

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, DECEMBER 3, 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, ORCUTT, STEM, MENCINI, POINDEXTER, SALVATORE

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

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

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

1. A PROCLAMATION HONORING THE 2019 WEST SUBURBAN 7TH - 9TH GRADE CO-ED VOLLEYBALL LEAGUE CHAMPIONS 'BROOK PARK BLUE DEVILS'.

The clerk read the Proclamation as the Mayor distributed them to the team and coaches and congratulated them on a successful season.

The coach commented the team did fantastic and played together as a team, starting off didn't have a group but at the end the team crushed it. Won two games by a ridiculous amount of points and was a pleasure of both coaches to coach you and happy to do it again next year.

Mr. Vecchio congratulated the Blue Devils.

Mayor Gammella thanked the families and caregivers for being a part of this

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

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

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. CAUCUS PRIOR TO MEETING HELD ON NOVEMBER 19, 2019.

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

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

Approval of minutes of preceding meetings: cont.

2. REGULAR COUNCIL MEETING HELD ON NOVEMBER 19, 2019.

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

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

NAYS: None. The motion carried.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee - Chairman, Poindexter

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

Finance Committee - Chairman, Scott

Mr. Scott reported Finance Committee has two items on the agenda. Earlier the Board of Control met and approved eight items. Three largest were the 2019 Southwest Regional Communication for radio expenses with the city's portion being \$63,281 and change. Barbicas Construction for Smith Road Resurfacing Project \$251,309.86 and Best Equipment Company, Inc. for miscellaneous repair parts for three sanitation trucks for \$9,500.

Legislative Committee - Chairman, Mencini

Mr. Mencini reported the Legislative committee has two items on tonight's agenda.

Parks & Recreation Committee - Chairman, Salvatore

Mr. Salvatore reported the Recreation committee has one item on tonight's agenda for the joint venture dog park with Middleburg Hts.

Planning Committee - Chairman, Burgio

Mr. Burgio stated no report.

Safety Committee - Chairman Stemm

Mr. Stemm reported the next Neighborhood Watch meeting will be held on December 19th at Brook Park Library at 7:00 p.m.

Service Committee - Chairman, Orcutt

Mr. Orcutt reported Service committee has nothing on tonight's agenda and no report.

Board of Zoning Appeals - Chairman, Scott

Mr. Scott stated no report.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center - Trustee, Salvatore

Mr. Salvatore reported the first year turnover rate continues to be better than target, overall employee rate increased to 9.9% and retention rate is more than 95%. The nursing staff completed the Pathway to Excellent Journey with more than 85% completing survey, exceeds participation rate of 60%. Another group of employees completed a Medical Terminology Program that was free-of-charge with partnership with Baldwin-Wallace, all employees successfully passed in final exams. Patient experience feedback for end of year improved over last year in 10

Reports of Special Committees: cont.**Southwest General Health Center - Trustee, Salvatore: cont.**

of 14 categories. Patient experience rating from Centers of Medicare and Medicaid moved Southwest up to a four-star hospital; overall quality rating of the hospital is at five-star. The Capital budget was appropriated at \$20 million-dollars and to date \$19.3 million-dollars has been spent; remainder of the monies will be spent on small project and new equipment by end of 2019. I attended a meeting earlier and was placed on the Strategic Planning Committee that I served on three years ago.

Berea Board of Education Representative, Poindexter

Mr. Poindexter reported at the November 25th school board meeting, Business Services Manager, Michael Slivochka, gave a construction update. The elementary exterior school construction is wrapping up with most of the brick work and windows completed, paving and site-work has commenced and interior finishes are underway and moving along. Date of occupancy for the elementary school is scheduled for March 1, 2020. The high school project is also moving along with occupancy of sections a, b, and c will be August 1, 2020; those are the buildings closest to Eastland Road. After the facilities update many students, staff, parents and community members were presented with the #via Titan awards. Recognizing them for safe, responsible or respectable actions toward others, showing character, leadership or providing service; thanks to all of them as to what it means to be a Titan. Councilman Mencini was a recipient of the #via Titan award thank you for your leadership. The district's five-year forecast was presented by the treasurer that projects operating budget shortfalls by the year 2024; assuming funding trends remain consistent. Copy of the forecast is available in the Council office for review or downloaded off the school board website. I was asked to serve on the school's finance committee and I told her due to newly elected Councilmembers not sure what will occur next term. The next Coffee & Conversation with the superintendent will be Thursday, December 5th at Café Aroma in Berea from 8:00 a.m. to 9:00 a.m. The next school board meeting will be December 16th.

Mr. Mencini commented thank you, it's a great school program.

REPORTS OF BOARDS AND COMMISSIONS:**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**

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

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Gammella properly excused Recreation Director Elliott from tonight's meeting and reported on the upcoming Christmas events for Sunday, December 8th beginning with the annual pancake breakfast from 9:00 a.m. to 12:00 noon in the recreation center; ages 4 & under are free, \$2.00 per person, \$3.00 per adult that includes a photograph with Santa. The Christmas parade kicks off from Brookgate Shopping Center at 4:30 p.m. and ends at the Brook Park Library. At 5:15 p.m. the Berea-Midpark show choir will have a performance inside the recreation center. at 5:15 in the recreation center and the city tree lighting will follow outside the recreation center where the Brook Park Boosters will be serving hot chocolate and cookies. Mayor Gammella continued the Ohio Aerospace Institute, on the west end of the city, on December 5th from 3:00 p.m. to 6:00 p.m. will have General Stringer from NASA PlumBrook providing an overview of what is occurring at NASA in Brook Park, Councilmembers are invited. Also, at the Ohio Aerospace Institute on December 12th from 12:30 p.m. to 2:30 p.m. Brook Park will be hosting Cleveland Hopkins Airport, Councilmembers are invited. Next week, I will be in Detroit talking about the Ford Motor project.

Questions:

Mr. Mencini asked if the city newsletter will get out before the holidays?

Mayor Gammella responded no, rather than having two or three newsletters a year the administration is going with newsletters every two months starting in January.

Mr. Mencini asked if a public announcement will be put for the holiday events for Sunday?

Mayor Gammella concurred.

Mr. Salvatore asked Mayor Gammella with the upcoming trip to Detroit any possibility of hearing about the project, upon return?

Mayor Gammella responded no one wants to give out information more than me, just need to wait until signed, sealed and delivered.

Mr. Poindexter stated to Mayor Gammella there was a recent article about NASA doing a construction project; will that bring any new jobs to the city?

Mayor Gammella responded definitely new jobs coming to the city as a result of that. Not only that, with the Aerozone that the City of Middleburg Heights has joined and the five other communities, there will be good things happening. A lot of patents and creations come out of the NASA Research Center and leave this area i.e. Nashville, Raleigh, Massachusetts and west coast. The hope is to keep them here to capture that work and keep that work here to make this area a more

Reports and Communications from the Mayor: Questions: cont.

high-tech center. That's why creating the Aerozone and Opportunity Zone was so critically important.

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

Finance Director Cingle

Mr. Cingle reported November monthly reports will be distributed within the next few days. The Finance and Mayor's staffs have begun working on the 2020 Budget with the hope to have before Council in January.

Law Director Horvath

Mrs. Horvath stated no report.

Service Director Gardner

Mr. Gardner reported Bulk Monday is December 9th, please call the service department by Friday, December 6th by 12:00 p.m., to be put on the list. Within the next few weeks the leaf pickup program will end, please get the leaves to the tree lawn.

Engineer Piatak

Mr. Piatak stated no report.

Questions:

Mr. Poindexter thanked Mrs. Horvath for playing a role with the recent Technology legislation that passed recently, inadvertently forgot to mention in the acknowledgements.

Mrs. Horvath stated that's very kind and it took many individuals contributions to come up with the legislation.

Mr. Orcutt stated to Mr. Piatak with the Smith Road project it looks like the striping is completed. Is there a scheduled meeting with the contractor as to what is left with the project?

Mr. Piatak responded as to work to be done in the spring, final inspection of the punch-list items was done last week with the contractor. Landscaping and some areas of tree lawn will be scalped and built back up, due to tree lawn material building up. There is landscaping behind the curb-ramps on the west side of the project at some of the intersections that will be addressed this year, grass won't grow but backfilling will take place so there are no trip hazards. There are a few signs to be installed, permanent pavement markings, the curb lane will be a shared bike lane so there will be pavement markings and signs.

Mr. Orcutt commented that phone calls have been received from residents that said they are very impressed with the project.

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

New Legislation:

An ordinance authorizing and approving the Mayor to have emergency repairs made to our 1994 fire truck without public bidding and declaring an emergency. Introduced by Mayor Gammella. Placed in Safety Committee.

Verbal Approval:

January, 2020 Caucus & Council Meeting Schedule:

Motion by Mr. Scott, supported by Mr. Poindexter, to verbally approve.

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

NAYS: None. The motion carried.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

1. CORRESPONDENCE REQUESTED TO BE READ.

The clerk read the letter into the record, attached to these minutes.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: FIRST READING:

1. RESOLUTION NO. 38-2019, SUPPORTING A COMMUNITY DOG PARK PROJECT IN PARTNERSHIP WITH THE CITIES OF BROOK PARK AND MIDDLEBURG HEIGHTS AND DECLARING AN EMERGENCY.

Introduced by Councilman Burgio, Scott, Stemm, Mencini, Poindexter, Council President Vecchio and Mayor Gammella.

Mr. Vecchio stated Resolution No. 38-2019 has had its First Reading.

2. ORDINANCE NO. 11134-2019, AMENDING ORDINANCE NO. 11074-2019, THE APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella

Mr. Vecchio stated Ordinance No. 11134-2019 has had its First Reading.

3. ORDINANCE NO. 11135-2019, TO PROVIDE FOR THE TEMPORARY APPROPRIATIONS OF THE CITY OF BROOK PARK, STATE OF OHIO, FOR THE THREE MONTHS ENDING ON MARCH 31, 2020. Introduced by Mayor Gammella

Mr. Vecchio stated Ordinance No. 11135-2019 has had its First Reading.

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

4. ORDINANCE NO. 11136-2019, AMENDING SECTION 933.99 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PENALTY' AND DECLARING AN EMERGENCY. Introduced by Councilman Scott.

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

ROLL CALL: AYES: Scott, Stemm, Mencini, Burgio, Orcutt.

NAYS: Poindexter, Salvatore. Suspension failed with vote of 5-2.

Mr. Vecchio stated Ordinance No. 11136-2019 has had its First Reading.

5. ORDINANCE NO. 11137-2019. AMENDING CERTAIN SECTIONS OF CHAPTER 1414 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'RESIDENTIAL RENTAL HOUSING REGISTRATION' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Motion by Mr. Scott, supported by Mr. Orcutt, to suspend.

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

NAYS: Salvatore. The motion carried with a vote of six.

Motion by Mr. Scott, supported by Mr. Orcutt, to adopt.

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

NAYS: None.

ABSTENTION: Salvatore. Ordinance No. 11137-2019, has passed under Suspension of the Rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

THIRD READING OF ORDINANCES AND RESOLUTIONS:

Motion by Mr. Mencini, supported by Mr. Stemm, to address correspondence read into the record.

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

NAYS: None. The motion carried.

Mr. Vecchio stated after time to research the questions raised in the correspondence from Mr. Astorino. In Charter 3.03 - Duties and Powers of the Mayor subsection (a) Executive - states in part. The Mayor shall be the Chief Executive Officer of the city he shall supervise the administration of the city's affairs and shall exercise control over all offices, departments and divisions. He shall recommend to the Council such measures he deems necessary or expedient. Also, stated subject to the provisions of the Civil Service regulations and the provisions of this Charter the Mayor shall have the power to appoint, promote, discipline, transfer, reduce or remove any employee of the city except those

Response to correspondence read into the record - Council President**Vecchio:**

required by this Charter to be elected, those whose terms of office may be fixed by this Charter and the Department of Law and Finance. It also stated the Director of Public Safety, the Director of Public Service and appointed officers and members of all commissions shall serve at the pleasure of the Mayor with the exceptions of the Parks and Recreation Commission upon City Council appointment per City Charter section 11.05. What I did not find anywhere in the Charter is that it states the Mayor shall appoint a person to fill the position of safety director which, therefore, would negate the need for concurrence of Council for the appointment. What it does clearly state is that he shall exercise control over all offices, departments and divisions. The last statement which would pertain to the positions under the umbrella of the executive branch of our governmental system; the branch of which he holds a position of Chief Executive. On the second question under what authority is the law director being provided with health care coverage and any other benefits provided to all employees generally? At that time, I wasn't the presiding officer of Council when the law director was elected and ultimately sworn into her position. Looking back through legislation what I found was: The authority granted to providing the law director with health care coverage is Section 153.06 of the Brook Park Codified Ordinances, subsection (a) states: The Finance Director is hereby authorized to pay on behalf of all full-time city employees, the Mayor, the Finance Director and Law Director other than those previously excepted are covered under the city's group hospitalization plan or plans. In addition, to the regular fixed salary all hospitalization and/or medical insurance benefits that shall become due on such employee coverage under the city's group hospitalization plan. Council passed this on February 21, 2017 under Ordinance No. 10064-2016, after having three readings of Council and multiple movements back and forth to committee for discussion; Council approved that ordinance that was discussed pretty heavily. Lastly, to answer the question was the notice of resignation provided to the Council President or the Mayor? Council Representative of the school board serves in a voluntarily capacity outlining Council Rule No. 5 - Standing Committees. The rule states Council may elect a delegate or committee to represent the City of Brook Park and he or she shall serve at the pleasure of Council. He or she will present a report to Council through the President of Council when necessary. With that being said, the position was an appointed position by concurrence of this legislative body and the resignation would come to the presiding officer and members of the body; as it did both in email form and in message form. I think that clears up any of the questions in that email (correspondence).

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

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

NAYS: None. The motion carried.

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, Burgio, Orcutt
NAYS: None. The motion carried.

Council President Vecchio declared this meeting adjourned at 8:35 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.

2,942 words

Read 12/3/19
Council

To: Council Clerk Blazak and all members of City Council
RE: Communication requested to be read at November 19, 2019 Council Meeting
Date: November 15, 2019

I am submitting this letter under what I believe is Council Rule 21 and ask this letter to be read by the Council Clerk at the Council meeting scheduled for November 19, 2019. The letter is being submitted more than 96 hours prior to the Council meeting and contains my contact information for identification purpose.

I want to address three matters, one matter concerning the Safety Director, one matter concerning the Law Director and the third matter concerning the Council Representative to the School Board.

First, the Safety Director matter. As you know Section 8.01 of the City Charter states the Director of Public Safety shall be the head of the Office of Public Safety, and shall be appointed by the Mayor **with the concurrence of the majority of the Members elected to the Council**, and shall serve at the pleasure of the Mayor.

At the beginning of September of this year I sent an email to the Council Clerk asking for information as to when City Council provided confirmation allowing the Mayor to serve as the Safety Director. The Clerk informed me there is nothing in the 2018 minutes for appointment of Mayor as the Safety Director. She also informed me that the matter was forwarded to the Law Director if approval is necessary since the Mayor is CEO of the City.

I think the City Charter is very clear and concise that Council must provide concurrence of the appointment. My questions are simple. Hasn't City Council neglected their duty to provide concurrence? Hasn't the Charter been ignored in this matter and hasn't this left the City without an official head of the Office of Public Safety?

Next, I want to address the Law Director position. First, some background information.

- Chapter 131.03(e) of the Codified Ordinances states the full-time Mayor shall be provided any and all benefits as provided to all full-time employees generally.
- Chapter 137.01(c) of the Codified Ordinances states the full time Director of Finance shall be provided any and all benefits equivalent to those offered to all regular full-time employees generally.
- Chapter 133.01 of the Codified Ordinances that addresses the Director of Law **does not contain any language** to provide the Director of Law with any benefits as provided to all full-time employees generally.

My main question is: Under what authority is the Law Director being provided with health care coverage and any other benefits that are provided to all employees generally?

If there is no legal authority provided by City Charter and/or City Ordinance to provide the Law Director with any and all benefits equivalent to those provided to all regular full-time employees generally, what recourse is there to recover the possible misappropriation of funds, and will the possible improper expenditure be continued? Please indicate to me the legal authority that is provided to make the payments for the benefits provided to the Law Director.

Last, I have a question about the recent resignation of the Council representative to the School Board. My question is: Was the notice of resignation provided to the Council President or to the Mayor?

Thank you for the opportunity to provide my statement to be read at the City Council meeting. I am unable to attend this meeting and think it is a great benefit to the residents to be allowed to communicate in this manner.

Sincerely,

Jim Astorino 11/15/2019

Jim Astorino, 6258 Engle Road

'19 NOV 15 PM 3:37:18

