

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, NOVEMBER 12, 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, STEM, MENCINI, POINDEXTER, SALVATORE

Also in attendance were Law Director Horvath, Mayor Gammella, finance Director Cingle, Economic Development Commission Adams, Service Director Gardner and newly-elected Councilwoman at Large Schmuck.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING HELD ON OCTOBER 8, 2019.

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

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

NAYS: None. The motion carried.

Motion by Mr. Poindexter, supported by Mr. Orcutt, to add the Addendum to the Caucus agenda.

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

NAYS: None. The motion carried.

ADDENDUM

1. SERVICE DIRECTOR RANDALL GARDNER

Motion by Mr. Salvatore, supported by Mr. Poindexter, to go out of the Regular Order of Business to allow Mr. Gardner to speak on the subject of rubbish.

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

NAYS: None. The motion carried.

Mr. Gardner reported several weeks ago Council approved by legislation to go out for a public bid for rubbish contracting. Since that legislation was drafted I've been notified that our current contractor, Republic, does not have access to the Strongsville transfer station after the year 2020, it is a bid situation. Republic is in the fifth renewal of a five-year contract-five renewals; that will have to be bid by July or August of 2020. For the city to receive a competitive multi-year contract or bid the city would have to wait until November, 2020. In 2016, when the contract was bid only two bids were received and not sure if anyone else would give the city a bid that didn't give one last time. The city's choices would be to accept a ten-month extension to the current contract with Republic with the rates for those ten-months. Currently, the city pays \$40.33 a ton and the new contract

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being \$44.33 a ton. Currently the recyclable rate to the Strongsville Transfer Station is \$44.29 and the new rate would be \$124.00 a ton and have been advised that the other recycling people that are bidding are as high as \$165.00. Mr. Gardner has spoken with the law and finance departments in trying to come up with a reasonable solution; looking for guidance from Council.

Mr. Salvatore clarified the amount from \$44.29 to \$124.00?

Mr. Gardner concurred.

Mr. Vecchio interjected to the Strongsville Transfer Station. With Republic Waste the former amount was \$40.33 and is now going to \$44.33 for dumping just to dump. Are these two charges the city will be paying for?

Mr. Gardner responded under the new rate would be \$44.33 and for recycling; rubbish is approximately 9,000 tons a year, recycling is approximately 800 tons a year. The city is sending out the same literature with the enforcement of recycling rules that have been in effect to cut the recycling down; what can be recycled and take out what cannot be recycled. The City of Cleveland loads are being rejected due to non-recyclable material i.e. plastic swimming pool, garden hose, siding is not recyclable. The five things that are recyclable plastic bottles, jugs, cardboard, glass bottles and cans.

Mr. Stemm asked Mr. Gardner if a justification was given for the 200% increase in costs?

Mr. Gardner responded other than the fact it can't be taken anywhere else, the market in the last year-and-a-half all the United States recycling have went to China. Due to tariffs and things of that nature China is now rejecting all the United States recycling products. There was value in the recycling but there is only supposed to be 4% of non-recycling material, in 2016-2017 there was 40% rubbish involved in recycling.

Mr. Salvatore asked what is the date this has to be resolved?

Mr. Gardner responded the city's current contract expires either February 28th or 29th of 2020.

Mr. Salvatore continued to Mr. Gardner when was the city notified of the drastic changes in the amounts?

Mr. Gardner responded in the past year.

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Mr. Salvatore stated in the past year has the city investigated the city's options?

Mr. Gardner responded yes, knowing that the contract was ready to be renewed, it's across the board to expect higher than \$90.00 for recycling, that has changed in two months.

Mr. Scott stated to Mr. Gardner with Cleveland having the issue of recycling being rejected, how does the City of Brook Park stand?

Mr. Gardner responded the city is still able to dump. The recycling is sorted at the transfer station and that's where the decision is made, where the city stands. Hypothetical, in my opinion, the city is currently paying \$44.00 to send a truck to dump on an average of eight tons of recycling. If somebody at the transfer station deems it contaminated they'll push it off to a truck or rail; the city is still paying that fee. This is about everyone being smarter about recycling and somewhere down the line it's going through the sorters and being transferred to the recycling places. A plastic bag is not recyclable and should never be in recycling, don't even put cans or bottles in a plastic bag. The thought is by putting recyclables in a plastic bag and the wind pushes the container over it's easier to pick up the bag instead of all the bottles and/or cans, plastic bags fouls up the whole load.

Mr. Scott continued what are the city's options? It's either take the \$124.00 or what?

Mr. Gardner hesitates to say this out loud because it's not a good thing. Recycling is good if it's done properly and whatever the cost the city should pay. If there are other than those five items in there the tonnage goes down. The alternative is to send and pay the \$44.00 and throw in the rubbish and that's not a good thing for the environment and economy. At meetings other service directors have stood up and stated my city can't afford that.

Mr. Scott asked what would it take to get a message out to the residents.

Mr. Gardner responded the message has always been out there since this program was put together in 2011 and has always been the same, there is no enforcement. The City of Akron has taken some steps with the receiving of a grant to open cans, looking into who the grant is through. My understanding is the City of Akron will be sending people out to pick the same cans to be inspected four times. The first option is the can is a good recycling can it is tipped. The second option is if the can has non-recycling items in the can the inspector will tag the can. The third option is the inspector going back to see if the problem was corrected or if the can was put back out, if so, the can is tagged again. The fourth option if the problem hasn't been corrected another truck is right behind pulling the recycling cans,

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recycling is a privilege. The city pays money to do this and it needs to be done properly to be good neighbors of the environment. If it's not done properly then don't leave the can there to contaminate eight tons of rubbish.

Mr. Poindexter asked who operates the Strongsville Transfer Station, private or public entity.

Mr. Gardner responded the bidding contractors operate it and not sure who owns the station, trying to find that out as well. Companies have their own transfer stations; Republic contracts this one.

Mr. Poindexter continued the money is made by municipalities dumping recycling and also make money be selling.

Mr. Gardner stated if there was money to be made.

Mr. Poindexter commented since the end-game has been taken away the profit margin is put on the back of small cities.

Mr. Gardner responded there is only one or two cities that dump there the rest is all Republic dumping. Brook Park is one of the last ones that are still doing their own rubbish and recycling. Republic is picking up these other cities and it's better than driving to Oberlin, where the dump is.

Mr. Poindexter continued doing the math for 800 tons on average at \$124.00 is close to \$100,000 a year for recycling.

Mr. Mencini stated to Mr. Gardner there is no money in plastic so this is what has led to this and don't think it's only the city's issue but a big issue coming down the road. The important thing is at long as it's being watched, monitored and controlled that's fine. The only time the driver sees what's going in is when being dumped above the truck. Where does the city go from here? The other thing is where does this go in the future because if there is a problem now. Seen this a while ago and yard waste will be there too.

Mr. Gardner responded with the future I can tell you when this was sent to China they picked it out, recycled and made it into a usable product to be sold back to the United States or other countries. The United States are building new plants to do that here to stop having to buy our own stuff back. Wapakoneta, OH opened a huge paper recycling facility but can't get enough material in it yet, so they're starting off slow. Once this gets going they will make their own product and sell back to whoever makes items out of recycled paper, corrugated is probably the biggest user. There is a new glass recycling factory being opened but will take

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time for things to get better there will be value back in the future. The Solid Waste District does not want to hear that the recycling program will be scrapped; it is bad for the environment to put plastics items into the landfills, due to not having enough landfills.

Mr. Orcutt stated to Mr. Gardner is this increase on recyclables only?

Mr. Gardner responded there is a \$4.00 a ton increase on rubbish.

Mr. Orcutt continued there are only a few municipalities that are picking up their own rubbish and being brought to the dump? This increase is something that Republic is facing as a company.

Mr. Gardner concurred.

Mr. Orcutt stated it's fair to say that all the other municipalities they pick up for are facing the same issue?

Mr. Gardner responded correct, somewhere down the line someone is paying.

Mr. Orcutt clarified is it fair to say, at this point currently, that every other city's Council is facing this crisis with increases of over \$100.00?

Mr. Gardner responded yes, when the contracts are renewed. This probably started last year with the companies wanting to go back to charge more and asked cities. Anyone with a contract will go to the end because they have lost monies like the City of Brook Park by only paying \$44.00 currently, the contract is good through this year.

Mr. Orcutt asked besides Republic what other competitors are there?

Mr. Gardner responded Kimbell Waste Management and Rumpky trash service.

Mr. Orcutt asked with their own dumps?

Mr. Gardner responded yes, some are not local, locations are Columbus and Cincinnati; Kimbell is probably the closest with the transfer station located in North Royalton.

Mr. Orcutt continued any company with a dump and taking items to China is facing the same dilemma?

Mr. Gardner concurred.

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Mr. Orcutt commented this is a direct result of the tariffs. Has the federal government have anything to say about this? With the current contract what is the annual cost for recyclables at 800 tons?

Mr. Vecchio responded the current cost for 800 tons is \$35,200.

Mr. Orcutt asked with the increases what is the difference?

Mr. Gardner responded approximately \$64,000.

Mr. Orcutt asked have any other increases been talked about after February, 2020. What's to say they come back in 2021 and say it's going to be \$200.00.

Mr. Gardner responded they absolutely can do that.

Mr. Orcutt asked if there have been any alternatives thought of in that industry? Where the city can start recycling their own locally?

Mr. Gardner responded not aware of any program.

Mr. Vecchio commented that is a 66% increase from what the city is currently spending to what is being looked at with the new contract.

Mr. Stemm stated to Council, my only suggestion currently for this is if it's decided to stay on the ten-month program. The community needs to be educated on the recyclables do's and don'ts. With the new increases Council can't control them, however, what can be done is possibly in the first three months have town hall meetings for discussion of the five do's and don'ts to reduce costs, the city has to be fiscally responsible and environmentally friendly.

Mr. Poindexter stated the ten-month extension will refer to rubbish disposal?

Mr. Gardner responded for both, rubbish and recyclables.

Mr. Poindexter commented would like more time to look at this, the decision must be made by February?

Mr. Gardner concurred and commented the city can except the ten-month extension the city would have one month to six weeks to go through the bidding process.

Mr. Salvatore stated for the ten-month extension that would take the city through

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the year 2020?

Mr. Gardner concurred and stated December 31, 2020.

Mr. Salvatore asked what would the ten-month extension rate be?

Mr. Gardner responded the solid waste rate to transfer station the city currently pays \$4.33 a ton; the new rate of the ten-month extension would be \$44.33 per ton. The current recyclable rate to the Strongsville transfer station is \$44.29 with the proposed rate to transfer station being \$124.00.

Mr. Salvatore asked if there is any chance for negotiations with the proposed rate?

Mr. Gardner responded the city could ask but very doubtful. The city picks up their own rubbish and recyclables and drives to the transfer station; using trucks, drivers and time, it's not cost-effective to drive to Oberlin.

Mr. Salvatore asked Mayor Gammella his thoughts on this issue.

Mayor Gammella responded my thoughts are the same as the subject matter brought forward a few meetings ago; looking at outsourcing of rubbish. Almost every other community is out sourcing their rubbish and think it's time. A lot of things heard from Council is the picking up of yard waste and it outsourced yard waste will also be picked up. If the city does yard waste, there would be a need of six service guys and a new truck or two at a cost of approximately at \$250,000 apiece.

Mr. Salvatore asked if there is a cost-analysis comparing the two situations with the new rate?

Mayor Gammella responded I wanted to do that and couldn't get a consensus to have that done, if that consensus is given that will begin immediately.

Mr. Mencini stated in one time in 2009-2010 city crews drove to Oberlin and with the fuel expense, truck breakdowns, overtime, etc. As far as contracting out the city has had good success in Brook Park doing this ourselves and what the city is known for. With the numbers (workers) at the service garage this is very hard to do due to low numbers. My concern is what is happening with recycling and skyrocketing costs is if the city was to outsource and a certain company came in to do the west side of Cuyahoga County, there is a possibility of a monopoly, the city's hands would be tied with outsourcing.

Mayor Gammella agrees with part of that logic and abjure outsourcing but their

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are approximately five or six communities that pick up their own rubbish. So there is almost a monopoly now and Brook Park is paying the brunt of it by not being an part of it. These exorbitant rates are not Brook Park's fault or not any city's fault it's the way the market is currently and the city needs to adapt to it.

Mr. Burgio stated this is approximately a 35% increase on recyclables and not sure if Republic raised the rates to cut in their profit margin, or planning on doing that?

Mr. Gardner responded Republic has gone to cities to try and recover some of the costs and the cities that have contracts said absolutely not. That's the reason for the big increase and feel that they're trying to make up for the past two years.

Mr. Burgio asked is there any other country besides China that would accept recyclables?

Mr. Gardner responded not on the scale that China was taking them in. Sitting in on many presentations the first time was a shock to see what was going on. As the numbers are tapped out it's ugly.

Mr. Burgio commented I can't see them fluctuating with the \$124.00 increase. There could be some negotiations but with that high number would be tough to have a cheaper competitive price.

Mr. Orcutt stated the Mayor can compare options with keeping in-house or outsource. Possibly, make public records requests from other cities whether they collect or is rubbish outsourced, see what the costs have been over the last ten years with increases. Currently, they are asking for a \$60,000 additionally so the city has that option but look and see what other cities in comparison are paying.

Mayor Gammella responded I approached this subject a few weeks ago and there was no support on this issue. I'm not going to have department staff go out if Council has no intention of comparing apples to apples. If Council is asking for a cost-analysis to be looked at in a business sense that can be done, will not do it just for the exercise and futility of doing it.

Mr. Orcutt commented I don't think Councilmatic action is needed to do that.

Mayor Gammella continued so in other words what you're saying Councilman is if you have no intention of doing it, department staff should go out and do all this work. What I need is some kind of commitment from this Council, not Council action. A Council verbal approval go ahead and do this and Mayor we will look at this objectively.

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Mr. Orcutt commented anyone can call a municipality for public records request.

Mayor Gammella interjected if no action is going to be taken what good is it?

Mr. Orcutt commented action is being taken right now.

Mayor Gammella interjected no, we're discussing it, this isn't action.

Mr. Orcutt stated Council is finding out there is an increase from \$44.29 to \$124.00 that is being discussed. I think we should do a records request with the cities that deal with Republic.

Mayor Gammella commented discussing isn't action, however, if I get a consensus from this Council that you'll look at it, we'll gladly do that. I'm not going to waste department staff time if there's no intention of going through with it or looking at it objectively.

Mr. Orcutt mentioned I believe we will take a look at both of those options.

Mr. Vecchio asked for a poll of Council to verbally approve the Mayor for a cost-analysis. Stemm - yes, Mencini - yes, Poindexter - yes, Salvatore - yes, Scott - yes, Burgio - yes and Orcutt - yes.

Mr. Burgio commented definitely wants more information and thinks that is the way to go to get all the information.

Mr. Orcutt agreed with Mr. Burgio will take all the information we can get.

Mr. Vecchio stated the vote is 7-0 for a cost-analysis.

Mr. Scott asked Mr. Gardner what are the companies that do not use Strongsville transfer station?

Mr. Gardner responded Republic uses Strongsville and are under contract.

Mr. Scott asked who doesn't use Strongsville or has their own transfer stations?

Mr. Gardner responded Kimbell has their own and those are the only two bidders that gave the city prices in 2016.

Mr. Scott asked if there is a possibility of outsourcing just the recyclables pickup and the city keeping trash pickup.

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Mr. Gardner responded I suppose it's feasible to hire a contractor for picking up recycling separately and the city pick up rubbish.

Mr. Scott interjected that would be a labor contract issue?

Mr. Gardner responded they would have to agree to it from an outsourcing standpoint.

Mr. Scott asked if that is something that could be looked into?

Mr. Gardner interjected the city would have to get the okay from the union if this is something they would.

Mr. Gardner commented it has to go somewhere the price the city has is \$124.00 with the highest price being \$165.00, so it's not going down. Whoever picks up is going to get paid to do this.

Mr. Salvatore disagreed with one of the Mayor's comments with the wasting of department staff time to find the best deal for the city. Also, will any work be lost for service department crews as a result of this and whatever impact it has going forward. All in favor of looking at the options put in front of Council.

Mayor Gammella don't put words in my mouth, what I said is I'm not going to waste department staff time if Council has no intention in looking at this in a fair and equitable manner. When approached a few weeks ago no one wanted to discuss with the exception of one or two people. Now, everyone thinks we should and I agree; I am going to do what is right for this city as I think everyone else wants to do. Sometimes, the course of direction needs to be changed and the city has picked up (rubbish) for many years but perhaps it's time to go in a different direction. This isn't just a Brook Park issue this is a nationwide issue like the infrastructure of our roads. This is something that needs to be addressed on a national level but currently the city must deal with on a local level, I know Council will work with me to resolve this issue.

Mr. Salvatore commented to Mayor Gammella I never tried to put any words in your mouth and never put any words in anyone's mouth, don't think I'm capable of doing that.

Mr. Poindexter stated to Mayor Gammella, if the city were to go with the private company, Republic, the \$124.00 doesn't have to be paid.

Mayor Gammella interjected no, the city will still pay but have to look at the most

Addendum: cont.

cost-effective way to pay. Comparing apples to apples to decide which way the city wants to go.

Mr. Poindexter continued I find it hard to believe that the city needs another truck and six more men to do this. Republic needs that too and then must turn a profit on top of it. Republic may give the city a nice contract in the beginning but I'm worried about the future contracts. Fairview Park is in negotiations with the first renewal of privatizing rubbish and now regret going to private rubbish, wish they could afford to go back to servicing their own rubbish. I don't want to see the city eliminate rubbish and next contract regretting that decision. I want to see the numbers and will look at them with jaded eyes because I find it hard to believe that Republic can do the service residents deserve in Brook Park and still turn a profit and more cost-effective than service crews can do.

Mayor Gammella commented the cost efficiency isn't so much in the actual pickup; it's the disposal of the rubbish and recyclables they own the yards, it's not in the pickup it's in the disposal. Service crews can pick up the rubbish but if crews can't dump it, that's what needs to be looked at. Your point is well taken but we need to look at everything here.

Mr. Orcutt clarified with Mayor Gammella a few weeks ago Council gave approval for prices?

Mr. Scott interjected for dump sites.

Mr. Vecchio stated to Mr. Gardner, the city is at 800 tons of recyclable rubbish per year, averaging over 60 to 65 tons a month?

Mr. Gardner responded yes, approximately.

Mr. Vecchio continued right now the city is paying \$7,440 a month to turn those recyclables over to the transfer station. The city is looking at \$2,500 a month increase moving forward on the same tonnage, that's massive.

Mr. Mencini commented when talking about going from \$44.29 to \$124.00 that is a big difference and kick to the city and all options must be looked at.

Mr. Stemm stated to Mr. Gardner if the city decided to pick up once a month would that help conserve some recyclables; people may be more conscience with what they're doing with the recycling.

Mr. Gardner responded whether picked up daily or monthly the tonnage is going to be the tonnage. The service department sends out a yearly calendar, the solid

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waste district puts out information which is also on the city website. Just a statement involved in getting a number to be accurate all these trucks have to be sold-out, will have to be inspected all the trucks whoever is going to take up this project. To compare all of this all the city's rubbish trucks go to these companies if they are going to service the city, the city will have no rubbish trucks.

Mr. Vecchio clarified in regards to the cost-analysis that Council is asking to be done.

Mr. Gardner concurred and stated it's not making a phone call to find out what they're paying; they're charging residents x-amount of dollars to have that done. I can call al city to see what they're paying but that probably isn't going to give the answer wanted. If a resident puts a can out late and calls the department that can gets emptied that same day. With contracting out that can doesn't get emptied until the next scheduled pickup day, so the service aspect has to be looked at this also.

Motion by Mr. Salvatore, supported by Mr. Mencini, that Addendum item number one was discussed.

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

Motion by Mr. Salvatore, supported by Mr. Orcutt, to stay out of the Regular Order of Business to Safety Committee.

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

SAFETY COMMITTEE - CHAIRMAN, STEMM:

1. A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO APPLY FOR A 2019 CUYAHOGA COUNTY MUNICIPAL GRANT FOR ONE FIRE SAFETY PARAMEDIC VECHICLE AND DECLARING AN EMERGENCY.
Introduced by Mayor Gammella and Council as a Whole.

Mayor Gammella stated this is for a \$150,000 grant for a paramedic vehicle; total cost of vehicle is \$250,000 and per Finance Director Cingle will be in the budget per Council's approval.

Motion by Mr. Mencini, supported by Mr. Poindexter, to have Economic Development Commissioner Adams speak on the legislation.

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

Safety Committee - Chairman, Stemm: cont.:
Scott Adams -Economic Development Commissioner
City of Brook Park
6161 Engle Road

Mr. Adams stated this is for a replacement paramedic vehicle fully outfitted for \$250,000. This would allow the city to have \$150,000 from Community Development Block Grant from the federal government to county government. Approximately, ten different parts go into a grant application and this is the most important, without the legislation the grant is rejected automatically. To receive the funds takes approximately three months for the vehicle to be ordered, built and delivered; with the hope of receivership by May or June, depending on the approval is granted. The city will be working to replace one of four vehicles, with two needing replacement. The department has a 2007 and 2008 vehicle with one having over 81,000 miles and one having just over 77,000 miles, each vehicle is responsible for over 2,271 runs a year.

Mr. Salvatore asked does the vehicle have to be purchased in the amount of \$250,000 in order to get the \$150,000 grant?

Mr. Adams responded no, according to the finance director up to \$100,000 towards the purchase. If the city gets \$240,000 the savings would come out of the city side.

Mr. Salvatore continued the grant would stay the same?

Mr. Adams responded no, this would be a 100% grant from the county and the city would put up the necessary funds for the purchase.

Mr. Salvatore asked if any vehicles are going to be traded in?

Mr. Adams responded that's to be determined, the vehicle in the better shape would be retained and the other one could be traded-in.

Mr. Vecchio stated the second 'Whereas' and first section states the maximum award available. Does that mean up to \$150,000 but the city could receive lesser grant monies?

Mr. Adams responded last year when the city applied for the three new police cruisers the amount asked for was \$112,602. The city could have gone up to \$150,000 but didn't have substantiation for the additional funds; so the grant amount was \$112,602 with the city putting in approximately \$29,000 for electronic completion and details. With this grant the city is asking for the maximum of \$150,000.

Safety Committee - Chairman, Stemm: cont.

Mr. Vecchio clarified that it is not a variable and could be lower.

Mr. Adams responded the body of the legislation reads what the city is asking for with seven high-level individuals and executives reviewing the application. The determination is based on the whole request of \$250,000, don't see a reduction. The way the grant request is written up is this is a dire need based upon the city's numbers and factors.

Mr. Burgio stated the city is probably competing with a lot of other cities for this grant money, what are the city's chances of obtaining the grant?

Mr. Adams responded the request is granted from a scale of up to 100 points and each request is graded on the need versus the city's current situation economically. One of the unfortunate of having an economic downturn the city suffered with losing Ford Casting and Engine Plant 2 puts the city in an economic burden, that the reviewers understand. With the police vehicles there was a 50-50 chance because they don't award grants for vehicles, the city came in 94%.

Mr. Burgio stated this is needed to provide services to residents and need to keep the stock in good shape.

Mr. Poindexter asked Mr. Cingle assuming this grant goes through with the \$150,000 will the additional \$100,000 be added to the 2020 budget?

Mr. Cingle concurred and commented the 2020 Capital budget.

Mr. Poindexter continued will the amount come out of the 2020 budget entirely or spread out over a few years?

Mr. Cingle responded that depends on whether or not the grant is received. If it's a \$250,000 expenditure, instead of a \$100,000 expenditure, it would probably be financed over three years.

Mr. Mencini asked did the fire department personnel ask for a new vehicle?

Mr. Adams responded the priority was set by Mayor Gammella with the CDBG (Community Development Block Grant) funding.

Mr. Mencini stated to Mayor Gammella, whether the city gets the grant or not will the 2020 budget have funding for a new ambulance?

Mayor Gammella responded yes.

Safety Committee - Chairman, Stemm: cont.

Motion by Mr. Orcutt, supported by Mr. Mencini, to place legislation on the November 19th Council agenda.

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

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.

DISCUSSION:

1. AUDIENCE PARTICIPATION TIME LIMIT (Councilman Mencini)

Mr. Mencini stated this topic has been discussed before with Council and am now hearing from residents about time limits. People coming to the microphone need to be professional and possibly have a five-minute time line to speak; a good speaker can get their point across in that time. Most board meetings and other Council meetings get their point across in five minutes. A survey done from surrounding communities have a time limit of three to five minutes, with two minutes on an additional topic. Cuyahoga County Council is three minutes' prior the start of the meeting along with the Berea School District time-limit being three minutes.

Mr. Scott stated in support of a five-minute time limit is 120 words has been calculated totaling 600 words for five minutes, to get a point across. Let's make this professional, frank to the point and get your item across. This is not taking away anyone's liberty's or freedom's; this is just making things more businesslike.

Mr. Orcutt stated this has come up frequently during the last two years and believe it started at six-minutes, still have the same feelings as in 2018. Not in favor of having time limits and don't want to compare to another city. This is not to knock Council President Vecchio but audience participation is managed by the chair and sometimes people don't publicly speak well due to nerves. This is not just to the residents' and don't think it's necessary and am not in support of time limits.

Mr. Poindexter concurred with Mr. Orcutt's statements; attending school board meetings it is very frustrating for people speaking to be cut-off and not allowed to speak entirely on the topic at hand. People have a right to come to the podium and speak on different topics.

Discussion: cont.

Mr. Burgio stated its time to take a good look at this and agree that thoughts can be put into words in five minutes. This is a guideline for people for people to keep their thoughts in perspective so other people can be allowed to speak, to avoid late meetings. This does not restrict people from speaking. Serving on the school board for many years I don't recall anyone getting shut down from speaking.

Mr. Salvatore stated feelings haven't changed and don't see a reason to restrict people from taking as much time as needed to get their point across, not in favor of any time limits and agrees with Councilmen Poindexter and Orcutt.

Mr. Mencini stated this was brought forward for discussion and if people are making good dialogue and good points they possibly could go beyond the time limit. Serving on the school board for two years I don't remember people being shut down while speaking. Being out and about the subject came up of making the Council meetings more professional.

Mr. Vecchio commented if any changes with this, it would be a rule change to Council Rule #19.

Motion by Mr. Salvatore, supported by Mr. Orcutt, that item number one was discussed.

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

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

2. NON-PARTISAN ELECTIONS - (Councilman Stemm)

Mr. Stemm stated over the last few months this item has been talked about in Ward 1 and city-wide. When first discussed there were 14 other recommendations from the Charter Review Commission. In favor of this and looking for further thoughts on the subject.

Mr. Scott stated when discussed with Charter Review Commission I stated I foresee this happening in the city. Was leery to have such a huge piece put on the ballot with the five other issues. Doing some research on primary elections for the 2019 Primary election it cost the city \$27,600. To Mr. Cingle, what is the avenue on how this is billed?

Mr. Cingle responded the cost is deducted from the city's property tax collections and/or payments from the county. Meaning the county collects the property taxes and deducts the cost of the elections and disperses the net amount to the city. There is no amount to deduct from the property tax settlements.

Mr. Scott continued \$27,600 for the September, 2019 primary for candidates

Discussion: cont.

broke down to \$7,000 per ward to hold the election, \$7,000 per candidate to hold the election or \$22.00 per voter. This \$27,600 could be used in some other sources i.e. part-time summer service workers, etc. Believes this is something that should happen and will happen and something that should be looked into. In the city the total number of 2019 registered voters is 11,715 and of that there are 3,270 Democrats, 2,023 Republicans and 6,420 non-partisans and one green member. The movement is towards a non-partisan cities and there are only seven (7) cities in Cuyahoga County that are partisan.

Mr. Orcutt stated I spoke on this during the Charter Review Commission process and think I was the lone vote to go non-partisan. I believe there is a huge divide in this country and some people in Washington are not working for the citizens. On a local level this is nothing but a distraction and don't like being asked what party, what does it matter. The Mayor has issues that must be faced and Council has to work with the administration and those are the things that should be worried about. In support of anything like this and will be with anyone to have legislation on this topic.

Mr. Poindexter stated the last proposal heard from the Charter Review Commission about making this a non-partisan election city; that proposal guaranteed that every election would have a primary. It narrowed each race down to two (2) people in a primary (election) before going to the general (election). So that \$27,600 would be paid for every single election going with that format. The last election there was no primary.

Mr. Mencini asked for a point of clarification on the last election.

Mr. Vecchio commented 2017.

Mr. Poindexter continued this past election there was one partisan race and three democrats won, the residents could have chosen a non-partisan person and made their choice. The divide in this city is not along party lines the divide is with individuals and certain groups. Thinks that things are good the way they are and thinks primaries bring strong candidates forward, likes it the way it is.

Mr. Stemm mentioned the last primary was a democratic primary with democratic winning.

Mr. Burgio stated in percentages there is about 25% registered democrats, 57% registered non-partisan and 18% as republicans. Non-partisan people do not want to pick up a republican or democrat ballot and by having a non-partisan election. More people will come out to vote then currently because a lot of people say they won't vote in a primary (election). This would enable more people to vote by

Discussion: cont.

having a non-partisan election; Brook Park is one of the few cities that have partisan elections.

Mr. Vecchio stated in the September, 2019 primary (election) 10% of the city's registered voters turned out at the polls. Can't even call it 10% because myself, for instance, was a no-party candidate and pulled a democratic ticket to bring people through. So, moving forward, I am listed as a democrat and in order to be a no-party in the next election I would only vote on anything of issue, not candidates. So those numbers are probably less than the 2,014 voters that turned out. The city has 6,421 registered no-party meaning these people vote for who they think is best. Taking this a step further, the amount of \$27,600 as stated by this Council, reductions start with us. That's the biggest reduction I've seen so far that Council can do by Councilmatic action to put some monies in the General Fund to help in areas that were weakened. That could bring in five or six part-time summer employees to help with city functions.

Mr. Mencini stated when this was brought up with the Charter Review Commission and wasn't something that heard this past summer. Agreed with Mr. Poindexter that the democrat and republican isn't the battle in this community. To say if this is done that people will go out and vote, not certain, because voting tallies are low all over.

Mr. Salvatore stated this is nice to discuss but won't go to the ballot until next General election. Speaking on people not coming out to vote having that primary was a good thing and people were excited with four people running in the primary. Thinks it is good to have the primary and a healthy situation for the city. This was brought forward from the Charter Review Commission along with many other ideas and the way Council handled it was by discussing thoroughly, all of them were. Not very often do proposed Charter amendments go to the ballot with all of them passing. This can be looked at in a few months, before the November election, if the votes are there to put on the ballot for the people will decide.

Mr. Orcutt agreed with Mr. Salvatore that bringing legislation forward now is not the best idea with new Councilmembers coming in January, should have discussion with the new Council. There is a clear division in our country and the division through the community is Facebook. Thinks that a lot of the cities that participate with non-partisan is one less distraction, as a community, thinks this is a fantastic idea.

Mr. Poindexter commented Brook Park was one of the highest, if not the highest, voter turnout in Cuyahoga County, this election.

Mr. Vecchio commented Cuyahoga County was approximately 30%, with the

Discussion: cont.

average being 28% or 29%.

Motion by Mr. Salvatore, supported by Mr. Orcutt, that item number two was discussed.

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

3. PUBLIC RECORDS TRAINING

Mr. Vecchio stated since H.B. 9 was passed by the legislature in 2009, past practice for the Council office regarding Public Records Training has always been the Clerk of Council serving as Council’s designee, with no legislative action. Currently, that designation needs to be made and on record. In addition, I would like to have the caveat that the Council President also be trained in public records.

Mr. Salvatore asked what the cost for the training?

Mr. Vecchio responded no dollars, just someone’s time for the approximately four-hour training. Moving forward this would be for each Council term of two years.

Motion by Mr. Mencini, supported by Mr. Orcutt, to place on verbal approval at the November 19th Council agenda.

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

LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. AN ORDINANCE AMENDING SECTION 1121.29 (c) (1) (A) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED ‘RETAIL SALES IN BUILDING’ AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated the current legislation says a gas station, filling station can only sell out of vending machines. In today’s world the gas stations are selling hot dogs and burritos and want the legislation to reflect that. Food can’t be eaten on the premises but can be sold at gas stations.

Mr. Scott requested an amendment by inserting letter b to read ‘no onsite consumption unless parking and seating complies to existing ordinances, to make this more specific.

Mr. Salvatore stated that would pertain to letter a with gasoline stations having products to sell. Most people grab something quick to eat in their car. By adding

Legislative Committee: Chairman, Mencini: cont.

this amendment that people won't be able to eat in their car. Also, who would enforce that?

Mr. Orcutt thanked Mr. Scott for the discussion with this legislation. Following up with the city's building commissioner and Mayor Gammella about the proposed amendment. This is more if the store owner sets picnic tables outside for food consumption, they must have the proper zoning permits.

Mr. Vecchio commented in that case, there would also be a dining tax that the city would be entitled to. By putting in the amendment it assures that the (store owners) would have to go through the proper ordinances to provide seating and entitles the city to the dining tax.

Mr. Poindexter stated the Cuyahoga County Board of Health (CCBH) will give the necessary licensing for seating if there aren't working restrooms, cleanliness and things of that nature. The CCBH's criteria probably has everything the city will want in the legislation.

Mr. Orcutt asked Mr. Scott with the amendment does this basically fall in line with a strip of two or three storefronts. Storefront A decides to serve food and puts picnic tables out for food consumption, taking more space in the parking lot; the Board of Zoning Appeals (BZA) requires a certain amount of parking spaces.

Mr. Salvatore stated the legislation reads no onsite consumption.

Mr. Scott interjected unless the owners comply with the existing ordinances.

Mr. Salvatore continued the legislation applies to gasoline and oil filling stations. To Mrs. Horvath, what would happen with an ice-cream parlor?

Mrs. Horvath responded most large gas stations have equivalent of a full-service grill inside. When drafting the legislation, the intent was to refer back to the county for appropriate licensing. The city doesn't have store owners who would allow consumption on the premises, which is different from ice cream parlors. This would pertain just to gas or filling stations in the city that the CCBH licenses for purchasing of food. The amendment Mr. Scott is proposing should be placed in the proper zoning ordinance(s).

Mr. Mencini commented there is a city establishment that has outside picnic tables and if something were to happen it would come back to the city if the tables were allowed by law.

Legislative Committee: Chairman, Mencini: cont.

Motion by Mr. Orcutt, supported by Mr. Salvatore, to place on the November 19th Council agenda.

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

Mayor Gammella requested discussion of the joint venture dog park with the City of Middleburg Heights on the agenda.

Motion by Mr. Mencini, supported by Mr. Stemm, to add the Joint Venture Dog Park discussion to the agenda.

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

Mayor Gammella continued there is a request of \$35,000 from both cities and looking for a consensus from Council to move ahead the proper legislation will be drafted.

Mr. Mencini stated what will be done at the location?

Mr. Salvatore asked for a copy of the Middleburg Heights (Hts.) legislation, also, will the City of Brook Park capture ownership of the dog park or just a partner.

Mayor Gammella responded this is a joint venture between the Cities of Brook Park and Middleburg Heights, the dog park will be located on Sheldon Road in Middleburg Heights on the border of Brook Park. Brook Park will have representation on the board and Middleburg Hts. just wants to make sure that Brook Park is committed to having the dog park.

Mr. Burgio stated Middleburg Heights has been worked on for a long time and was supportive of the proposed dog park in Brook Park, at Wedo Park. Brook Park has very few parcels that give the 200' distance for dog parks.

Mr. Salvatore commented when this first started we were told it wouldn't cost Brook Park anything, this is the first time I'm hearing that Brook Park's participation is \$35,000 and looking for more information on the city's involvement would be in this project.

Mr. Burgio continued that Middleburg Hts. has been talking with fencing contractors. The board would be five members per each city to have a voice for city residents. Middleburg Hts. will build with or without Brook Park but think it's better for Brook Park to have a voice since it's on the border of both cities.

Legislative Committee - Chairman, Mencini: cont.

Mr. Salvatore asked if Brook Park will have a say in the establishment of bylaws, rules, hours, repairs & liability?

Mr. Burgio responded a lot of those issues has been brought Middleburg Hts. law director and there are seven or eight committees volunteering to serve.

Mr. Salvatore asked Mrs. Horvath if she reviewed the documents.

Mrs. Horvath responded she looked at the template resolution from Middleburg Hts. and the most important document would be a Memorandum of Understanding for both cities.

Mr. Poindexter stated when this dog park first came out one of the concerns was having no city monies used it would be volunteer funding. Today, the city is on the table for \$35,000 for a dog park in Middleburg Hts. What makes this a joint venture other than putting monies in and having a say on the board? What benefit does this give Brook Park residents.

Mr. Burgio responded the benefits is getting an amenity close to Brook Park that the city doesn't have now. By not having a voice on the board the city has no say-so as to what another city does. Being so close to the city's border Brook Park does have a part to play to benefit our residents. Other examples are working mutually with other cities i.e. many years ago with the Tri-City Senior Center that the City of Brook Park contributed to even though the center was located in Middleburg Hts. Southwest General Health Center is located in Middleburg Hts. but Brook Park passes a levy every five-years as an amenity to Brook Park. With the Berea School District, the City of Brook Park will only have one building located in the city and is an amenity needed for the city. With Mutual Aid the City of Brook Park lends their ladder truck to Middleburg Hts. because their city doesn't have one; there is more regionalism because most cities can't afford to be independent but working with other cities a lot can get done for the greater community.

Mr. Mencini concurs with Mr. Burgio's comments about regionalism that is getting bigger in so many aspects. Will the cost (\$35,000) cover insurance?

Mr. Burgio responded not sure where the insurance will fall but there will be liability insurance. There have been discussions with signage and up-to-date vaccinations of the dogs. Like so many other dog parks visited people will take part because it's their dog park and want to make sure nothing is ruined. Being a realtor, people look for amenities in or close to their area that may help with the value of the city's housing stock.

Mr. Scott commented the insurance is coming through Middleburg Hts.

Legislative Committee - Chairman, Mencini: cont.

Mr. Orcutt commented when this topic first came up there was discussion of no cost to Brook Park, would like to see more information.

Mayor Gammella suggested having someone from Middleburg Hts. come to the next Caucus Prior to meeting to get all the questions answered. With Middleburg Hts. joining the city's Aerozone there is a lot of collaboration and working with neighboring (cities).

Mr. Poindexter agrees a presentation would be good to get the questions answered.

Motion by Mr. Mencini, supported by Mr. Poindexter, to place on the Caucus Prior to agenda of November 19th.

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

Mr. Gammella commented an Executive Session will be called on November 19th for Negotiations.

SAFETY COMMITTEE - CHAIRMAN, STEMM:

Note: Moved by **motion** to the beginning of the meeting.

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

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

Council President Vecchio declared this meeting adjourned at 9:17 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *December 10, 2019*

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

8,685 words

