

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, DECEMBER 10, 2019**

The meeting was called to order by Council President Vecchio at 7:00 p.m., the clerk called the roll and the following Members of Council answered:

SCOTT, BURGIO, ORCUTT, STEMM, MENCINI, POINDEXTER, SALVATORE

Also in attendance were Law Director Horvath and Finance Director Cingle.

Mayor Gammella was properly excused.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Caucus Meeting held on November 12, 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.

DISCUSSION:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF MIDDLEBURG HEIGHTS, OHIO, FOR A DOG PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Motion by Mr. Scott, supported by Mr. Burgio, to amend number three (3) of the Memorandum of Understanding (MOU) to read: Bylaws and day to day operations are the responsibility of the Midpark Barkers Dog Park Advisory Committee consisting of an equal number of members from each city and other volunteer organizations.

Mr. Scott stated the reason for the amendment is because this is a Brook Park-Middleburg Heights joint venture and day to day operations should be in the hands of the advisory committee that will be formed.

Mr. Salvatore stated Brook Park is giving authority to the group that is actually being called an advisory committee. This group will be the administrative body that's going to administer what goes on at the park? As far as enforcing the bylaws, rules and regulations?

Mr. Scott responded there will be a board of directors and also the advisory committee that will oversee all the other subcommittees i.e. finance, fundraising, maintenance, etc.; they are overseeing everything.

Discussion: cont.

Mr. Salvatore asked this committee will report to a higher authority?

Mr. Scott responded yes.

The clerk called the roll for the amendment to number 3 on the MOU.

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

Mr. Burgio stated I have an amendment to reflect that change also on number six (6) to read: Any repairs needed to the fencing and/or grounds of the dog park as a result of ordinary and normal use shall be the responsibility of Brook Park-Middleburg Heights and Midpark Barkers Dog Park Advisory Committee. Any repairs made to the dog park as a result of unforeseen prior damage age or construction shall be the responsibility of Middleburg Heights.

Mr. Poindexter stated it was my understanding that this is supposed to be volunteer organization and Brook Park was going to be out of it; other than the initial startup. Now Brook Park is going to be on the hook for maintenance and things of that nature; this is turning into a full-time commitment of the city. I was under the impression this whole time that it was supposed to be a volunteer organization handling the running and maintenance. Was I mistaken this whole time or is that is what is going to happen?

Mr. Mencini stated to overlap that, going to number seven (7) if you remember the insurance will include liability coverage. When I asked Councilman Ali who would do the insurance his response was Middleburg Heights.

Mr. Burgio responded since it's in the City of Middleburg Heights they would carry the insurance and Brook Park would be on as a rider. With the insurance question, I asked the finance director how much that cost would be for insurance. His response was it would be no more than \$2,000 which would be split by two cities; probably less than that. There is nothing in writing to date but that will be negotiated and be under Middleburg Heights Travelers' insurance, to protect both cities.

Mr. Mencini stated looking at \$5 million-dollars over the primary coverage and figured it was going to be Middleburg Heights umbrella coverage.

Mr. Burgio responded this is joint venture so it seems to make sense this would be about \$80.00 a month cost for Brook Park, to be covered for the joint venture.

Mr. Poindexter commented going further on in number seven (7) it says any deductible shall be paid by both parties divide the amount equally. Do we know

Discussion: cont.

what the deductible on the claim for that policy? I thought we were going to come in with an initial \$35,000 and now we're talking about monthly and annual payments, possible deductibles and maintenance; that's kind of snowballing at the end.

Mr. Burgio stated this is a joint venture usually is split between two entities. If Brook Park had their own dog park in the city it would be much more monies than that.

Mr. Poindexter commented it would be in Brook Park and resources would be spent from Brook Park in Brook Park, not spending resources from Brook Park in Middleburg Hts.

Mr. Burgio concurred.

Mr. Mencini stated to Councilman Burgio, we're not saying we don't want the dog park, that's not being said at all, obviously we want it. The thing is we want it done on what we were told it was going to be. If you remember, you brought up my questions to (former) Mayor Coyne when we met at the library with the dog barkers where Mr. Dufour gave a great presentation. One of the things I asked was about the insurance and at that point Mr. Dufour didn't have the answer. I did ask (Middleburg Hts) Councilman Ali, about insurance in case something was to happen. Obviously, we don't want nothing to happen and hopefully nothing ever does but the odds are something could and would. It wasn't supposed to come back to Brook Park that's the basis of my question(s) to Councilman Ali.

Mr. Vecchio stated I know that when Mr. Ali spoke about the fundraising opportunities and what was going to take place; Mr. Salvatore brought up some ideas that he had with that. My question is would that cover these expenses or does this have to be 'earmarked' as a city expenses?

Mr. Scott responded no, the main funding for this is going to be fundraisers. Day-to-day wear and tear i.e. pea gravel and things like that will need to be replaced. They're going to keep doing the fundraising to offset any costs; if there is a shortage Council has the ability to approve or disapprove, fundraising will be the main funding source for this adventure.

Mr. Burgio stated throughout this process Council has the final say-so. In fact, what I call an escape clause that this MOU is good for a year. Then each city can back out of it giving each city 30-day notice; if that isn't done then this would continue. Council has the alternate authority to all decisions; the advisory board will advise each city.

Discussion: cont.

Mr. Poindexter stated point well taken Mr. Burgio, on those grounds I would like to see number six stay exactly the way it is written now. If that needs to be changed in a year that can be taken care of at that point. If Middleburg Heights has too much of a burden and can't handle the maintenance of the normal wear and tear on their own, possibly Brook Park can step in and assist. I think the way we were sold on this joint venture was that Middleburg Heights would handle all that and am more comfortable with them handling that in the beginning.

Mr. Salvatore stated, I, too, don't want anyone to think for one minute that I'm against the dog park; I think this has merit but wants to do it the right way. A past Councilmember from years ago said sometimes you need to take your time and read through everything to make sure the city is protected. That's the reason to have the MOU in front of Council before moving forward and really think both cities should be passing the same MOU. It shouldn't be two separate understandings both cities should be on board. Looking at number one (1) it reads the amount contributed by Brook Park should not exceed \$35,000. All other expenses shall be the responsibility of the volunteer organizations operating the dog park. Then going on further Brook Park is going to have some liabilities and risk factors as far as the monetary concern of the insurance. If this is all to be agreed upon it should be in a document agreed upon by both Brook Park and Middleburg Heights. I don't know if there can be an advisory committee held libel for any repairs down the road. With that, I would have to see where the monies are going to come from to do those kinds of things. I'm also concerned about either party can terminate this agreement. If Brook Park puts up \$35,000 and next year Middleburg Heights doesn't want to partner anymore that \$35,000 is lost. There should be some kind of refund mechanism if only in it for a year. Let's assume it's a 35-year deal and the value of this agreement is worth \$1,000 a year; would Brook Park get their money back if the either city decides to terminate. For instance, Brook Park finds property in Brook Park, as Councilman Burgio mentioned and understand your feelings of wanting to do that. I would like to see Council say why don't the two Mayors' sit down to hammer out an agreement that both cities pass. The Mayor is sent to negotiate other businesses or union contracts; someone hammers out the agreement that is then brought to Council for action. There is a lot of good to this and there's a lot of gray areas that need further discussion.

Mr. Orcutt commented a few remarks that I'd like to make as we continue to consider the \$35,000 investment for the joint dog park to be built in Middleburg Heights. The packet provided to Council was very informative and showed a great layout of the park, especially the 25-pounds or less area being a separate area from larger dogs, the packet also provided good information on the rules as well. Looking at this piece of legislation, just like any other legislation, if this is a good investment for the residents', where is this investment on the city's priority list and where is the money to afford this? Some of the top priorities from my constituents

Discussion: cont.

is repair of the police station water leak issue as well as police and fire city buildings falling apart. Apparently there is water that is running into very important rooms in the basement area of the police station from a garage bay. Another top priority is the \$64,000 for recycling in 2020. The city also has a very expensive deductible that needs to be paid for the flood in the community room due to a breaking water pipe. I feel that investing \$35,000 in another city is not what is best for Brook Park residents' or employees', at this time. That is why I have non-support for this joint dog park to be built in Middleburg Heights; I believe we need to invest into our community. I also believe having a dog park in our own city will enhance the quality of life for our residents' and attract new families to purchase homes in Brook Park. I think the home for the Brook Park's dog park would be the Grayton Road and Aerospace Parkway intersection located on a city-owned lot surrounding the west-end fire station. There is a large parking lot and enough area to design something fantastic for our residents' and their dogs, a great name for that park would be Councilman, Carl Burgio, Dog Park.

Mr. Mencini stated one of the comments Councilman Burgio made, is this would be a one-year (commitment) to see how it goes. Somehow I said to Councilman Ali that there is a lot of moving parts and gray areas to this. I didn't know how much with the volunteers and fundraising of how that would work I imagine well with people that love their dogs. One of the things is Brook Park has a lot of needs as Councilman Orcutt stated, some bigger-some smaller. One of the things people like is recreation and leisure activities and obviously this is right on the border line with our city, very important to have those types of activities in our city. The way I'm looking at this is they (Middleburg Heights) won't start building on this until probably March. There is some leeway to make this right and believe this Council and new Council can get this right and do what needs to be done. This city has needs, a lot of needs, and the budget is coming up beginning in 2020 and there is a lot of things we need to decide to do. Again, I definitely want a dog park and am not moving away from this but the insurance caught my eye, from the meeting two weeks ago to now.

Mr. Stemm stated this MOU with Middleburg Heights should mirror each other between the two cities, this isn't like a corporation MOU it's a city MOU. I agree with Mr. Poindexter that number six (6) should stay as is with Middleburg Heights being responsible for those costs; if amended it contradicts number one (1). Councilman Burgio stated it would be \$80.00 a month - \$960.00 a year and would like to see those actual numbers in there with the insurance company's name provided. Otherwise, I feel Brook Park could be opening up to a blank check.

Mr. Burgio stated to answer some of Mr. Mencini's questions. This is a work in progress with a lot of discussion, which is a good thing. On page three (3) this is a MOU between Brook Park Mayor Gammella and Middleburg Heights Mayor Castelli

Discussion: cont.

to sign off on. Believe this is all that is necessary as far as, one MOU with both Mayor's signing off, but not absolutely sure. This may be sufficient and not sure if they (Middleburg Heights) will have an MOU to tweak. Also, appreciate Mr. Orcutt's comments but I'm going on my 13th year of trying to get a dog park in Brook Park, it's not an easy thing, it's a battle and a fight. Not trying to demean you but when a dog park was set up in Wedo Park in Ward 3 all the amenities were at that property. It was pretty far from the homes, probably not quite 200', but had an ideal place and still the people said too close to our homes. That's the problem I've been saying about having one in Brook Park but it's an uphill battle and not sure if it's going to get any easier. It appears that nobody wants it close to their properties for a lot of reasons and don't blame them in some regards. It's a difficult thing to try and get that to happen and would be all for it but it may never happen due to not having the parcels in Brook Park. So when we were invited to participate in a joint venture the first thing I did was talk to my colleagues on your thoughts. Unless I'm mistaken it seem that everyone said it seems to make sense of doing something jointly including Mayor Gammella. This is still a work in progress in trying to make an amenity for our community and told Mr. Ali I believe more people from Brook Park will be using the dog park. We are trying to provide an amenity to our residents' to enjoy and have been working on this for a long time with rules, by-laws and other things. Along with the help from Tom Dufour and Lou Modic attending all the meetings to try and make it work. Mr. Scott and I will try and get more information and will continue to do that, that's the reason for the amendments.

Mr. Orcutt stated I remember, in 2017, how that meeting went with the people. It was a very nice layout and was there and if remembering correctly there were some heated conversations. I know how hard you've worked on this and is something that made me get involved and started checking them out. I think they do enhance a community and at that time there was a different Mayor and suggested the area of land at Aerospace Parkway and Grayton Road, around the west-end fire station. Some of the suggestions I had was to have service crews clear out a few trees for a pathway going back into the city-owned property. To do a pea gravel walkway, install a fence and do as much labor in-house with service crews. The reason I thought it was a good area is because there already is a large parking lot and the only reason I have non-support for this is only because I see it as an investment in another city. I think the idea is great, like all the bylaws and rules, the fantastic packet put together; just not something I think people will say. Let's move to Brook Park for the dog park adjacent to Brook Park that residents are allowed to use. I think it's best to keep in-house and do ourselves and like the name of the park, I think we can do this and think it's a fantastic name.

Mr. Stemm stated getting back to the concerns of the insurance I think it was our understanding that when Mr. Ali spoke to us. Middleburg Heights would assume all

Discussion: cont.

the costs of the insurance much like when city ball clubs play on Middleburg Heights ballfields, don't see the difference. I think the suggestion Councilman Salvatore made with the Mayor's getting together and fine-tuning this and bring it back to Council to be looked at.

Mr. Poindexter stated I'm okay with the \$35,000 and like the wording not to exceed \$35,000, put some of those concerns to rest. The only issue is the open end costs of the insurance (liability) and not knowing those amounts; assuming leaving number six (6) the way it currently reads. If some of the costs for maintenance are added that may change my mind a little against the MOU.

Mr. Salvatore asked Mrs. Horvath is there more than one MOU, does Middleburg Heights have one along with Brook Park having one?

Mrs. Horvath responded after last meeting I had a conversation with Middleburg Heights law director for an initial draft. The Ordinance and drafted MOU was sent to Middleburg Heights law director and to date there hasn't been any conversation. I would think they may want to tweak some changes as this is a work in progress.

Mr. Salvatore stated it was my understanding when Middleburg Heights Councilmembers Sage and Ali were here. One of the questions asked was relative to the insurance and think Councilman Sage said Middleburg Heights would be taking care of all the insurance. I asked if in that policy Brook Park would be named harmless of any potential lawsuits and believe the answer was yes. As far as the \$35,000 being the only financial involvement on Brook Park's behalf. Going through this if were any changes could open up a can of worms. What happens if the price of \$84,000 for construction goes to \$120,000, does that leave Brook Park open for the possibility of more cash? I'm not expecting an answer now but in legal form how is Brook Park protected with this MOU in the event that should happen; Brook Park isn't on the hook for 50% of the total indebtedness for the creation of the dog park.

Mrs. Horvath responded, obviously, that is something that would have to be worked out by tweaking and negotiating with Middleburg Heights, to come up with something that would be acceptable to both cities. Council's concerns are something that should be discussed and thinks through those discussions will make this a stronger document. Middleburg Heights would have some provisions in this and certainly want to protect Brook Park with regard to rising costs, issues and maybe the unknowns that Middleburg Heights could fill us in on with the matter of fundraising. This is a draft version for Brook Park and it's up to Council what they want included in it.

Mr. Salvatore asked what do you think would be in Council's best interest to direct

Discussion: cont.

the Mayor to put together an agreement between the two Mayor's; then bring the same agreement back to both Council's at the same time.

Mrs. Horvath commented there is such a thing of too many cooks and think it's Council's pleasure to take all thoughts, ideas in today's discussions to ask the Mayor to have a discussion with Middleburg Heights Mayor to possibly speed this along.

Mr. Mencini agrees with the verbiage 'not to exceed \$35,000' and agrees with Mrs. Horvath comments with having too many cooks. Brook Park also has a Planning, Zoning and Charter Review commission that advise Council. My feeling is Councilmembers Burgio and Scott hear from the public and the dog barkers group probably on a daily basis and also believes they should have some kind of major correspondence with Mayor Gammella on how to get this to a logical conclusion.

Mr. Poindexter stated at the November 6th Caucus meeting, I asked the question would the \$35,000 be an initial investment and that's it. Or would Brook Park have to set an annual budget for costs incurred by the dog park. Mr. Ali speaking on Middleburg Heights Council said they were comfortable with just the \$35,000 initial investment. I think Brook Park's name can be taken out of all the other things that would cost money over time because Mr. Ali said all that is required from Brook Park is the \$35,000 initial investment. Then the advisory board and volunteer organization would take over the funding after that. I'm okay with the initial \$35,000 as needed and Middleburg Heights was comfortable with the rest, thinks Brook Park should stick to that in the MOU.

Mr. Vecchio interjected the consensus is to have Mayor Gammella sit down with Mayor Castelli and iron out the MOU or both law directors on their behalf, action is needed.

Mr. Salvatore commented I like the idea of submitting these ideas to the Mayor and hopefully get this in written form by next Tuesday.

Motion by Mr. Poindexter, supported by Mr. Scott, to place on the December 17th Caucus Prior to agenda.

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

NAYS: Orcutt. The motion carried with a vote of 6-1.

SAFETY COMMITTEE - CHAIRMAN, STEMM:

1. 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.

Mr. Vecchio stated the fire truck engine repair was approved and upon completion the vehicle had to go through inspection. The truck did not pass inspection because of the engine governor which governs the RPM's of the engine. Because of the tank and pump that operate through the water hoses. The engine RPM's are set to a certain rate that can increase or decrease depending on hose pressure. The governor of the fire truck is obsolete so it had to be upgraded, that's the additional cost incurred. The fire truck will not pass the safety inspection and cannot be put into service without the governor being replaced.

Mr. Salvatore asked why did this fall through the cracks and wasn't done with the initial repair?

Mr. Vecchio responded because it wasn't known with the engine replacement the hookup of the engine to the governor system because of the unit being a 1994; the engine replacement is not a 1994 engine. The original component, the governor, doesn't match up to that engine. When completed and taken for testing the vehicle unit runs but will not pass safety inspections because they can't govern the engine and the amount of water that comes through. Because that part is 25 years-plus obsolete and can't be remade or reproduced, so a new one had to be installed.

Mr. Orcutt commented along with Mr. Vecchio's statements, on the last page of the legislation there are additional items that were added to the bill and that's the component that was obsolete. A large portion of this was already approved through the Mayor's office for the new engine. Council is only approving the component that governs the amount of water running through and possibly injuring a firefighter.

Motion by Mencini, supported by Mr. Orcutt, to place on the Special Council meeting immediately following.

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

Mr. Vecchio stated this will appear as Ordinance No. 11137-2019.

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 7:40 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *January 14, 2020*

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