

**ITEMS TO BE CONSIDERED  
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING  
TO BE HELD ON WEDNESDAY, NOVEMBER 6, 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, STEMM, MENCINI, POINDEXTER, SALVATORE**

Also in attendance were Mayor Gammella, Law Director Horvath, Finance Director Cingle, Economic Development Commissioner Adams, Service Director Gardner, Recreation Director Elliott, Building Commissioner Hurst, Engineer Piatak (7:40 p.m.).

Councilman Orcutt was properly excused.

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**DISCUSSION:**

1. MEDICAL MARIJUANA MORATORIUM EXTENSION EXPIRES NOVEMBER 20, 2019

Mr. Scott stated that he had a meeting with Mrs. Horvath and asked her to provide an explanation of the findings.

Mrs. Horvath stated this is constantly evolving and when first starting the moratorium CBD (cannabidiol) oil was not allowed to be sold; currently federal and Ohio legislation allow this oil to be sold over the counter, from the Hemp plant not marijuana plant. There are many states that have legalization of marijuana with the State of Ohio having medical marijuana. At some point in time, probably the Senate will pass their portion of the Safe-Banking bill allowing many of these companies to bank instead of being cash companies. Reviewing all the issues the city doesn't have any companies that are looking, at this point in time, to develop this type of business. The conclusion of the discussion with Mr. Scott was maybe it would be best to extend this moratorium to see what Congress does with the safe banking bill and what the State of Ohio does; also to see how this particular product evolves. There have been multiple dispensaries in Cuyahoga County and the extension would give the city an opportunity to see how other cities deal with type of business.

Mr. Mencini clarified that the city has not been approached for any type of this business for retail or anything. I agree with the moratorium but don't want the city to be one of the last to move ahead.

**Discussion: cont.**

Mrs. Horvath responded to my knowledge no business, dispensary or any other type of sanction business that is looking in Brook Park; referred to Mr. Adams.

**Motion** by Mr. Mencini, supported by Mr. Poindexter, to go out of the Regular Order of Business allowing Mr. Adams to speak.

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

Scott Adams  
Economic Development Commissioner  
City of Brook Park  
6161 Engle Road

Mr. Adams stated since 2018 through mid-2019 two companies were interested with the former EngleBrook and Post Office locations, on a month-to-month rental to see what would take place with the moratorium and state law. At the last moratorium extension both interested parties released the month-to-month rental with the two separate owners for the two separate buildings, since that time no one has approached the city.

Mr. Salvatore stated to Mr. Adams, the individuals interested in the EngleBrook is that the same group looking at the post office?

Mr. Adams responded yes, same operator with two separate building owners. Because of the strict requirements of location for those two locations worked with EngleBrook working a little better, due to the Brookview school not being within 1,000 feet. With the Brookview change out the post office would probably be a good site for them, if they came around again for a different dispensary.

Mr. Salvatore responded with the moratorium the post office would not be an option?

Mr. Adams responded their thinking was to hold the post office for the fact of some changes coming.

Mr. Poindexter stated the moratorium refers to medical marijuana, not recreational?

Mr. Adams concurred.

Mr. Poindexter continued with being a medicine drug, not recreational, would Brookview fit in there?

**Discussion: cont.**

Mr. Adams responded the city would have to delve into the law with the distance requirement along with the location requirements.

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

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

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

Mr. Salvatore stated to Mrs. Horvath if Council decides to extend the moratorium can this be amended or new legislation be requested.

Mr. Vecchio commented if Council is going to extend the proper way is to request new legislation.

Mr. Poindexter asked Mrs. Horvath if the moratorium should be extended for one year since no one knows how much time the state will need.

Mrs. Horvath responded it is difficult to judge exactly what sort of situation there will be, to be prudent a one-year moratorium could be the best method.

Mr. Vecchio polled Council for legislation on a one-year moratorium; all Councilmembers in attendance voted AYE for a one-year moratorium.

**Motion** by Mr. Salvatore, supported by Mr. Stemm, to have proper legislation drafted and placed on the November 19<sup>th</sup> Council agenda.

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

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

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**LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:**

1. AN ORDINANCE AMENDING SECTION 140.02 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'BUILDING COMMISSIONER' AND DECLARING AN EMERGENCY. Introduced by Councilman Scott.

Mr. Scott stated this was brought up due to the Charter Review Commission recommendations of qualifications and asked Mr. Hurst to provide his recommendations for the position.

**Motion** by Mr. Mencini, supported by Mr. Stemm, to go out of the Regular Order of Business to allow Mr. Hurst to speak.

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

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

**Legislative Committee - Chairman, Mencini: cont.**

Mr. Hurst stated the building commissioner position is separated into several different positions; building commissioner, zoning officer and advisory to the Planning Commission and Board of Zoning Appeals. In every certified building department throughout the State of Ohio there are certain personnel that are required to be on staff. First and foremost, is a chief building official required by the State of Ohio, different from the building commissioner. What most cities have done and Brook Park has always done is the same person holds both positions. Past building commissioners have had CBO (Certified Building Official) license so there wasn't a need for two people in the department; other cities, for instance, have a building commissioner and also a CBO on staff. That person is in charge of the building code portion and the building commissioner is in charge of the zoning, complaints and other items. Melding the two together, questions were asked about certifications and how good people would be blocked who might be able to be appointed to one of these positions. My recommendation is to follow the state requirements for building official license. As an example, Mr. Poindexter has been in the trades x-amount of years and can apply to the state to get his interim license for a building official. If he has the years of qualifications in the trades he will get that certification within 30-days; giving 24-months to prepare and take the test to get full certification. This eliminates a resident who has 25 or 30 years in the trades but doesn't have a building official license. The candidate can't be appointed to the position and given a job in the city where he would serve well, this gives that ability. Even though the candidate doesn't have the certification, the person has the qualifications to obtain that certification; usually within 30-days on an interim basis. That gives the candidate two-years to take the test and is very similar on how I came in as an inspector. I applied to get the inspector license, given interim certification and at that time had 18-months to take the test to become a building inspector. This is the building-mechanical portion for building inspections for 18-months but had to test-out within those 18-months to obtain certification. I received my certifications and then continued to do what needed to be done and also took the other three certification tests to become a building official. Eliminating the option and saying the city must hire a candidate that already has that certification is probably not a good idea but they should be able to obtain that certification. Otherwise, the city will have a building commissioner and have to hire a building official. I would recommend following the state board of building standards guidelines on their requirements. Those requirements are years in the trades, years on the job and testing out within 18 or 24-months, the state may have changed the time limit.

Mr. Scott stated as the Charter reads the 'qualifications are' the building commissioner shall have at least five-years' experience in building trades or related occupations, this legislation is more advantageous for the city. I have 45-years in the trades could apply and for this and basically qualify, with the extent of knowledge in the other factors of the trade. That is why this is brought forward to

**Legislative Committee - Chairman, Mencini: cont.**

get specifics and make it more advantageous to move forward for qualified people.

Mr. Poindexter asked Mr. Hurst if it takes the full 18-months.

Mr. Hurst interjected for a building official, yes.

Mr. Poindexter continued if it takes a full 18-months without any hindrances shouldn't a little leeway be given perhaps two-years?

Mr. Hurst responded I believe the state did change to 24-months but would have to check. It can be done faster if the person has the time to study. The building official part of this isn't pipe clamps, electrical wire, etc. It's all of that combined with budgets, office management and most importantly and hardest part of it is the law portion. Knowing the law as it pertains to your position and office, what can and can't be done. That was the hardest part for a person in the trades, being a superintendent, the code portion was fairly easy. Once you start talking about the budgets, personnel, human resources and those types of things and the law pertaining to going on properties and doing inspections.

Mr. Mencini stated reading up on this, most cities go by state guidelines for their building commissioner.

Mr. Hurst responded the majority of cities, incorporated communities are certified by the Board of Building Standards. It's a huge savings on not only the city's insurance but homeowners' insurance throughout the community. Homeowners' get a break on their homeowners' insurance being a certified department. The only place you will find not having certified departments, typically, in rural areas that aren't at that point.

Mr. Stemm stated to Mrs. Horvath if under Section D-4 since there are some clarifications of 18-months to 24-months. Changing the last sentence Building Commissioner within the State of Ohio requirements for appointment?

Mrs. Horvath asked for clarification of 24-months?

Mr. Stemm clarified the verbiage of the last sentence could read 'Said individual applying for appointment for building commissioner position shall receive all certifications necessary to fulfill the position of building commissioner within the State of Ohio requirements from appointment'.

Mrs. Horvath feels comfortable with that verbiage.

**Legislative Committee - Chairman, Mencini: cont.**

Mr. Salvatore asked what is the advantage for the City of Brook Park to change from 18-months to 24-months.

Mrs. Horvath responded the advantage would be that if the State of Ohio changes its standards the legislation would not need to be changed, the current standards would be in effect from the State of Ohio.

Mr. Salvatore clarified with Mr. Hurst, I thought you said you couldn't get this done in 18-months.

Mr. Hurst responded one of the reasons the state is changing or proposing to change is that along with the certifications and tests they can be passed with 100%. Candidates still have to attend the a three to four-day school in Columbus that is only offered twice a year; if a candidate gets in the wrong cycle they may miss that test and fall outside. The full 24-months gives the candidate the timeframe to attend one of those code academies. Even though candidates take the proctor test that is open to the code books candidates, based on test scores no matter what, attend the code academy. With the law portion a candidate scores 76 and the fire code the candidate scores 98; when attending the code academy, the classes are around the candidate's weaknesses. The code academy is a mandatory class for full certification that's why I think the state is changing to a 24-month cycle.

Mr. Scott clarified if Council follows Councilman Stemm's suggestion it is part of the state's requirements and the legislation would not need any future amendments, it would already be in place by being incorporated with the state changes.

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

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

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

Mr. Poindexter stated to Mr. Scott has there ever been an issue with the city's building commissioner not meeting the requirements with certifications? Why is there a need to bring this legislation forward?

Mr. Scott responded to make specific the requirements since the Charter states 'five years'.

Mr. Poindexter commented I wouldn't qualify under these guidelines.

Mr. Scott asked for clarification of the question.

**Legislative Committee - Chairman, Mencini: cont.**

Mr. Poindexter responded it seems stringent because it narrows down to a handful of people in the whole area. The city already has their building commissioner qualifications by Council approval.

Mr. Scott reiterated this makes it specific putting the qualifications in writing. This is what is needed and what a candidate must have and has 18-months and/or per state qualifications to achieve the certifications.

Mr. Vecchio stated in favor of adding the qualifications, it's like recent discussions about the technology commission and what is expected. This gives the city the scope of what is wanted for the betterment of the city. Historically, past building commissioners have attained or had these qualifications and this also helps the administration with things that need to be looked for in insuring the moving forward of Brook Park.

Mr. Burgio commented I also fall into the same category as Councilmembers Scott and Poindexter having 30-years' experience. But, that doesn't mean I'm knowledgeable as far as plumbing and other items that are covered. This legislation makes it a profession that is well-rounded in all aspects and better serves the residents'. The way it reads now is pretty lenient and maybe Council wouldn't approve somebody but don't know how future Council's would react, this puts safeguards in the position.

Mr. Poindexter understands the reason for putting the qualifications in and not against the legislation. Just cautious as to not tie hands down the line by making the qualifications so stringent. By narrowing the labor-pool so much that qualified people don't apply for the position. Someone with the experience required is probably in a higher salary range than the city could offer, on board with the legislation just trying to cover all bases.

Mr. Stemm stated in agreement with Councilman Scott when getting with the directors' and commissioners' levels. You need subject matter experts with must-haves, not preferred must-haves.

**Motion** by Mr. Mencini, supported by Mr. Scott, to go out of the Regular Order of Business.

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

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

Mr. Hurst stated to Mr. Poindexter, I understand what you're saying. What's getting lost here is if you don't have that person you have to hire that person as well, there must be a CBO on staff. So if the building commissioner isn't qualified to get the certification a CBO must be hired with the city paying two salaries.

**Legislative Committee - Chairman, Mencini: cont.**

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

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

Mr. Mencini commented the city wants the best with a lot of knowledge, since there are older homes, but don't want it too restrictive.

**Motion** by Mr. Scott, supported by Mr. Mencini, to amend d-4 to read 'said individual applying/appointed for building commissioner position shall receive all certifications necessary to fulfill the position of building commissioner within the State of Ohio requirement for appointment.

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

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

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

Mr. Vecchio stated this will appear under M-1 as Ordinance No. 11131-2019.

Mr. Poindexter commented this is the reason this should be done by legislation in case the city can't find somebody qualified the legislation can be amended.

**RECREATION COMMISSION - CHAIRMAN, SALVATORE:**

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BARTLETT TREE EXPERTS TO PROVIDE A TREE INVENTORY/SURVEY AND ARBORIST PLANNING SERVICES AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

**In attendance:** Economic Development Commissioner Adams and Bartlett Tree Representative Chad Clink. **Note:** This legislation is in conjunction with Resolution No. 23-2019 adopted at the August 20, 2019 Council meeting & attached for reference purposes.

Mayor Gammella stated the city has received a grant from the county for trees and a professional arborist needs to be hired for the planning of the central park area and throughout the city.

**Recreation Committee - Chairman, Salvatore: cont.**

Scott Adams  
Economic Development Commissioner  
City of Brook Park  
6161 Engle Road

Chad Clink  
Arborist from Bartlett Tree  
5775 Golden Oak, Unit D  
Cleveland

Mr. Adams stated the City of Brook Park is one of the most depleted tree cities in the county. The total funding is \$30,000 with the city agreeing to do 10% or \$3,000 and with \$27,000 being reimbursed to the city from the county planning department.

Mr. Clink provided a power-point presentation and stated he is a board certified master arborist and have experience working with non-profit organizations. Worked with Holden Arboretum for four years providing outreach and education to various communities and groups. The tree canopy in Brook Park is less than 19% and this is to put trees in the right places to work as an asset and in uniform with the existing infrastructure the city has.

Mr. Vecchio asked this is for the municipal campus only or is this for municipally owned property?

Mr. Adams responded city-owned property with the main focus on the campus and will include the Brook Park Memorial building that the city will receive in June, 2020 and playgrounds. Discussions took place on the size of the trees planted so they don't interfere with the sewer systems as well as wind-protection.

Mr. Vecchio continued that there are tree roots that grow vertical so they don't interfere with the continual sewer problems the city is experiencing. What type of trees are those?

Mr. Clink responded much of this depends on the site conditions, the tree root flare out of the ground and only small trees will be planted on the small tree lawns, medium trees on tree lawns that are eight to twelve feet width and large trees on tree lawns that are 10-plus. This is about putting the right tree in the right place so the infrastructure is not overstocked.

Mr. Burgio asked Mr. Adams what are the city's chances of receiving this grant?

Mr. Adams responded the city received the grant on October 1<sup>st</sup>, which is a first-step grant, then the city will apply each year for up to four years in the amount of \$50,000 per year, for the planting of trees.

Mr. Burgio asked Mr. Clink what other cities has he worked in Northeast Ohio?

**Recreation Committee - Chairman, Salvatore: cont.**

Mr. Clink responded assessments and management plans were done for Chagrin Falls and Bay Village.

Mr. Mencini stated to Mr. Adams the city is going to wait until the campus project is complete before positioning trees elsewhere, correct?

Mr. Adams responded once the plan is established we will reconvene under the Mayor's guideline with Council to establish the beginning will be, with the campus being the focus point.

Mr. Mencini continued with the amount of money are there a number of trees that could be appropriated?

Mr. Clink responded probably around 2,000 to 3,000 trees would be a good starting point for inventory assessment. For planting its variable based on size, location and availability. The fortunate thing is the city is positioning itself well with the start of the planting process as opposed to implementation, with the five-year funding plan.

Mr. Salvatore commented in favor of this, and would like to see a whole master plan since more monies can be applied for. Also, would like to see this include the I-71 and Snow Road area, where flowers are planted, to have trees planted for a year-round enhancement.

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

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

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

Mr. Vecchio stated this will appear under M-2 as Ordinance No. 11132-2019.

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

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

Council President Vecchio declared this meeting adjourned at 7:55 p.m.

RESPECTFULLY SUBMITTED   
Michelle Blazak  
Clerk of Council

APPROVED November 19, 2019

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

