY. Introduced by Councilman Poindexter

Mr. Poindexter thanked Mr. Mencini for his help on this issue and stated a technology committee could help move the city forward in areas of electronic security, energy efficiency, public transportation, storage of electronic files, inter-department communications between the Administration and Council and, also, Council communications and email issues. The technology committee should consist of person with a degree in technology, computer science, relevant coding field or in a position with technology. My colleagues could be the first to bring a technology commission to this city.

Mr. Scott asked how will this commission be compensated; monthly or quarterly?

Mr. Poindexter responded that can be determined by Council but thinks the same compensation that other commissions receive or possibly volunteers with a level of expertise.

Mr. Scott commented the two residents would need to have more specific experience than using Google or Nintendo.

Mr. Poindexter commented the criteria can be more defined and determined with the pool of knowledge, let's take all these ideas and work together.

Mr. Mencini commented this is wide-open for discussion and there are some other cities that are starting to do this and this would be a plus for the city.

Mr. Burgio commented Council, as a committee of the whole, can tweak this to make it better. Would the advisory committee advise Council or the Administration of any changes?

Mr. Poindexter responded the committee would advise the Mayor of any changes that would, in turn, be brought forward to Council in legislation form. Mr. Poindexter commented to Mrs. Horvath that the first 'Whereas' should probably reflect Charter section 5.01.

Mrs. Horvath responded she will look at that and make any changes, if any.

Mr. Stemm stated this is a great piece to move the city into a technology era and to have technology people involved with this.

Legislative Committee - Chairman, Mencini: cont.

Mr. Orcutt questioned if the advisory committee would be involved with the purchase of radios for safety personnel?

Mr. Poindexter responded they could but thinks that would be recommendations made from the safety forces. My idea for the technology committee is for street lighting proposals and new ways to deliver those types of services. Doing the leg work to research energy efficiency for purpose of saving energy in buildings, interoffice communications between departments, emails and security data storage and a host of other valuable ideas.

Mr. Salvatore commented this is a good direction but needs some tweaking for the best interests of the city.

Mr. Mencini commented one of the things that can be looked as an advisory committee that would be substantial to residents. Is working with them on how technology works and how to operate. The city's IT person (Zach) is tremendous with technology knowledge.

Mr. Vecchio commented this is a wide scope of technology aspects that could be part of a large collaborative effort with more discussion needed.

Mayor Gammella commented this could start out as an advisory committee that would be very good for the city and possibly formed into a commission at a later date.

Motion by Mr. Salvatore, supported by Mr. Stemm, to place back in committee, brought out at a later date to bring forward ideas.

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

PLANNING COMMITTEE - CHAIRMAN, BURGIO:

1. REQUEST FOR APPROVAL FOR A CONDITIONAL USE PERMIT AT 17510 BROOKPARK ROAD LOCATED IN THE U7-A DISTRICT TO OPERATE AN AIRPORT PARKING FACILITY. In attendance: **Anthony Russell, 2 Birds Shuttle and Detail.**

Anthony Russell
19540 Puritas Avenue
Cleveland, OH

Mayor Gammella commented Mr. Russell has agreed to all the conditions and the Planning Commission voted unanimously, this is across from the Ford plant.

Planning Commission - Chairman, Burgio: cont.

Mr. Russell stated this is a conditional use permit to operate an airport shuttle on the Greater Cleveland Regional Transit Association (GCRTA) property that will start out as a lease and purchased within a year. There are two phases to this shuttle operation, first would be for airport parking and the second phase consists of a future body shop for detailing of automobiles to include a coffee shop.

Mr. Burgio read the required conditions set forth by the Planning Commission to include the following safeguards to protect the city: Parking grade asphalt for approximately 250 parking spaces that will also be numbered; site lighting to be repaired and operational, site perimeter to have an ornamental black fence along the south frontage; site landscape to the property; valid lease to be maintained with copy provided to the city; sub-leasing prohibited; the conditional use permit being non-transferable and applicant having 120 days upon Council's approval to conform with outlined conditions. Phase II site improvements require re-submittal and approval of plans.

Mr. Mencini asked if any improvements have started on the property.

Mr. Russell responded they are waiting for Council's final approval.

Mr. Vecchio asked if there will there be any collision repairs with the body shop?

Mr. Russell responded no, there will be three (3) bays strictly for detailing of automobiles.

Mr. Vecchio continued for airport shuttle customers only?

Mr. Russell concurred.

Mr. Poindexter asked how many employees are expected?

Mr. Russell responded four initially with an additional four to five employees when in full operation with the second stage of the project.

Mr. Poindexter continued will this be a 24-hour operation?

Mr. Russell responded no, 21 hours a day we will be closed from 1:00 a.m. to 4:00 a.m.

Mr. Poindexter asked will there be two shifts?

Mr. Russell concurred and stated he will be bridging the gap during open hours.

Planning Commission - Chairman, Burgio: cont.

Mr. Orcutt commented Brookpark Road is in Ward 3, my ward, and Brookpark Road is the gateway to Downtown Cleveland. The question I have is there a price for the purchase of the land?

Mr. Russell responded that he is not sure of the exact acreage for that parcel because there are four (4) parcels. With only two (2) usable due to a reservoir where no building can take place. For the total acreage the estimated price is \$125,000 an acre.

Mr. Orcutt clarified that the property will be purchased within 12 months?

Mr. Russell concurred.

Mr. Orcutt asked Mrs. Horvath with the additional phase II conditional use permit will Mr. Russell have to come back to Council?

Mrs. Horvath stated in the event that Mr. Russell would sell, lease or sublease that could create an issue. With Mr. Russell continually leasing or purchasing the property the conditional use permit remains in effect.

Motion by Mr. Mencini, supported by Mr. Stemm, to have the proper legislation drafted?

Mr. Salvatore commented due to affiliation with airport parking will be abstaining on airport parking issues.

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

NAYS: None.

ABSTENTION: Salvatore. The motion carried with a vote of six (6) and one (1) abstention.

- 2. REQUEST FOR APPROVAL OF A 1.283 ACRES LOT SPLIT, LABELED PARCEL B-1 AT 14801 HOLLAND ROAD 'NORTH PARK RETIREMENT COMMUNITY' FOR THE PURPOSE OF LICENSING AND CONVERTING THE STRUCTURE LOCATED ON THE PROPOSED LOT TO AN ASSISTED LIVING FACILITY. **In attendance:** John Coury, North Park Retirement Community.

John Coury
14801 Holland Road

Mr. Coury stated health care is changing dramatically and so is the aging population. This would convert a seven-unit apartment building totally gutted and converted into 12 studio units for licensing with the Medicaid waiver program.

Planning Committee - Chairman, Burgio: cont.

Mr. Mencini asked how many residents are at North Park currently?

Mr. Coury responded there are 52 assisted living, 29 in the care center nursing home and 77 units in apartments, not counting building number one where there are 68 people. The assisted living area is full and we are unable to take any more people.

Mr. Mencini asked how many employees?

Mr. Coury responded there are currently 85 full and part-time employees.

Mr. Poindexter asked how many more residents will this accommodate?

Mr. Coury responded five more residents, going from seven to 12.

Mr. Poindexter asked would those residents be displaced?

Mr. Coury responded those residents have been placed in independent living areas on the campus.

Mr. Salvatore commented this is a tremendous facility and that he was also a recipient of the care provided to residents at North Park; most of the residents are from Brook Park and this is a great operation for the city.

Mr. Coury commented the community room has a generator that can light up the entire building. I've offered to seniors of Brook Park if there is a power outage to come to the North Park campus for food and shelter during a power outage, at no charge.

Mr. Orcutt asked what is the start date and end date?

Mr. Coury responded the project would take 16 weeks from start to finish with another four to six weeks for state licensing of the assisted living facility. All work will be inside so the winter weather will not interfere with the project.

Mr. Orcutt stated this will be a total gut-out and everything brand new.

Mr. Coury concurred.

Motion by Mr. Mencini supported by Mr. Salvatore to have legislation drafted
ROLL CALL: AYES: Mencini, Salvatore, Poindexter, Stemm, Orcutt, Burgio, Scott
NAYS: None. The motion carried.

Planning Committee - Chairman, Burgio: cont.

3. REQUEST FOR APPROVAL BY AND BETWEEN THE CITY OF BROOK PARK (Grantor) AND NASA (Grantee) TO VACATE THE PROPERTY KNOWN AS 'OLD CEDAR POINT ROAD' EASTERLY FROM AEROSPACE PARKWAY IN THE U1-A2 ZONE AND THE PROPERTY DEDICATED 'RIGHT-OF-WAY' FUTURE CONSOLIDATION OF ALL NASA PROPERTY INTO ONE PARCEL.
In attendance: (1) Robert Strunak, Realty Specialist, Facilities Management Integration Division NASA Glenn Research Center.
(2) Timothy Monk, P.E. LEED AP, Civil Systems Manager, Facilities Division Nasa Glenn Research Center.

Ronald Strunak
NASA, Realty Specialist

Timothy Monk
NASA, Assistant Manager

Mr. Strunak stated in the past few years NASA has obtained property around Cedar Point Road up to Aerospace Parkway and have vacated other portions of Cedar Point Road. What NASA is asking is to accept this vacation for the consolidation of this property to allow for continuous property of that area. NASA is currently working on storm water and road projects and with the dedication of Grayton Road this area was missed with the residential right-of-way plat. NASA has been operating this property since purchase. Storm line and water lines are being installed for proper drainage on Aerospace Parkway with right-of-way easements that Cleveland Water have approved.

Mr. Salvatore stated with the letter of understanding put together when speaking of consolidating the property that would be the old Goss property?

Mayor Gammella concurred and commented that property has been gated off for the past decade and this is the best way to go.

Mr. Mencini stated NASA has been a great part of Brook Park for a long time and questioned if there are any plans for the future?

Mr. Strunak commented Cedar Point Road will be used internally for a NASA Glenn waterline easement with Cleveland water.

Motion by Mr. Salvatore supported by Mencini to have legislation drafted.

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

4. REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT AT 5775 ENGLE ROAD LOCATED IN THE U3-A ZONE TO OPERATE AN AIRPORT PARKING FACILITY. In attendance: Jeff Goebel, Property Owner.

Planning Committee - Chairman, Burgio: cont.

Jeff Goebel
Property Owner
5775 Engle Road

Dan Neff - Engineer
Neff & Associates
6405 York Road
Parma Hts., OH

Jeff Hart
5798 Nobottom Road
Olmsted Township, OH

Mr. Neff stated this is a piece of property that Jeff and Mike Goebel own and the parking lot will be repurposed and expanded for an airport parking facility, with Mr. Hart running the business. The plans have been changed to meet with all the conditions set forth by the Planning Commission to include additional landscaping, added lighting that is being addressed with First Energy, parking lot pavement repair, overlay and seal coat. The property is fenced-in with the existing chain link fencing and gate remaining in place

Mr. Mencini asked Mr. Burgio if there were any concerns by the Planning Commission members?

Mr. Burgio stated the commission gave seven requirements with one being subleasing is prohibited.

Mr. Mencini clarified this will only be for airport parking?

Mr. Neff concurred and stated the tenant on the opposite side utilizes that property that is fenced off.

Mr. Orcutt commented this is a good area, on the backside of I-71. The building looks to be maintained.

Mr. Neff interjected the building is owned and operated by the Goebels'.

Mr. Orcutt asked how many parking spaces on the property?

Mr. Neff responded overall, there is 149 spaces.

Mr. Orcutt clarified to be used only for airport parking.

Mr. Neff concurred.

Mr. Poindexter asked Mayor Gammella if this will affect anything going on with the Ford property?

Mayor Gammella responded no.

Mr. Orcutt stated to Mayor Gammella if and when legislation is drafted the number of

Planning Committee - Chairman, Burgio: cont.

parking spaces are listed in the legislation.

Mayor Gammella responded absolutely along with the conditions.

Motion by Mr. Poindexter, supported by Mr. Orcutt, to have the proper legislation drafted.

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

NAYS: None.

ABSTENTION: Salvatore. The motion carried with a vote of 6 and one abstention.

There being no further business a **motion** by Mr. Mencini, supported by Mr. Orcutt, to adjourn.

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

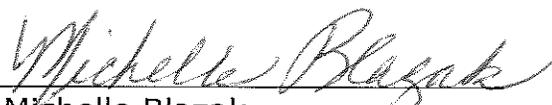
NAYS: None. The motion carried.

Mr. Vecchio declared this meeting adjourned at 8:50 p.m.

Motion by Mr. Mencini, supported by Mr. Burgio, for a five-minute recess.

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

NAYS: None. The motion carried.

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.

6,372 words

