

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, AUGUST 20, 2019**

**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. Caucus Prior to meeting held on July 2, 2019.

**Motion** by Mr. Burgio, supported by Mr. Mencini, to approve as printed.

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

**NAYS:** None.

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

2. Regular Council meeting held on July 2, 2019.

**Motion** by Mr. Mencini, supported by Mr. Poindexter, to approve as printed.

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

**NAYS:** None.

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

3. Special Caucus meeting held on July 9, 2019.

**Motion** by Mr. Mencini, supported by Mr. Orcutt, to amend page 23, fourth paragraph, by removing Section 4.01.

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

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

**Motion** by Mr. Mencini, supported by Mr. Poindexter, to approve as amended.

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

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

4. Special Council meeting held on July 9, 2019.

**Motion** by Mr. Mencini, supported by Mr. Poindexter, to approve as printed.

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

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

5. Special Council meeting held on July 22, 2019.

**Motion** by Mr. Burgio, supported by Mr. Mencini, to approve as printed.

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

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

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**REPORTS OF STANDING COMMITTEES:**Aviation & Environmental Committee - Chairman, Poindexter

Mr. Poindexter reported Aviation & Environmental committee has nothing on the agenda and no report.

Finance Committee - Chairman, Scott

Mr. Scott reported Finance committee has nothing on the agenda. The Board of Control met earlier and approved 44 items; the three largest are \$288,139.00 to Wichert Insurance annual policy renewal, \$181,458.08 to Catts Construction for Holland Road Reconstruction Project and \$47,551.17 to Protegis Fire & Safety for fire alarm and security system.

Legislative Committee - Chairman, Mencini

Mr. Mencini reported Legislative committee had four items on the Caucus Prior to agenda and invited everyone to Kennedy Field on September 1<sup>st</sup>.

Parks & Recreation Committee - Chairman, Salvatore

Mr. Salvatore reported the Recreation Commission met on July 18<sup>th</sup> and August 15<sup>th</sup> and commended the commission and recreation department on a recent incident that occurred on a baseball field. Also, commended the recreation staff in cooperation with the county for the Recreation center becoming a cooling station during the recent hot weather. The August 16<sup>th</sup> movie night was a huge success and on Saturday, August 24<sup>th</sup>, the annual dog swim will be taking place at the waterpark. The commission discussed building improvements for fire alarm and systems and security camera replacements. Mayor Gammella has formed a committee to consist of Recreation Director Elliott, Councilmembers' Mencini, Scott Poindexter, Law Director Horvath and one commission member volunteer, not announced to date, to discuss ideas for the pool area.

Planning Committee - Chairman, Burgio

Mr. Burgio reported that four items appeared on the Caucus Prior to agenda for discussion.

Safety Committee - Chairman Stemm

Mr. Stemm reported the next Neighborhood Watch meeting will be held next Wednesday, September 18<sup>th</sup> at 7:00 p.m.

Service Committee - Chairman, Orcutt

Mr. Orcutt read the obituary of Service worker, Dan Apathy, who recently passed away.

Mr. Vecchio requested a moment of silence for Mr. Apathy.

Board of Zoning Appeals - Chairman, Scott

Mr. Scott stated no report this evening.

**REPORTS OF SPECIAL COMMITTEES:**

Southwest General Health Center - Trustee, Salvatore

Mr. Salvatore reported Southwest is losing doctors due to a growing number of physicians that want to employed, rather than private practice. Southwest is looking at many avenues with both agencies and physicians being used for recruitment of new doctors. Financial pressures are being experienced at Southwest due to reduced reimbursement rates, salary increases and higher operating expenses. Health care is challenging and changes very rapidly and Southwest's success will depend on meeting the needs of all communities within the taxing district. Southwest's employee turnover rate is 18% which is better than target indicating that employees' are happy working at the hospital which, in turn, that attitude reflects with to the patients.

Berea Board of Education Committee - McDonnell, Poindexter

Mr. Poindexter reported an urgent message to parents and/or guardians of children attending Berea City Schools. It is required that parents and/or guardians completer both the infinite annual campus update and final forms annual updates as soon as possible so that elementary students receive teacher assignments and junior and high school students will not receive their schedules. Mr. Poindexter wish a safe and great year to all students and teachers. Also, to past and current students and teachers of Brookview and Brook Park Memorial's last attending classes a great year and the hope that comes with new beginnings.

Mr. Salvatore asked having an appointed representative and yourself is there coordination of who will attend the meeting?

himself and Ms. McDonnell who will attending the meeting.

Mr. Poindexter responded yes, there is communication.

**REPORTS OF BOARDS AND COMMISSIONS:**

**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**

**REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Gammella reported that tomorrow he will be attending the NASA PlumBrook facility with Congresswoman Kaptur and Senators Brown and Portman to discuss the future of NASA which looks very good for Brook Park. The Aerozone Project is moving along with several interested people looking at it. Mayor Gammella thanked Congresswoman Kaptur for the work being done on the NASA back gate that was in terrible disrepair and is now 70% updated. With the children going back to school and the construction on Holland Road police officers will be on hand

to direct traffic.

**Questions:**

Mr. Salvatore asked Mayor Gammella if any Councilmembers will be accompanying him to NASA?

Mayor Gammella responded no, this was invitation only and surprised he was invited.

Mr. Mencini expressed condolences to the Apathy family, Dan was a great guy and co-worker and father served on Council. Mr. Mencini thanked Mayor Gammella for the police surveillance and the building department staff for property maintenance issues and also for being placed on the pool area committee.

Mayor Gammella expressed condolences to the Apathy family, great family and his father did serve on Council.

Mr. Orcutt commented that possibly at their next meeting discussions could take place with himself, Mayor Gammella and Finance Director Cingle. To discuss the 2020 capital improvements budget to include sections of Delores Blvd. and Hummel Road.

Mayor Gammella responded a few of those are on the radar with the city engineer.  
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**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS, AND OTHER PUBLIC OFFICIALS:**

City Engineer Piatak

Mr. Piatak reported that the Sheldon Road resurfacing project contractor began milling operations yesterday and crews will be on site Wednesday to perform chip-seal and do the intermediate course. Base repairs will begin next week so there may be some traffic delays between Engle and Eastland, if at all possible avoid the area. The Holland Road project paving of the eastbound lanes is winding down with a partial flip of traffic to the westbound lanes. As previously mentioned school begins Thursday and we have been in contact with school officials about some adjustments to bus routes and possible delays. Also, delays may occur for parents dropping off and picking up their children. The Smith Road resurfacing project is continuing with the concrete base on the southbound lanes and asphalt being laid late this week or early next week.

Service Director Gardner

Mr. Gardner reported that September 9<sup>th</sup> is the next bulk pick up day, please call the service garage to schedule any pickups. October 12<sup>th</sup> will be the final shred-it day for the year from 10:00 a.m. to 1:00 p.m., at the garage. Service crews are halfway through the nighttime street striping operation.

**Reports and Communications from departments, commissions and other public officials: cont.****Law Director Horvath**

Mrs. Horvath wanted to make Council aware and welcome new employee, Vicky Cardaman, to learn the administrative assistant's position due to retirement next year. The city has received a new Declaratory of Injunctive relief lawsuit and a memo will be forthcoming to Council for explanation. At next meeting the active civil litigation list will be provided. With the City of Cleveland lawsuit, the status has not changed; all parties are still waiting on the judge's ruling.

**Recreation Director Elliott**

The Friday night movie night had 200 children signup and with parents, siblings and family members the attendance was probably around 400 people; thanked the recreation staff for a great job. The waterpark closed this past Sunday with school beginning. City officials met with Brewer-Garrett and West Roofing to address some necessary roof repairs with some repairs being significant. Work at Kennedy field is continuing with the fence posts installed as well as seed and sod with a final date of September 23<sup>rd</sup>, weather permitting. Mr. Elliott recognized Economic Development Commissioner Adams for the grant received from NOPEC (Northeast Ohio Public Energy Council) for a grant the city received. For a mobile phone charging system that can accommodate ten phones and will be located in the main hallway. Mr. Elliott thanked the Board of Control for approving the fire alarm systems that will be installed in the recreation center, city hall and council areas of the building. The city received a grant from Sam's Club for a new air hockey table that arrived earlier today and other items that will be arriving soon. Mr. Elliott thanked the Board of Control for approving a fire alarm system for the recreation center, city hall and council office areas, with assistance from Fire Prevention Officer, Bennett. The football season the cities of Brook Park, Middleburg Hts. and Berea begins August 30<sup>th</sup>.

**Finance Director Cingle**

Mr. Cingle stated no report.

**Questions:**

Mr. Burgio asked Mr. Piatak for approximate timelines for project completions on Smith, Holland and Sheldon Roads?

Mr. Piatak responded Smith and Sheldon is early November and Holland Road is late October and comfortable that all projects will finish on time or early.

Mr. Burgio continued to Mr. Gardner attending the senior club meeting earlier there were no complaints of flooding during the recent spring and summer, like other cities had. How often does the Vactor truck clean the sewers?

Mr. Gardner responded the Vactor goes out every day in the spring and early summer and then once a month for problem areas; with a current problem in the

**Questions: cont.**

Southway and Richard areas

Mr. Burgio commented this spring was a good test for flooding, with all the rain, and the city passed meaning progress with flooding issues.

Mr. Scott asked Mr. Piatak for an approximate date for the West 130<sup>th</sup> Street project moving into Brook Park?

Mr. Piatak responded that will not be until next year, the project was sold as one contract and split into two phases.

Mr. Scott asked Mr. Gardner what is the timeframe for the former city buildings to come down?

Mr. Gardner responded that the county is performing asbestos abatements and once those abatements are analyzed the city will be advised when the buildings are scheduled to come down.

Mr. Mencini stated to Mr. Gardner the service crews are doing a great job on sewer preventive maintenance and asked when do the road crews get out?

Mr. Gardner responded the asphalt repair crews are out daily and currently there is one particular blowout, as it's called, on Susan Drive due to heat that should finish up this week.

Mr. Mencini asked Mr. Gardner how the service guys are that were recently involved in an accident?

Mr. Gardner responded one is back on the job with the other returning September 12<sup>th</sup> to the 15<sup>th</sup>.

Mr. Mencini stated to Mrs. Horvath, Administrative Assistant, Kate, is leaving?

Mrs. Horvath responded yes, if I could clone her I would she has been an excellent employee to the city. Funds became available for a new employee to learn the job due to her retirement.

Mr. Mencini continued that Ms. Cardaman worked for the city before and asked if there were open interviews and if the position was advertised?

Mrs. Horvath responded four resumes were received, the position was not advertised. Out of the four resumes Ms. Cardaman was the best candidate that I could work with and met the criteria.

**Questions: cont.**

Mr. Mencini stated to Mr. Elliott good to hear with the improvements to the game room with the new air hockey table. Looking forward to being on the pool committee and wants to do something with that area.

Mr. Orcutt asked Mr. Piatak with the road programs who is responsible for hiring of needed subcontractors?

Mr. Piatak responded the main contractor coordinates with subcontractors.

Mr. Orcutt continued that residents expressed concerns with the milling of Smith Road taking two days and then no crews were onsite. Were there any issues with that project?

Mr. Piatak responded the contractor's milling machine broke down a number of times and if the contractors don't work they don't get paid. Also, it is my understanding that there was miscommunication between the prime contractor and subcontractor with doing the concrete work.; the subcontractor having to finish the job they were currently working on. That confusion has been remedied.

Mr. Orcutt commented there will be better project coordination when the project flips to the other side.

Mr. Piatak that would be my expectation.  
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**OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):****New Legislation:**

1. An Ordinance authorizing the Mayor to enter into an agreement with the Digital Marketing Clinic at Baldwin Wallace University to create a media and social marketing program for the City of Brook Park and declaring an emergency. Introduced by Mayor Gammella. Placed in Finance committee. Placed in Finance committee
2. A Resolution recognizing the week of September 13-22, 2019 as 'Welcoming Week' in the City of Brook Park and declaring an emergency. Introduced by Council President Vecchio. Placed in Legislative committee. Placed in Legislative committee
3. An Ordinance authorizing the Mayor to dispose of obsolete city fitness equipment and office equipment and declaring an emergency. Introduced by Mayor Gammella. Placed in Recreation committee.

**Other communications and petitions and verbal approval: Introduction of New Legislation:**

New Legislation: cont.:

1. An Ordinance authorizing the Mayor to enter into a community cost-share agreement by and between Northeast Ohio Regional Sewer District (NEORSD) and declaring an emergency. Introduced by Mayor Gammella. Placed in Service committee.
  
2. A Resolution authorizing all actions to apply for a healthy urban tree canopy grant program from Cuyahoga County and declaring an emergency. Introduced by Mayor Gammella. Placed in Recreation committee
  
3. A Resolution authorizing all actions necessary to apply for a FY2020 grant for one senior bus with enhanced mobility for seniors and individuals with disabilities program and declaring an emergency. Introduced by Mayor Gammella. Placed in Service committee.

Mr. Orcutt stated that the legislation with the FY2020 bus and NEORSD agreement are time-sensitive and asked consideration Council to place on agenda.

**Motion** by Mr. Salvatore, supported by Mr. Scott, to place both pieces of legislation on this Council agenda by invoking Council rule number 23.

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Mayor Gammella asked if that includes the resolution for the urban tree canopy grant.

**Motion** by Mr. Salvatore, supported by Mr. Mencini, to place the urban canopy legislation on this Council agenda by invoking Council rule number 23.

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

Mr. Vecchio stated the Ordinance for the cost-sharing agreement between the city and NEORSD will appear under M-7 as Ordinance No. 11113-2019. Resolution for the urban tree grant will appear under M-8 as Resolution No. 23-2019 and the Resolution for the FY2020 bus will appear under M-9 as Resolution No. 24-2019.

Mr. Salvatore thanked the clerk for providing copies of the three pieces of legislation on the anticipation of moving forward.

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**MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**

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

Joan Markusic  
13911 Bellbrook

Ms. Markusic commented appreciation with Mr. Astorino's comments at last meeting before Council took action on adopting of legislation. Also, residents should get to know the people running for office and take note on what is occurring. Council is doing a very good job with bringing information to the residents. Mr. Scott provides insight and takes time to explain what is going on and this city needs to move forward as one group to make the city strong.

Mark Green  
15858 Ashland Drive

Mr. Green expressed concerns with the qualifications discussed for the chief building officer having five-years' experience. Council may want to revisit that because five-years' experience is not a lot when just coming out of college. The tech-commission is a good idea but not sure what type of person the city would get with the salary discussed. With the airport parking facility on Engle Road was a traffic study performed because that is a dangerous area with traffic merging. Also, street lights in that area are not working over there. Mr. Green asked when the 2018 CAFT will be online?

Mr. Cingle interjected the CAFR should be online within the next few days.

Mr. Green continued that roads programs seem to continually drag out with planning not conducive to the community; every current construction project interferes with the start of school.

Jim Astorino  
6258 Engle Road

Mr. Astorino read a letter that was forwarded to city officials on Tuesday August 13, 2019 and attached to these minutes. Mr. Astorino expressed disappointment with not being provided the memo (attached to minutes) from Law Director Horvath dated August 16, 2019 stating that the letter won't be read due to not being able to determine accuracy. Mr. Astorino also expressed disappointment of nobody on the dais telling him the letter won't be read and inquiring with an email to the clerk of the memo and not being given the courtesy given to other residents for correspondence to be read.

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

1. ORDINANCE NO. 11107-2019, 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.

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

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

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

**ROLL CALL: AYES:** Mencini, Scott, Burgio, Orcutt, Stemm, Poindexter, Salvatore  
**NAYS:** None. Ordinance No. 11107-2019, has passed under Suspension of the Rules. Adopted.

2. ORDINANCE NO. 11108-2019, 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.

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

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

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

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

3. ORDINANCE NO. 11109-2019, 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.

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

**ROLL CALL: AYES:** Burgio, Orcutt, Scott, Mencini, Stemm  
**NAYS:** Salvatore, Poindexter. Suspension failed with a vote of 5-2.

Mr. Vecchio stated Ordinance No. 11109-2019, has had its First reading.

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

4. ORDINANCE NO. 11110-2019, 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.

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

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

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

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

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

**NAYS:** None. Ordinance No. 11110-2019, has passed under Suspension of the Rules. Adopted.

5. ORDINANCE NO. 11111-2019, 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.

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

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

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

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

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

**NAYS:** None. Ordinance No. 11111-2019, has passed under Suspension of the Rules. Adopted.

6. ORDINANCE NO. 11112-2019, AUTHORIZING THE MAYOR TO DISPOSE OF OBSOLETE OFFICE FURNITURE, FILE CABINETS AND OTHER MISCELLANEOUS OFFICE EQUIPMENT 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, Stemm, Poindexter, Salvatore.

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

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

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

**NAYS:** None. Ordinance No. 11112-2019, has passed under Suspension of the Rules. Adopted.

7. ORDINANCE NO. 11113-2019, AUTHORIZING THE MAYOR TO ENTER INTO A COST-SHARE AGREEMENT BY AND BETWEEN NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

The clerk read in its entirety since not properly posted.

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

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

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

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

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**Motion** by Mr. Scott, supported by Mr. Mencini, to adopt.  
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Mr. Orcutt asked what the \$200,000 grant entails?

Mayor Gammella responded in 2016 the city entered into a service agreement to keep the sewers flowing.  
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**ROLL CALL: AYES:** Scott, Mencini, Stemm, Poindexter, Salvatore, Burgio, Orcutt

**NAYS:** None. Ordinance No. 11113-2019, has passed under  
Suspension of the Rules. Adopted.

- 8. RESOLUTION NO. 23-2019, AUTHORIZING ALL ACTIONS TO APPLY FOR A HEALTHY URBAN TREE CANOPY GRANT PROGRAM FROM CUYAHOGA COUNTY AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella and C/W.

Council President Vecchio read in its entirety due to being properly posted.

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

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

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

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

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

**NAYS:** None. Resolution No. 23-2019, has passed under  
Suspension of the Rules. Adopted.

- 9. RESOLUTION NO. 24-2019, AUTHORIZING ALL ACTIONS NECESSARY TO APPLY FOR A FY2020 GRANT FOR ONE SENIOR BUS WITH ENHANCED MOBILITY AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella and C/W.

The clerk read in its entirety since not properly posted.

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

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

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

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

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

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

**NAYS:** None. Resolution No. 24-2019, has passed under Suspension of the Rules. Adopted.

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**SECOND READING OF ORDINANCES AND RESOLUTIONS:**

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**THIRD READING OF ORDINANCES AND RESOLUTIONS:**

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

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

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

Mr. Poindexter addressed letter that Mr. Astorino brought to Council's attention with requesting Council to take note of no parallel investigations; not sure if Council can make that assessment off of his letter. Also, asked that Council acknowledge that the 2017 report n was incorrect; I don't think Council can do that either. Asked that letter be included in the 2017 report and make that motion.

Mr. Salvatore asked Mrs. Horvath if there could be any adverse effect with the lawsuit?

Mrs. Horvath stated sometimes in Ohio, third party repeats defamatory comments and thinks the subjects Mr. Astorino raised are subjects as part of the heart of the lawsuit by Mr. Astorino and Mr. Slattery. By Mr. Astorino reading the letter into the record during part of audience participation the letter becomes part of the record. I wouldn't want Council to be involved, at all, by repeating anything that could be considered slander. Mr. Astorino's purpose has been accomplished with his ability to participate in the audience participation portion of this meeting.

Mr. Poindexter withdrew his motion.

Mr. Salvatore concurs and stated anyone can read something at a meeting that becomes part of the record. Council shouldn't take any action on that letter, is that correct?

Mrs. Horvath concurred and stated Council at this point has not repeated any information from the letter that could be foreseen as defamatory information. Council at this point has not repeated any information from the letter and I see no reason for Council to act any further and there could be very good reasons that

**Address Audience: cont.**

Council does not act; so that Council or the city is not liable for repeating incorrect or defamatory information.

Mr. Mencini concurred and stated the letter was read and submitted. It's a time that I served on Council and would like to put in the past. Mr. Mencini thanked the clerk for standing strong during that period. Mr. Mencini thanked Ms. Markusic for her positive comments; this is a good Council and things are getting done. To Mr. Green with road projects there isn't a lot of time to get them done.

Mr. Salvatore thanked and appreciates Mrs. Markusic's kind words and also thanked Mr. Green for his comments that are very well taken and agrees with 99% of his statements.

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

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

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

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

Mr. Vecchio declared this meeting adjourned at 10:40 p.m.

RESPECTFULLY SUBMITTED Michelle Blazak  
Michelle Blazak  
Clerk of Council

APPROVED September 3, 2019

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

August 13, 2019

Dear Members of Brook Park City Council,

I am requesting this letter to be read into the record at the August 2019 Council meeting, the same courtesy provided to others that submit correspondence for reading. I am writing to you about the investigation conducted in 2017 by J.A.B. Investigative Services (JAB). There is a major error in the September 2017 report that was issued to Council that needs to be corrected by Council.

As elected officials and public servants you are the custodians of the public record and I believe there is a responsibility for you to be ethical and for you to not allow inaccurate information to be intentionally disseminated to the general public for political gain. I think you have a responsibility to ensure that the public record is reflective of facts, not fiction and inaccuracies.

On page 9 of the JAB investigation report that was submitted on September 15, 2017 it is stated, "*Two separate governmental agencies are conducting parallel investigations.*"

On August 28, 2018, the Chief of Investigations for the Public Integrity Assurance Team confirmed by email that **the Ohio Auditor of State did not investigate this matter.**

Additionally, on May 20, 2019 the Chief Investigative Attorney for the Ohio Ethics Commission confirmed through a letter that "**...the Commission has not opened an investigation into the allegations received and, in fact, closed the matters at the intake level due to insufficient supporting information for the years 2014-2019.**"

It is extremely noteworthy that the Ethics Commission closed the matter due to insufficient supporting information. The complaint was filed by the JAB investigator. He conducted an investigation of Council and he did not discover enough supporting information to support his complaint. Did he file the complaint for the purpose of bolstering his report to Council? Did he report about state investigations in a misleading manner? I believe the answer is YES to both of those questions.

After an unbiased state review by two separate governmental agencies the complaint filed by JAB was closed at the intake level due to insufficient supporting information.

**Since both the Auditor of State and the Ethics Commission indicate they did not conduct any investigation** I am requesting Council to make a motion to correct the record on this matter. I want the motion to say words to the effect of, "Motion that City Council takes note that no parallel investigations were being conducted by separate governmental agencies and that the September 2017 report submitted to Council was incorrect in this matter. The note will also state that the motion and this letter being read at the meeting will be inserted into the record and attached to the September 2017 report and, after this correction is made, the investigation is officially closed and no further action will be taken by Council."

Now that has become known that the State of Ohio did not investigate, I also request and expect there to be no further participation from city officials in circulating blatant inaccuracies about the state activities and the many other inaccuracies contained in the JAB investigation, as was done in the past.

In my opinion. The J.A.B. report was created for the purpose of generating campaign issues that would be used to prevent my re-election in 2017. The full story did not exist back then, but as time passed evidence became available to demonstrate the devious motivation behind the report. Combined with the audience disruptions at the Council meetings to create the appearance of chaos and dysfunction through political theater, the report and the disruptive antics was an example of politics at its worst, all at the expense of the taxpayer.

Please feel free to contact me with any questions on this matter. Thank you.

Sincerely,



Jim Astorino

