

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, OCTOBER 8, 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 Law Director Horvath, Finance Director Cingle, Mayor Gammella and Engineer Piatak (7:25 p.m.).

A moment of silence in remembrance for Don (Dee) Mencini and family.

Mr. Mencini thanked Council current and recent administrations and the community for the support that has been overwhelming. My parents came to Brook Park in 1958 and became active in the community. My dad did not want any arrangements but a Day of Remembrance will be held on Saturday, October 19th from 2:00 p.m. to 6:00 p.m. at Stone Brook Driving Range in Middleburg Hts. My dad loved Brook Park and all of you and I thank everyone very much.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING HELD ON SEPTEMBER 11, 2019.

Motion by Mr. Burgio, supported by Mr. Poindexter, to approve as printed.

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

NAYS: None.

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

LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. AN ORDINANCE ENACTING CHAPTER 554 OF THE GENERAL OFFENSES CODE OF THE CITY OF BROOK PARK ENTITLED 'CIGARETTES AND TOBACCO VENDORS: SALES TO PERSONS UNDER TWENTY-ONE, IN ORDER TO LOCALLY PROHIBIT THE SALE TO, OR POSSESSION BY, PERSONS UNDER TWENTY-ONE OF CIGARETTES, TOBACCO PRODUCTS, ELECTRONIC CIGARETTES AND VAPING DEVICES AND DECLARING AN EMERGENCY. Introduced by Councilman Scott, Council as a Whole and Mayor Gammella. **In attendance:** Rick Novickis - Cuyahoga County Board of Health.

Legislative Committee - Chairman, Mencini: cont.

Motion by Mr. Salvatore, supported by Mr. Orcutt, to go out of the Regular Order of Business.

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

Rick Novickis
Cuyahoga County Board of Health
5555 Venture Drive
Parma, OH

Mr. Novickis stated the big concern currently is the explosion of vaping and e-cigarettes that is being seen in high schools and younger children, that is very alarming. The health department is excited with what the federal, state and independent businesses that are moving forward to stop selling vaping and e-cigarette products. The main reason the (CCBH) Cuyahoga County Board of Health is getting involved is that 95% smokers today started prior to age 21. If this is attacked in the youth and teenage years that will help that person live longer and also have impact on society and productivity. Recently the CDC (Center for Disease Control and Prevention) has issued an alert to the public of over 1,100 people who have pulmonary reactions to smoking vaping products. A number of those people used products containing THC (tetrahydrocannabinol) that is found in marijuana but never used marijuana. There have been 18 deaths across the country and three illnesses confirmed in Cuyahoga County with approximately 28 across the State of Ohio and 30 being investigated the Ohio Department of Health. When you see 15 or 16 year-olds vaping the products are usually given to them from a 19 year-old. Having the statewide and local movement to raise the age from 18 to 21 to purchase tobacco is important in that process. Effective October 17th the age to purchase tobacco products will rise from 18 to 21 years of age. The point the state wanted to drive home was they definitely didn't preclude what any local jurisdictions were doing. The reality is with the new budget bill signage there isn't anything more required for local inspections, enforcement or no additional compliance checks to make sure people are doing what they're supposed to be doing. The CCBH was excited when Councilman Scott and I had discussions that Brook Park will be the eighth community in our jurisdiction. There are 18 states that have passed Tobacco 21 legislation and over 500 cities and counties across the country. There a few more communities that are eager in moving forward with this type of legislation that adds a layer of local involvement, enforcement and impact based on what the community would like to do in its own jurisdiction. The proposed legislation is a model approach that the local health departments are using for uniformity but still is open for communities to add things i.e. tobacco sales within so many feet of a church or school. There are a lot that the local communities can do along with the basic concepts of making sure people are selling to 21 and over. The first city in our jurisdiction to move this forward was the City of Euclid with 40 locations. The way we

Legislative Committee - Chairman, Mencini: cont.

saw this being most effective was face-to-face with all the business owners so they understand why this is being done and approaching them for involvement and support of this program. The very first year the City of Euclid had 100% compliance not only on the securing of the permit for the program but also the posting of the required signage. The second step in the program would be routine inspections conducted by CCBH food service staff since they are there performing food service inspections. The three (3) priority things being looked for is 1. if businesses are involved in the permit program rolled out to the community, 2. signage is up so the business doesn't have to deal with the aggravation of youths under 21 coming in harassing employees how unfair it is 3. that business's employees know that people need to be carded and are only selling tobacco products to people 21 or over who can prove it. Businesses must be aware that this program is only as good as the people who are hired know how very important this program is. Without compliance checks the CCBH doesn't know what is occurring out there; that is why the state is eager to support programs like this. Also, the same for clerks and/or employees that ask for proof of age should be awarded and applauded by their employer; by saying good job last week with asking for proof of age for tobacco products.

Questions:

Mr. Scott stated when first talking about this in January, 2019 there were 17 cities involved statewide and are now up to 24 including counties.

Mr. Novickis commented the City of Cincinnati asked for all the documentation, paperwork and whatever else is needed to employ that in their city. The CCBH does not have the authority to pass something that cascades on the 58 communities serviced; that's the reason for approaching cities because of all the different departments involved.

Mr. Scott asked the enforcement and setup is done through the county, correct?

Mr. Novickis responded yes.

Mr. Scott asked what is the cost to the city?

Mr. Novickis responded zero (dollars) just the city's time i.e. building department being aware of new business openings that include food service because the CCBH also reviews the plans for food services. Have an electronic or paper version of the Tobacco 21 permit because that makes the CCBH aware of the new business so talks can take place between the CCBH and the new business owner about the program.

Mr. Scott commented with vaping of one (1) Juell cigarette pod has the same amount of nicotine as a pack of 20 cigarettes.

Legislative Committee - Chairman, Mencini: cont.

Mr. Novickis concurred and stated teens don't realize that in an hour or two they smoke a pod of some cool flavor. Teens have no idea what they're doing and not only are they getting the sensation of the flavor and think it's cool; realistically teens are getting hooked on nicotine same was as smoking cigarettes. What is more concerning about vaping products is the aerosol generated from the vaping process that is possibly ten times finer than the aerosols from cigarette smoke; penetrating deeper into the lungs and causing pulmonary reactions. All communities that are in the Tobacco 21 program will have a posted sign to include the logo of the community and the verbiage included in the ordinance.

Mr. Orcutt welcomed Mr. Novickis and thanked him for a fantastic explanation of what the state has done. The legislation in front of Council mirror what was passed statewide.

Mr. Novickis responded statewide talks about raising the age from 18 to 21, creates a tax on vaping products that manufacturers and distributors have to pay to the state. Also, cleans up the language on vending machines and where they can be located with posted signage, realistically that is the first step. There were no additional monies for inspections, permitting or compliance checks, that is why the state is eager to have locals' do that.

Mr. Orcutt asked what agency takes in the permit and late fees?

Mr. Novickis responded the CCBH and that would be the only revenue for the program the late fees are in there because that text is in all core programs.

Mr. Orcutt commented with all the costs towards health care with smoking this is a good step to take in moving forward.

Mr. Stemm thanked Mr. Novickis for coming and commented the adult engagement between 18 and 21 is probably low, compared to an engagement of an adolescent adult of 17 or 18. With the boost up to the age of 21 will hopefully start producing a new usage.

Mr. Poindexter asked would this have anything to do with Internet sales; not so much with tobacco products but with vaping?

Mr. Novickis responded no, unfortunately, the CCBH's authority doesn't transcend into the Internet world. That would be something the state would need to take up and there have been conversations on that matter.

Mr. Burgio stated on page seven under penalties does that apply to individuals or businesses?

Legislative Committee - Chairman, Mencini: cont.

Mr. Novickis responded the CCBH came at this from only the civil perspective, there is no criminal code. Some communities have chosen to have something in their criminal code for the individual. This is only for the business owner to make sure their employees are meeting the letter of the law, not selling tobacco products to people under the age of 21. From the state level as of October 17th individuals must be 21 to purchase tobacco products whether a business or community has opted to move forward, the entire state becomes '21'; making it more challenging for 18, 19 or 20 years-old.

Mr. Burgio asked how is the program enforced?

Mr. Novickis responded there is CCBH staff that will be continuing their inspections of the various programs. When a CCBH inspector walks in as this program rolls out they will know the food and tobacco persons there and observe what is going on. There are also complaints that can be called into the CCBH I recently dealt with a principal from a school stating that a 16-year-old student had tobacco products and obtained them with fake identification. The CCBH met with the business owner and school to work through the situation, this isn't a cure-all. But, with the huge step the state took with this and if every community has something like this makes it better than current.

Mr. Burgio stated the flavors are what is enticing to teens and making them want to vape. Is there anything down the road concerning the flavors?

Mr. Novickis responded that is what is occurring at the federal and state level and the governor has made it clear and don't be surprised if legislation is seen banning flavored vaping products. Some stores have already made the decision to get rid of all vaping products from their shelves. Currently, there are 18 out of 50 states are participating in the Tobacco 21 program.

Mr. Salvatore thanked Mr. Novickis for coming and asked if there is data showing the upside of passage and downside of not getting involved?

Mr. Novickis responded from the data side, this is no new, it would probably be eight to ten years to see the healthcare, lifespan and general health impacts.

Mr. Salvatore commented as a representative for the Southwest hospital board and speaking with doctors. If there was no tobacco that would eliminate approximately 80% of lung cancer. There isn't anything in the agreement about someone who is 21 buying tobacco or other products and giving them to a minor or someone who is 18 or 19.

Mr. Novickis responded that would fall under the criminal side of the investigation and

Legislative Committee - Chairman, Mencini: cont.

leaves the details open to communities. In some cases, communities have modified their criminal code slightly for that type of situation. Some other communities are using this ordinance to determine where they want vape shops and places that sell tobacco products. Those are options that allow for the local flexibility to take this template to the next level.

Mr. Salvatore asked anyone selling tobacco must have a license from the State of Ohio.

Mr. Novickis interjected there is a cigarette license that is given from the state, there is no tobacco license. Businesses get the state license through the county government structure.

Mr. Salvatore stated if a business violates their licensing agreement with the county are they fined or lose their license.

Mr. Novickis responded currently there is a list from the county related to facilities they sold retail cigarette licenses and currently there are 18; 90% will have a food license for pop, chips, hot dots, or what have you.

Mr. Vecchio thanked Mr. Novickis for coming and being the only smoker here and can tell you at my age it is very hard to quit. Factually, had I not started before the age of 21, if this would have been in place, probably never would have started smoking. Is there an estimated reduction the CCBH and State of Ohio may see in this? When the alcohol age was changed from 19 to 21 there were reduction numbers.

Mr. Novickis responded he will reach out to the state health department to see what the impact is going to be.

Mr. Mencini commented addiction is tough and this is a very serious issue. We all knew this so what took so long?

Mr. Novickis responded the vaping issue put this over the top and the local health department has no authority to pass tobacco legislation. Twenty years ago the City of Toledo 20 years passed smoke-free legislation forbidding smoking in certain establishments. That went to the Ohio Supreme Court and the judge ruled against the City of Toledo and made them shut down the anti-smoking program. In the State of Ohio, the way the codes are written, the local health has no authority to pass ordinances creating requirements that aren't identified in the Ohio Revised or Administrative codes. So far, the Cities of Euclid, Lakewood, Brooklyn, Cleveland Hts., University Hts. with Maple Hts. next week and Garfield Hts. two weeks later. This is now falling in line since we're at this level of how teens and younger are being affected by this shiny new play toy known as vaping.

Legislative Committee - Chairman, Mencini: cont.

Mr. Mencini stated this is the beginning and thank you for your presentation.

Mr. Scott thanked Mr. Novickis for the many phone calls and presentation.

Mr. Salvatore asked is there some kind of strategy in place for recreation centers and schools.

Mr. Novickis responded there are other people within the board of health that are meeting with Radio One to do a campaign to reach that target population. Also, to get the word out ideas are to put on the sides of buses or banners like the ones that were hung around the City of Euclid ballfields; that could be a joint venture between the community and the board of health.

Motion by Mr. Salvatore, supported by Mr. Burgio, to go back to the regular order of business.

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

NAYS: None. The motion carried.

Motion by Mr. Salvatore, supported by Mr. Stemm, to place on the next Council agenda.

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

NAYS: None. The motion carried.

2. AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 132 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'BOARD OF CONTROL' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated this would be more efficient for the city, the Board of Control must wait until a Regular Council meeting to meet and if emergencies come up that puts the city somewhat in a lurch. After meeting with Finance Director Cingle and Finance Chairman Scott both are in agreement this should be done, also, this will raise the amount from the current \$1,000 to \$5,000.

Mr. Scott responded the regular Board of Control should be kept at the Regular Council meeting and add the emergency meeting.

Mr. Cingle concurred with Mr. Scott's comment about having a meeting prior to each regularly scheduled Council meeting as stated in Section 132.05 and insert or when the chairman calls an emergency meeting.

Mr. Burgio asked if section 130.02 (d) that reads Director of Public Service and Safety; since there may not be a safety director.

Legislative Committee - Chairman, Mencini: cont.

Mayor Gammella responded this has been functioning with me serving as safety director.

Mr. Salvatore commented the standard Board of Control meeting should be kept as is and has no problem adding the chairman calling for an emergency meeting.

Mr. Mencini asked Mrs. Horvath if there is going to be an issue with changing the amount from \$1,000 to \$5,000?

Mrs. Horvath responded due to being a chartered city and \$5,000 is below the \$50,000 limit as far as legislation. This is being looked at as Council has already appropriated the monies and the Board of Control determines if those monies should be paid out; this is an added check of monies that have already been appropriated.

Mr. Cingle commented he is not aware of any state or local laws prohibiting the increase from \$1,000 to \$5,000; purchase orders will still be processed with the Mayor's signature. If a purchase order was written in the amount of \$5,000 and the Mayor deems it to be \$4,000, the Mayor can make that change. Also, the Finance Department can follow-up with a call to the department head why an increase in the purchase order if last year's order was in the amount of \$3,000. The main thing is there are times when emergencies arise that a purchase order needs to be processed and can't do so because there is not verbal approval from the Board of Control.

Mr. Poindexter asked Mr. Cingle for an example of an emergency arose and a purchase order couldn't be done in a timely fashion?

Mr. Cingle responded earlier this year there were items needed for Home Days that came in after the board of control meeting. At that time, it would have been convenient to have the ability to call a special meeting for proper processing of the purchase orders.

Mr. Poindexter continued if the amendment is added for the emergency meeting that problem would be solved without the raising of the amount?

Mr. Cingle concurred and stated in some cases the amounts may be over \$5,000 i.e. emergency street repair, that has occurred in the past.

Mr. Orcutt stated to Mr. Scott being the Chairman of the Finance Committee since 2018 has there been any issues with an emergency?

Mr. Scott responded my concern is with Council being in summer session and having no meetings. If something were to come up a special meeting must be called and things that if a situation arises it can be handled.

Legislative Committee - Chairman, Mencini: cont.

Mr. Orcutt stated to Mr. Cingle if an issue arises i.e. a component on a vehicle breaks at a cost of \$2,000. What is the process? Is the part purchased and installed and then at a later date the monies are approved?

Mr. Cingle responded in that situation of an emergency repair to a vehicle in the amount of \$2,000. The vehicle needs to get repaired so the foreman is authorized to order the part and then the expenditure of the purchase order would be approved at the next board of control meeting. Then the vendor is asked to process an invoice after the date of the board of control meeting. To Mr. Poindexter's question of a situation occurring where the board of control didn't meet. The Board of Control met in early July of this year with the next meeting being on August 20th. There were some requests from the service department needing purchase orders for parts on vehicles at \$999.99 to get them a week and a half and the next week writing a purchase order again, which is circumventing the process but the best that could be done at that time.

Mr. Orcutt stated in support of the changing from Auditor to Finance Director and emergency meetings but not 100% with the increase to \$5,000.

Mr. Vecchio asked to Mr. Cingle how many purchase orders is the department processing between meetings of the board of control?

Mr. Cingle responded the board of control purchase orders average 15 to 20 requests twice a month, 40 items a month.

Mr. Vecchio commented it behooves the city to at least not have the ability to have emergency meetings to alleviate the stress and pay vendors.

Mr. Stemm stated this allows the city to be good business partners with vendors in a timely fashion, in support.

Mr. Salvatore stated in support of the changing from Auditor to Finance Director and emergency meetings but not in favor of the increase to \$5,000 but willing to modify.

Mr. Poindexter commented last board of control there were 19 items listed and if the increase took effect, Council would only see six purchases. Council has the duty to monitor the expenses and sees a need for adjustment and willing to compromise to \$2,000 or \$3,000 range.

Mr. Salvatore stated this whole process is a check and balance for the city and everyone has a job to do; not in favor of changing something that is working.

Mr. Mencini stated \$5,000 is a high number maybe a figure to be \$2,000 or

Legislative Committee - Chairman, Mencini: cont.

\$2,500; the check and balance system is why Council is here.

Mayor Gammella commented if Council would like to not exceed \$2,500 and in section 132.05 the stricken part would be reinserted to read 'Prior to each Regular Council meeting and when the chairman calls an emergency meeting'.

Motion by Mr. Mencini, supported by Mr. Salvatore, to amend section 132.05 by inserting 'Prior to each regular scheduled Council meeting and when the chairman calls an emergency meeting'.

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

Motion by Mr. Salvatore, supported by Mr. Mencini, to amend section 132.02 (c) delete Auditor and insert Finance Director.

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

Motion by Mr. Salvatore, supported by Mr. Orcutt, to amend section 132.03 (b), second and third lines, to delete \$1,000 and insert \$2,000.

Mr. Poindexter commented the Mayor was willing to compromise to \$2,500 and not in support of the \$2,000 amount.

Mr. Burgio commented willing to compromise at \$2,500, since the original legislation dates back to 1986.

Mr. Stemm commented not in favor of the \$2,000 amount; \$2,500 best approach.

Mr. Mencini commented in favor of \$2,500 with the Mayor coming down from \$5,000 to \$2,500, halfway point.

The clerk called the roll on the motion by Mr. Salvatore, supported by Mr. Orcutt, to amend section 132.03 (b), second and third lines, delete \$1,000 and insert \$2,000.

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

Legislative Committee - Chairman, Mencini: cont.

Motion by Mr. Poindexter, supported by Mr. Mencini, to amend section 132.03 (b) to read any purchase order exceeding \$2,500 and any contract that does not require public bidding and does exceed \$2,500 shall acquire approval by the board of control.

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

NAYS: Salvatore, Orcutt. The amendment carried with a vote of 5-2.

Motion by Mr. Poindexter, supported by Mr. Stemm, to place on the next Council agenda.

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

NAYS: None. The motion carried as amended.

Motion by Mr. Poindexter, supported by Mr. Stemm, to take a five-minute recess.

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

NAYS: None. The motion carried at 8:31 p.m.

Motion by Mr. Stemm, supported by Mr. Mencini, to go back to the regular order of business.

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

NAYS: None. The motion carried at 8:36 p.m.

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

Mr. Poindexter asked for Council's indulgence to have a couple of residents' speak who are knowledgeable about technology.

Motion by Mr. Mencini, supported by Mr. Orcutt, to have residents speak on their background and knowledge of technology.

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

NAYS: None. The motion carried.

Holly Klingler
14165 Donald Drive

Ms. Klingler thanked everyone for the opportunity to speak and stated she served on the tech-advisory committee for the Euclid City Schools. Given the opportunity to advise on the curriculum for the schools by implementing coding, electronics and robotics into that curriculum; coding nowadays is equivalent to older generations learning how to type, extremely important. Currently, my position is the Research and Innovation Coordinator at Northeast Ohio Regional Library System working at libraries all over Northeast Ohio from Sandusky to Youngstown, potentially 540

Legislative Committee - Chairman, Mencini: cont.

libraries. My job is to train on emerging technologies that could be anything from cloud-storage, virtual reality and e-help devices that are very popular. I talk with library communities, library staff members and seniors who are really interested in e-help devices by wanting to be able to monitor and track their own health efficiently and conveniently. Most importantly to the seniors is the ability to age in place and a lot of the smart devices allow them to do that since they don't have to have a nurse or caretaker in the home. Seniors are also interested in emerging technologies and at a recent library event there were 53 seniors in attendance who were very interested in the 40 to 50-piece tech-lab that I bring to libraries to try. One woman, almost 90-years-old, wanted to look at the drone and I was intrigued by the fact that this woman was excited about technology. I also teach library

(personnel) on how to implement technology from the most practical so their communities can get access to the Internet to bigger scale items. Such as talking to medical universities as to how to use virtual reality to assist with dementia, empathy care for patients and so on.

Mr. Mencini asked Ms. Klingler for an explanation why a technology commission would be good for the City of Brook Park.

Ms. Klingler responded libraries are realizing that technology is not only becoming beneficial from the perspective of convenience but also from the fiscal perspective. From implementing LED (lighting emitting diode) lights to using smart devices to reduce the cost of energy and usage from multiple perspectives; two things that are wider scale to allow people to have access that is very practical.

Mr. Mencini asked what would the commission do to suffice for seniors or people who live alone?

Ms. Klingler responded speaking with over 1,000 community members from the City of Cleveland, Conneaut to Cleveland Hts. and Shaker Hts. One thing that people are excited about is looking at technology that they are able to implement themselves. One senior was excited that she was able to implement, on her own, a security device due to intruders knocking on her door and unable to protect herself. After explaining how easy and convenient technology is exciting to seniors knowing they can age in their homes, making them feel empowered.

Mr. Salvatore asked what kind of background is required to serve on a technology commission?

Ms. Klingler responded someone who has wide experience emerging technology, not only the exciting but the difficult part. There should be some tech-background and it's very important to understand the community that person is working in.

Legislative Committee - Chairman, Mencini: cont.

Mr. Salvatore stated once the commission is established and a program implemented. What would the commission do going forward a few months to a year?

Ms. Klingler responded a tech-committee from a community wide perspective I would say two years to have a rolling committee to obtain fresh ideas that can be helpful. At the same time, the community still wants to have a foundation and base so those who understand a particular project can see it through to the long-haul.

Mr. Salvatore asked should something be in place that the commission reports to that has the knowledge and background in this field?

Ms. Klingler responded my experience with the Euclid City Schools the person we spoke to did not have a technology background. The people serving on the committee did and knew the schools' curriculum wanting to be implemented.

Mr. Orcutt asked Ms. Klingler if she would consider serving on the commission?

Ms. Klingler responded absolutely.

Mr. Burgio asked besides schools and libraries are you aware of other cities that have this type of commission, besides their IT person?

Ms. Klingler responded from a city perspective none, that I'm aware of to date, which is why this would be an amazing opportunity for Brook Park.

Mr. Burgio expressed concerns on how that would work with the commission and IT person working together.

Ms. Klingler interjected the City of Avon Lake and Lorain Public Library System partners with libraries and other city entities that have IT, working together through a partnership, none that I'm aware that are using a commission.

Craig Cooper
13918 Franklyn Blvd.

Mr. Cooper stated my background is installing ERP (Enterprise Resource Planning) Systems Implementation to manufacturing; taking all the calculations that a computer system can do from beginning to end. I'm the person that tells the system how the business wants to run efficiently. As a resident of Brook Park I have two solar panels (on house) and two electric cars and have produced eight mega-watts of power. Am excited with what the city is doing with Baldwin-Wallace students and the city has a good opportunity to move into the next 10 to 20-year period. By 2025, Norway wants to be all electric, no diesel or petro-engines. In the United States Tesla just sold 97,000 cars last quarter as General Motors and Ford Motor are

Legislative Committee - Chairman, Mencini: cont.

working on that.

Mr. Mencini asked Mr. Cooper how that technology will be applied to the City of Brook Park?

Mr. Cooper responded one scenario would be the empty Ford property. Rivian Automotive sells electric trucks that the city could use for snow-plowing that would be powered by solar panels on the service garage roof. Another scenario would be if the power goes out in the city and solar power at the police and fire stations the business can still be operated, the scope is very wide. Bargersville, Indiana purchased a Tesla Model-III that is compared to the Dodge Charger used for police fleet. Over a six-year period the first two years were negative because of the initial cost of the electric vehicle. Adding up gasoline and oil changes over the six-year period the sixth-year was a \$20,000 savings for having that car in the fleet.

Mr. Orcutt thanked Mr. Cooper for coming and commented this is taking an idea and making it an investment to the city, to make the city better and cleaner. At the same token, this can generate cash and with that generated money the city can reinvest in another project.

Mayor Gammella concurs with the thinking and one of the things being looked at currently is solar panels on the recreation center and service garage. A plan for down the road would be to build a new safety building with solar panels, my goal is to take this city from a manufacturing city to a high-tech city.

Mr. Orcutt stated I think this is a good concept and like where this is going. Some of the items discussed at the last meeting is possibly not having a commission, to start, but possibly an advisory board. A few ideas or projects the advisory board could look into is cameras in the parks or municipal buildings in 2020. Another idea is an energy audit on this building with monies recently invested, compare natural gas and kilowatt usage prior to the project and current savings.

Mr. Poindexter thanked Ms. Klingler and Mr. Cooper for coming and the good ideas this committee could go with this. The reason for inviting these speakers, not only because of their knowledge and experience, but to show Council there is a wide-range of ideas. Economic Development would be endless with a committee along with neighboring NASA. This city has a lot of areas for businesses and thinks technology businesses are on the rise all over the country. This city has a lot of potential and could be the first city in Ohio to have something like this, would like to move forward.

Mayor Gammella stated total support of commission and/or committee and need to move forward because of the good things that will be happening.

Legislative Committee - Chairman, Mencini: cont.

Mr. Scott asked Ms. Klingler in your line of work, is there different departments?

Ms. Klingler responded yes, there are four workers and in addition to technology training we do strategic planning. On every strategic plan at about 20 libraries it's been technology that the library wanted to implement and intergrade with that.

Mr. Scott asked if there is one person i.e. IT Director that is reported to or who provides recommendations and guidance.

Mr. Klingler responded she partners with a lot of libraries and outside entities; I am the decision maker when it comes to my particular organization. There are several partnerships, I don't do things alone, I am guided by the library members.

Mr. Scott continued is there a director or something like that who supervises and get direction from.

Ms. Klingler responded I have my executive director and pretty much the decision maker when it comes to emerging technologies. With my personal organization networking and infrastructures are outsourced but also handle a lot of the in-house items.

Motion by Mr. Mencini, supported by Mr. Orcutt, to go back to the regular order of business.

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

Mr. Poindexter commented that Mr. Mencini worked on bringing this forward, especially in the beginning. To Mr. Scott's question of having to answer to someone, currently, the city has an IT person that the commission could go to for guidance. The city's IT person is on a part-time limited basis and that is one of the reasons this committee is so important; the city needs someone working on its behalf more than eight hours a week. Ultimately, the commission, committee or advisory board, whatever the case may be, would answer to Council and the Mayor. If a project is brought to Council, we still have authority to move forward with the project or not. Vendors could be found that provide the service not selling a project, for example, there have been two companies that made presentations about street lighting. In my opinion, this committee could go a long way and originally the thought was to get the city's IT items in order. As being discussed and formulated this grew and something that could be relevant in the city for the foreseeable future, technology is always changing.

Mr. Mencini stated this would be a committee or an advisory board with how many chosen by Council and the Administration.

Legislative Committee - Chairman, Mencini: cont.

Mr. Vecchio stated asked how many members would serve on the commission in total departmentally and residents?

Mr. Poindexter responded the legislation is written for the Mayor or designee, one Member of Council who report to Council and three resident members.

Mr. Vecchio commented the reason for the question is many upcoming youths are extremely technological savvy.

Mr. Poindexter interjected saying he would like this committee, advisory committee, to eventually grow into a city technology and innovation department. Quite frankly, there is quite a bit of monies spent on a part-time IT person. By adding more monies, the city could have a full-time IT person running the innovations.

Mr. Mencini stated the presentation from Baldwin-Wallace is coming forward, imagine if one of those students.

Mr. Vecchio concurs with Mr. Orcutt with delving out one small task and moving forward.

Mr. Salvatore stated if a decision had to be made tonight, I would lean towards bringing a full-time person to do this and that reports to Council. The makeup should be as the school board that has Council representation but no vote; attends the meetings and brings back the findings. The representative serving on the hospital board has a vote, recreation commission members have a vote and planning and zoning Council representatives have a vote.

Mr. Poindexter deferred to Mrs. Horvath for her opinion on having a commission and think the Charter is clear that a commission can be formed by ordinance.

Mrs. Horvath stated looking at Charter Section 5.01 reads Council by Ordinance can create change or abolish offices, departments, divisions, boards, commissions or agencies established by the Charter. The only caveat is that Council cannot discontinue or give a duty that's already been delegated to one of those departments. Council wouldn't be doing that, in this case, the departments are already formed. The considerations would be what does Council want this particular organization to do; is it an advisory board or a commission. After listening to the discussion it seems probably tending more towards the idea of an advisory board and a start of the functions. Does Council have the power-ability to create an organization like this, I would say yes. The city has a number of different boards and commissions created by ordinance and think this would be no different than the records commission, tax review commission and wage, salary, benefit and contract review commission. They're not, perhaps, as active as a technology advisory board would be but are

Legislative Committee - Chairman, Mencini: cont.

created by ordinance and this type of organization would also be created by ordinance.

Mr. Poindexter thanked Mrs. Horvath for her explanation and as Mr. Salvatore stated the Councilmember on the committee would serve no purpose. That Councilmember could give reports to Council, at the Council meetings, of what the committee is working on and moving forward. In addition, they would bring knowledge of the budget and finances for a project presented to Council. Council will also be learning the systems and technology and have in-depth knowledge because Council helped formulate that technology.

Mr. Salvatore stated what was meant by that is to establish the functionality of that Member of Council. Will that Councilmember report back to Council and play a role in suggestions to come forward? In total agreement that it's important to have that knowledge available to that advisory committee. What capacity is the Member of Council and what I'm trying to do tonight to establish parameters of how this will be established. Council could have this established per Council Rules with the President of Council forming the committee.

Mr. Vecchio interjected in listening to the discussion not sure that issue will be solved this evening.

Mr. Orcutt commented some progress has been made, good input from residents and agrees with Mr. Poindexter this will help the community. Still staying with an advisory board as mentioned at the last meeting; provide them with a simple task to see how long it takes for them to complete.

Mr. Poindexter stated this was introduced in September and I made it clear to have this on tonight's agenda it was my hope to come not only with problems but bring solutions on how to move this forward. There were questions on payment and if this can be done; I have the answer for payment and the law director responded that this can be done. The longer the wait the more other cities will implement this and attract future businesses. If this is going to be put back in committee I'm asking my colleagues to bring this out for the next Caucus Prior to and bring solutions.

Mr. Vecchio interjected as Chairman, I will let one more round of discussion since this topic has been talked about for an hour.

Mr. Poindexter commented Mr. Mencini is the chairman and this is a work session.

Mayor Gammella stated to Mr. Poindexter this is a very bold and innovative piece of legislation and something this city will need for the future and in support.

Legislative Committee - Chairman, Mencini: cont.

Mr. Salvatore reiterated this can't move forward unless we know where we're going and what we're going to do when we get there. Is this going to be a board, commission or advisory, can we get to that point. To Mr. Poindexter as sponsor of the legislation, does an advisory board work for you.

Mr. Poindexter responded commission would work better but willing to compromise to move this forward.

Mr. Mencini stated this is a great piece and want to see this move forward, it's good for the community. Suggestion is work with your colleagues one-on-one and also hear what the community has to say.

Mr. Scott clarified the discussion is about advisory board, commission or a committee? Will there be any legal ramifications by doing one and not the other one? I can't pick one today because I don't know the difference between an advisory board, commission or committee.

Mr. Poindexter stated the legislation is written up as a technology commission. The law director made clear that Council can form a technology commission. The ordinance is written as the commission being the Mayor, Member of Council and three residents'.

Mr. Scott reiterated what is the difference between a commission and advisory board?

Mr. Salvatore stated it is based on how the Charter reads and a little history of a commission as opposed to an advisory board. At one time the recreation center was run by the Recreation Commission to hire, fire and set policy through the recreation commission. That procedure was put in front of the electorate to eliminate the commission and establish an advisory board; the commission could no longer hire, fire or implement any policy of procedure. The advisory board continued to meet with eliminated powers. If this board is going to be board of authority, then I think it has to go before the electorate to become active. I can't see it being anything other than an advisory board based on the structure, without having to go to the Charter. To Mrs. Horvath, there is nothing else that it can be other than an advisory board unless it's empowered by someone, ordinance or charter amendment.

Mrs. Horvath responded before deciding what it's to be called the first thing to figure out is what is it going to do? Once the duties and powers are established then it will be clear whether it's going to be a commission or an advisory board. The Charter Review Commission is nothing but an advisory board having no power but meets periodically and advises Council of recommended Charter changes. Once Council what this organization is to accomplish, what duties will be assigned then the determination can be made as to a commission or advisory board.

Legislative Committee - Chairman, Mencini: cont.

Mr. Poindexter thanked Mrs. Horvath for the synopsis and commented that this board or commission would be serving in almost the same capacity as the Charter Review Commission. Instead of researching and making recommendations about the Charter this commission would be researching and making recommendations about technology. The purpose is stated in section 163.02 and left vague for a reason so that their abilities are not limited; leaving them with one project is doing a disservice to this committee. We want them to bring forward ideas on all spectrums of technology i.e. informational technology, data storage and security, email system, computer purchasing and set and recommend standards. To go into some of those systems they should be commissioners since they will be looking at the city's information, technology and data storage. They should recommend technology and upgrade as they see fit and then report to the Mayor and Council.

Mr. Stemm stated I like this piece a lot and think Mr. Poindexter did a lot of hard work on this with the residents who helped him. However, there are more questions than answers this evening and suggest getting all the questions and possible solutions and speak on this at a later date.

Mr. Salvatore stated to Mr. Poindexter it was mentioned of a few amendments to make. Other than establishing the compensation is there anything else to be amended.

Mr. Poindexter responded no, other than the salary that is totally negotiable for Council. My thoughts are the legislation is written quarterly and at the discretion of the Mayor on an as needed basis. My suggestion is to cap the salary at \$400.00 a month for the resident member(s) totaling \$1,200 a year. With any additional meetings being on their own time for their skills and expertise. I don't want to seem standoffish and know it's come off that way but a lot of work went into this and have been working with the law director since October, 2018 and now we have something that could really revolutionize and bring the city into a new renaissance.

Mr. Salvatore stated would prefer compensation be set on meeting basis. How will it be determined who's in attendance or not. Something can be turned in to the finance director as to how many meetings they were in attendance.

Motion by Mr. Poindexter, supported by Mr. Mencini, to place on the Caucus Prior to agenda of October 15th.

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

NAYS: None. The motion carried.

SERVICE COMMITTEE - CHAIRMAN, ORCUTT:

Mayor Gammella commented items one through three are companion pieces. Item number one was adopted by Council and discrepancies were found with the description of the agreement. The second piece will repeal Ordinance No. 11113-2019 and the third piece will re-establish the cost-share agreement with the NEORS (Northeast Ohio Regional Sewer District).

1. ORDINANCE NO. 11113-2019, AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
2. AN ORDINANCE REPEALING ORDINANCE NO. 11113-2019 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
3. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mass Motion by Mr. Salvatore, supported by Mr. Mencini, to place items one through three on the October 15th Council agenda.

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

4. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE SPECIFICATIONS AND TO ADVERTISE FOR BIDS AND FURTHER AUTHORIZING, THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST AND/OR BEST BIDDER FOR THE DISPOSAL OF SOLID WASTE IN AN EPA APPROVED COMPOSTING FACILITY AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated every few years the city negotiates with the landfills for tipping fees and this legislation gives the opportunity for the city to do that.

Mr. Salvatore asked who the city uses now.

Mayor Gammella responded not sure but this will allow the city to get the best price.

Service Committee - Chairman, Orcutt: cont.

Mr. Scott asked if Council could see the bids when received.

Mayor Gammella concurred.

Motion by Mr. Burgio, supported by Mr. Mencini, to place on the October 15th Council meeting.

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

NAYS: None. The motion carried.

5. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE SPECIFICATIONS AND TO ADVERTISE FOR BIDS FOR THE COLLECTION OF SOLID WASTE, YARD WASTE, RECYCLABLE MATERIALS AND BULK MATERIALS AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated the City of Brook Park is probably one of a handful communities in Cuyahoga County that has service crews pick up rubbish, most cities have outside contractors who also own the landfills. It is becoming more and more costly for the city to have their own fleet and may be better having someone else picking up rubbish, yard waste and things of that nature. This legislation would give the administration the opportunity to explore, advertise and bring back to Council for the final decision.

Mr. Mencini to Mayor Gammella are you possibly worried about a monopoly because the city has always done this and have the trucks and it seems to be going good. The yard waste has always been an issue and the outside sources run the landfills and have a lot of control.

Mayor Gammella reiterated there is only a handful of cities left collecting waste and we're looking at what is more cost-effective for the city. The trucks are getting more and more expensive, new trucks will be needed and in the end it's going to be a collective decision between Council and myself. I think just allowing to go out for bids for comparison is the best way to go.

Mr. Poindexter asked Mayor Gammella wasn't a rear-end loader just purchased?

Mayor Gammella concurred and stated the trucks cost a lot of money and all this does is allows us to compare costs to see the best way to proceed.

Mr. Poindexter continued I think that's one of the features of Brook Park having in-house rubbish pickup, that's a resource and gem. Another point is a lot of the cities that signed those nice agreements eight to ten years ago are now coming up for renewal and may not be as nice. I caution to look at not just currently but what

Service Committee - Chairman, Orcutt: cont.

those costs will be ten years from now. Going further like we're learning with the pool once something is lost it's much harder to get back.

Mayor Gammella concurs with some of Mr. Poindexter's sentiments and is not a big proponent about side contracting, prefers in-house. However, if it's less expensive and the taxpayers get more for their tax dollars it may be the way to go.

Mr. Stemm stated he would like to do more research on this very important piece of legislation that will impact a lot of people.

Mayor Gammella stated I have no issue with that but keep in mind that we may have to Council that \$400,000 or \$500,000 is needed for a new rubbish truck.

Mr. Orcutt asked what was that amount?

Mayor Gammella reiterated approximately \$400,000 to \$500,000 for a new rubbish truck due to computerization and things of that nature, it is also getting harder and harder for the service crews to repair the trucks.

Motion by Mr. Stemm, supported by Mr. Orcutt, that item number five was discussed.

ROLL CALL: AYES: Stemm, Orcutt, Burgio, Salvatore, Poindexter, Mencini, Stemm
NAYS: Scott. The motion carried with a vote of 6-1.

6. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH LIBERTY FORD FOR THE PURCHASE OF A NEW 2020 FORD F-250 4X4 REGULAR CAB TRUCK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Mencini commented that trucks are needed at the service garage.

Mr. Scott clarified with Mr. Cingle this is a replacement for a truck involved in an accident?

Mr. Cingle concurred.

Mr. Scott asked if this is an insurance item that the city needs to pay out first and then get reimbursed.

Mr. Cingle responded no.

Mr. Vecchio commented two of the three bids are for 2020 trucks and the one bid is for 2019 that is more expensive.

Service Committee - Chairman, Orcutt: cont.

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

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

7. AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PURCHASE TIRES FOR POLICE, FIRE AND SERVICE VEHICLES, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated tires are needed for city vehicles.

Mr. Mencini clarified with Mayor Gammella that John Pensis will be ordering the tires?

Mayor Gammella concurred.

Mr. Salvatore stated the Board of Control previously approved \$50,000 is this \$60,000 a new contract or an additional \$10,000?

Mr. Cingle responded these tires are purchased on an as needed basis and listed on the Board of Control for an awarded contract up to \$50,000. The city is getting close to that amount and may go over so this is allowing for tire purchases up to \$60,000.

Motion by Mr. Mencini, supported by Mr. Burgio, to place on the next Council agenda.

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

Mr. Poindexter commented that Wednesday, October 9th is his 15th wedding anniversary.

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

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

Council President Vecchio declared this meeting adjourned at 10:00 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.

9,076 words