

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON *WEDNESDAY, NOVEMBER 6, 2019***

The meeting was called to order by Council President Vecchio at 8:00 p.m., the clerk called the roll and the following Members of Council answered:

**SCOTT, BURGIO, STEMME, MENCINI, POINDEXTER SALVATORE**

Also in attendance were Mayor Gammella, Law Director Horvath, Finance Director Cingle, Recreation Director Elliott, Service Director Gardner and Engineer Piatak.

Councilman Orcutt was properly excused.  
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**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. Regular Council meeting held on October 1, 2019.

**Note:** Moved by motion at the October 15, 2019 Council meeting for revisions to pages 7 and 10.

**Motion** by Mr. Mencini, supported by Mr. Scott, to approve as printed, with revisions.

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

2. Caucus Prior to meeting held on October 15, 2019

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

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

3. Regular Council meeting held on October 15, 2019.

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

**ROLL CALL: AYES:** Mencini, Scott, Burgio, Stemme, Poindexter, Salvatore  
**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 the Finance committee has nothing on tonight's agenda. The Board of Control met earlier and approved 12 items; the three largest is \$210,562.00 to Karvo Companies, Inc. for Sheldon Road Resurfacing Project, \$317,557.00 to Catts Construction for the Holland Road Reconstruction Project and \$65,215.00 to Barbicas Construction Company for the Smith Road Resurfacing Project.

**Reports from Standing Committees: cont.**

Legislative Committee - Chairman, Mencini

Mr. Mencini reported the Legislative committee has legislation on tonight's agenda. If any legislation needs to be pulled out of committee contact me.

Parks & Recreation Committee - Chairman, Salvatore

Mr. Salvatore announced basketball signup are closed except for the Open Boys Basketball grades seven and eight, who is short one player. The Beautification and Pride nomination forms can be picked up at the Recreation Center, City Hall or online at [BPBCP@yahoo.com](mailto:BPBCP@yahoo.com), for two awards awarded monthly during the months of May through August.

Planning Committee - Chairman, Burgio

Mr. Burgio stated no report this evening.

Safety Committee - Chairman Stemm

Mr. Stemm announced the next Neighborhood Watch meeting will be on November 14<sup>th</sup> at 7:00 p.m. at the Brook Park Library.

Service Committee - Co-Chairman, Poindexter

Mr. Poindexter stated the Service committee has no legislation on tonight's agenda.

Board of Zoning Appeals - Chairman, Scott

Mr. Scott stated no report this evening.

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**REPORTS OF SPECIAL COMMITTEES:**

Southwest General Health Center - Trustee, Salvatore

Mr. Salvatore reported Boot Camp for New Dads is back at Southwest General. \$20 million-dollars has been set aside in the Capital budget and to date the center has committed \$19.1 million-dollars. Thank you to all the neighboring communities for joining Southwest for breast cancer awareness month. Southwest has teamed up with Baldwin-Wallace University to provide a Men's Health event to talk about men's health issues. The Women's Life event was very successful with more than 500 women from the community in attendance.

Mr. Vecchio read a letter received from Berea Board of Education committee member, Rachel McDonnell, attached to these minutes.

**Motion** by Mr. Salvatore, supported by Mr. Mencini, to appoint Mr. Poindexter as Council's sole representative to the Berea Board of Education.

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

**NAYS:** None. The appointment carried.

Mr. Mencini wished Mrs. McDonnell all the best and any contact with her was always professional.

Mr. Salvatore commented Mr. Mencini speaks for all of Council.

**Reports from special committees: cont.**

Berea Board of Education Committee - McDonnell, Poindexter

Mr. Poindexter reported the district is experiencing intermittent phone difficulties at all buildings and are troubleshooting the issue. The next coffee and conversation with Superintendent Wheeler will be Wednesday, November 7<sup>th</sup> from 8:00 a.m. to 9:00 a.m. at Sips and Such on Pearl Road in Middleburg Hts. An evening coffee and conversation will be held on December 3<sup>rd</sup> from 6:00 p.m. to 7:00 p.m. at Grace Church on Pearl Road in Middleburg Heights. The next board meeting will be held on November 25<sup>th</sup> at the Berea-Midpark Middle School Auditorium.

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**REPORTS OF BOARDS AND COMMISSIONS:**

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**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**

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**REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Gammella reported Monday, November 11<sup>th</sup> is Veterans' Day to honor veterans who gave so much and also their families. Boo Park was a very successful event, children received a pumpkin and candy. Ford Motor Company will be investing \$150 million-dollars in Engine Plant No. 1, which is very good for the long-term of the plant. The City of Lorain received approximately \$900 million-dollars for the assembly plant; the engines for the vehicles made in the Lorain plant will be made in the Brook Park plant. All car companies pay more monies for transportation costs than labor costs. Meeting with Ford Land last week regarding the 195 acres of land are moving on schedule. Mayor Gammella wished Rachel McDonnell the very best; has done an outstanding job in the community.

**Questions:**

Mr. Mencini asked the money coming in at Ford is that to make improvements for the long-term or to retool?

Mayor Gammella responded the \$150 million-dollars will be going into Engine Plant No. 1 with some retooling. There will be new machinery, robotics and computerization to make the plant competitive on the world market.

Mr. Poindexter stated homeowners would like to see the city picking up yard waste and recyclables again, perhaps that could be implemented into the 2020 budget.

Mayor Gammella responded the city would very much like to do that. The city has looked at having an outside firm pick up rubbish to save money and they would

**Reports and Communications from the Mayor: Questions: cont.**

also pick up the yard waste; Council and a few other people would like to see that kept in-house. Unfortunately, there are two rubbish trucks that will need to be replaced next year at a cost of \$1.5 million-dollars between the two trucks. When asking for yard waste pickup that entails adding another truck for \$50,000, and approximately six more people on the payroll.

Mr. Salvatore asked Mayor Gammella if there is any movement on the lateral transfer for the police department.

Mayor Gammella responded negotiations have not been opened with the police officers so the answer currently is no.

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**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS, AND OTHER PUBLIC OFFICIALS:**Finance Director Cingle

Mr. Cingle reported October monthly reports have been distributed.

Recreation Director Elliott

Mr. Elliott reported a letter was given to Council recapping the accident that occurred on Sunday, November 3<sup>rd</sup>, a water break occurred in the vestibule of the Mayor's Court office. With the help of service department crew's, the break was repaired and cleaned up in a short time. Surf Pro is assisting with the drying out of the floor by lowering the moisture with the goal to save the floor. Speaking with flooring companies the floor will be able to be saved with a lot of extensive work. The rear of the room the floor was buckling and has been removed, service crews will be repairing that area tomorrow and laying temporary carpet squares. This will be an ongoing matter that could take up to two months and looking for that window of opportunity where there may be two or three weeks for permanent repair to the room. Brook Park Memorial will be having a lock-down drill tomorrow afternoon and the Recreation Center and Library are evacuation sites. All basketball coaches are meeting tonight with the season starting a little bit earlier due to playing with a number of other cities. The recreation center will be open on Veteran's Day and that same evening the schools have coordinated a Family Fun Day event with Berea, Brook Park and Middleburg Hts.

Law Director Horvath

Mrs. Horvath reported on Tuesday, November 5<sup>th</sup>, the clerk from Common Pleas Court posted an electronic notice regarding the case with the City of Brook Park vs. the City of Cleveland. The minor ruling made my Judge, Brian Corrigan, was read into the record and attached to these minutes.

Service Director Gardner

Mr. Gardner reported bulk pickup is Tuesday, November 12<sup>th</sup> due to Veteran's Day holiday, please call 216-433-7189 by Friday at 12:00 p.m. to be put on the list. Yard waste and rubbish drop off at the service garage will be discontinued as of

**Reports and communications from departments, commissions and other public officials: cont.**

November 16<sup>th</sup> and reopen in April, 2020; residents wanting to drop off rubbish or yard waste can call the service garage to make an appointment.

**Engineer Piatak**

Mr. Piatak reported Sheldon Road Resurfacing Project is complete with the exception of swapping out of manhole covers. Smith Road Resurfacing Project has some minor landscaping and punch list items to be completed, additional landscaping and permanent pavement markings will go in next spring. Holland Road Reconstruction Project temporary paving markings were put down and pavement joint seals will be completed, permanent markings in the spring.

**Questions:**

Mr. Salvatore asked if the West 130<sup>th</sup> project will continue in the winter months?

Mr. Piatak responded the county is running that project and will contact them for more details, it is almost guaranteed the project will not continue during the winter.

Mr. Mencini asked Mrs. Horvath for an updated legal list of court actions.

Mrs. Horvath responded there are two cases that I will update Council, the one had three depositions on October 25<sup>th</sup> and looking at a final deposition for November 22<sup>nd</sup>. Another case being looked at for scheduling of three or four depositions for November 19<sup>th</sup> and 20<sup>th</sup>, a more detailed report of pending matters.

Mr. Mencini stated to Mr. Piatak the rough crack-sealing seems to be settling down.

Mr. Piatak responded yes, and expects more settling in the summer months with the higher temperatures.

Mr. Mencini asked Mr. Gardner if the service crews are keeping up with the leaves?

Mr. Gardner responded yes, this Friday completes three trips throughout the city.

Mr. Mencini asked Mr. Elliott how the ballfield and football field coming along?

Mr. Elliott responded the football field grass is growing good and service department crews put up a snow fence so no one can enter; watering and reseeding of bad areas will begin in the spring. The baseball field the contractor came back and reseeded a few areas that didn't take well, more work will continue in the spring.

**Reports and communications from departments, commissions and other public officials: Questions: cont.**

Mr. Mencini stated to Mr. Elliott a junior varsity and padded flag coach is requesting an end of the year meeting of how the season went.

Mr. Elliott responded Berea, Middleburg Hts. and Brook Park have a representative on the board, Andres serves as the recreation center member. Reach out and tell the board that the coaches want an end of the year meeting. Also, the cheerleading cheer-off was held this past Saturday and was a very successful event and congratulated all the participants and coaches.

Mr. Vecchio thanked Mr. Elliott and Mr. Gardner’s staffs for the quick response to the recent water break and saving of the floor. Having recently gone through a flood at his home understands water has a mind of its own. Asked Mr. Elliott to elaborate on how much water was in the room?

Mr. Elliott responded in this room there was probably two or three inches in some areas. Once the situation was controlled it was discovered that the water went through the floor and into the downstairs rooms, causing 50 to 60 ceiling tiles to fall.

Mr. Gardner thanked the four or five service guys that came in to assist.

Mr. Piatak provided an update with the West 130<sup>th</sup> Street project from the Public Works website posted yesterday. The section of roadway between Big Creek Parkway south of Huffman Road base repairs and casting adjustments are being completed with new surface being placed next week (northbound lanes). The west side three-inch asphalt will be removed next week and this section is scheduled for completion at the end of November, weather depending.

Mr. Gardner commented First Energy will be moving a transformer through the city tomorrow that is coming from Medina.

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**OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):**

**New Legislation:**

A Resolution requesting the Cuyahoga County Fiscal Officer to advance tax revenues from the proceeds of tax levies pursuant to Section 321.34 of the Ohio Revised Code and declaring an emergency. Introduced by Mayor Gammella. Placed in Finance committee.

**Other Communications and Petitions, Verbal Approval: (Introduction of New Legislation: cont.**

A Resolution authorizing all actions necessary to apply for a 2019 Cuyahoga County municipal grant for one safety paramedic vehicle and declaring an emergency. Introduced by Mayor Gammella. Placed in Safety committee.

**MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**

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

Liz Sayers

23065 Cedar Point Road

Ms. Sayers congratulated the newly elected officials and expressed disappointment with some remarks made during the last election season.

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

- 1. ORDINANCE NO. 11131-2019, AMENDING SECTION 140.02 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'BUILDING COMMISSIONER' AND DECLARING AN EMERGENCY. Introduced by Councilman Scott.

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

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

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

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

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

**NAYS:** None. Ordinance No. 11131-2019, has passed under

Suspension of the Rules. Adopted.

- 2. ORDINANCE NO. 11132-2019, 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.

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

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

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

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

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Mr. Salvatore asked Mayor Gammella if any of the money could be used for planters for trees i.e. Snow Road-I-71.

Mayor Gammella responded the money is probably only for trees, however, if a tree is being placed in a planter the tree most likely would be paid with this program.

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

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

**NAYS:** None. Ordinance No. 11132-2019, has passed under Suspension of the Rules. Adopted.

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**SECOND READING OF ORDINANCES AND RESOLUTIONS:**

1. ORDINANCE NO. 11129-2019, ENACTING CHAPTER 163 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'TECHNOLOGY AND INNOVATION COMMITTEE' AND DECLARING AN EMERGENCY. Introduced by Councilman Poindexter.

**Motion** by Mr. Mencini, supported by Mr. Poindexter, to amend Section 163.03 title by inserting Procedures to read Meetings/Procedures.

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

**NAYS:** None. The amendment carried.

**Motion** by Mr. Mencini, supported by Mr. Poindexter, to amend Section 163.02 to insert an addition last line to read 'The Member of Council is prohibited from serving as Chairman'.

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

**NAYS:** None. The amendment carried.

Mr. Vecchio stated Ordinance No. 11129-2019 has had its Second Reading as amended.

**THIRD READING OF ORDINANCES AND RESOLUTIONS:**

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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 9:04 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.

2,648 words





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**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

CITY OF BROOK PARK, OHIO  
Plaintiff

CITY OF CLEVELAND, OHIO  
Defendant

Case No: CV-17-890610

Judge: BRIAN J CORRIGAN

**JOURNAL ENTRY**

PLAINTIFF'S MOTION TO STRIKE STATEMENT FROM DEFENDANT CITY OF CLEVELAND'S BRIEF IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT, FILED ON 11/15/18, IS GRANTED. CITY OF CLEVELAND'S MOTION FOR SUMMARY JUDGMENT IS STRICKEN. CITY OF CLEVELAND TO REFILE ITS MOTION FOR SUMMARY JUDGMENT WITHOUT INCLUDING THE SENTENCE IDENTIFIED IN ITS MOTION TO STRIKE.

A handwritten signature in black ink, appearing to read "Brian J. Corrigan".

Judge Signature

11/05/2019

11/04/2019

RECEIVED FOR FILING  
11/05/2019 14:54:33  
NAILAH K. BYRD, CLERK

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

CITY OF BROOK PARK, OHIO

Plaintiff,

v.

CITY OF CLEVELAND, OHIO

Defendant.

) CASE NO. CV 17 890610

) JUDGE BRIAN J. CORRIGAN

) [PROPOSED] ORDER GRANTING  
) PLAINTIFF BROOK PARK'S  
) MOTION TO STRIKE STATEMENT  
) FROM DEFENDANT CITY OF  
) CLEVELAND'S BRIEF IN SUPPORT  
) OF ITS MOTION FOR SUMMARY  
) JUDGMENT

On the Motion of Plaintiff City of Brook Park, Ohio ("Brook Park" or "Plaintiff") to Strike Statement from Brief in Support of the Motion for Summary Judgment filed by Defendant City of Cleveland, Ohio ("Cleveland" or "Defendant") (the "Motion to Strike"), and having considered Brook Park's Motion to Strike, Memorandum in Support, and any opposition filed, and good cause being found, the COURT HEREBY ORDERS that:

1. Brook Park's Motion to Strike is granted in its entirety; and
2. Cleveland shall refile the Motion for Summary Judgment without including the sentence identified in the Motion to Strike.

IT IS SO ORDERED,

\_\_\_\_\_  
Hon. Brian J. Corrigan

Dated November \_\_, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of November, 2018 I caused a copy of the foregoing to be served via the Court's electronic notice system.

/s/ Steven S. Kaufman  
*One of the Attorneys for Plaintiff*



Michelle Blazak

Received 11-6-19 4:21pm Council office

**From:** Rachel McDonnell [REDACTED]  
**Sent:** Wednesday, November 6, 2019 4:11 PM  
**To:** Michael Vecchio  
**Cc:** Michelle Blazak; Brian Poindexter; Mike Gammella  
**Subject:** Berea Board of Education Committee

Hello all,

It is with a heavy heart that I am officially resigning from the Berea Board of Education Committee, effective immediately. I have been battling some new medical diagnoses this past year, and my doctor feels that I need to limit my activities to help with my symptoms. I have enjoyed my time serving on this committee and wish all the best of luck in the future.

If possible, I would appreciate if this letter could be read out loud at council meeting. I would like the residents of Brook Park to know my reasoning.

Thank you,  
Rachel

**Rachel McDonnell**

[REDACTED]

*Information is the currency of democracy.  
Thomas Jefferson*

