

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, DECEMBER 17, 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 Mayor Gammella, Law Director Horvath, Finance Director Cingle, Recreation Director Elliott, Service Director Garner and Engineer Piatak.

DISCUSSION:

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

Note: Revised legislation received from Finance Director Cingle on December 12, 2019.

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

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

Mr. Vecchio stated that will appear under M-1 as Ordinance No. 11138-2019.

Mr. Cingle stated this legislation is amending Ordinance No. 11134-2019 that appears on Second Reading on the Council agenda.

Mr. Cingle provided the following amendments to Ordinance No. 11134-2019.
Page 1: Department added - Trees and tree lawns - regular salaries - \$3,000 - increase to fringe benefits - \$463.50. Page 2: General Government Lands & Buildings proposed increase - Overtime - \$3,000 - Fringe Benefits - \$463.50. Contingency - previously \$25,000 rounded off to \$28,073.00. Total increase is \$10,000 more than what appeared on legislation discussed two weeks ago. Page 2 - adding Fund 255 - Recreation Center Concession Stand - proposed appropriation part-time salaries - \$800.00 - Fringe Benefits - \$123.60 - Miscellaneous Expenses - Products to sell - \$1,144.40. The last amendment is to add Fund 711 - Police Pension Fund - increase to Fringe Benefits to \$11,700.

Discussion: cont.

Motion by Mr. Mencini, supported by Mr. Orcutt, to remove assigned Ordinance No. 11138-2019 and substitute the amended legislation as Ordinance No. 11134-2019, under Second Reading on the Council agenda.

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

2. 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.

Mr. Salvatore stated speaking with Brook Park and Middleburg Hts. Mayors dialogue has started and suggested placing back in committee, until the Mayors' complete negotiation duties of bringing back to both Councils'.

Motion by Mr. Salvatore, supported by Mr. Orcutt, to place back in committee.

Mr. Scott suggested having the ordinance Read in Committee and start new; unsure why there is an ordinance for the Memorandum of Understanding (MOU).

Mr. Gammella concurred an ordinance is not necessary for the MOU.

Mr. Scott reiterated have the legislation Read in Committee and start new with an MOU between both Mayors' and Law Directors'.

Mr. Orcutt rescinded his support, Mr. Salvatore removed his motion.

Motion by Mr. Scott, supported by Mr. Burgio, to have Read in Committee.

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

Motion by Mr. Mencini, supported by Mr. Poindexter, to bring legislation out of the Legislative Committee.

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

LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. AN ORDINANCE AMENDING CHAPTERS 1124.08 AND 1124.09 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PERMIT; FEES AND NONCONFORMING BILLBOARDS' AND DECLARING AN EMERGENCY.
Introduced by Mayor Gammella.

Mayor Gammella stated this issue was discussed, at length, in Executive Session.

Mrs. Horvath concurred with Mayor Gammella that this was discussed at length in Executive Session; necessary information has been conveyed to Council.

Mr. Poindexter stated to Mrs. Horvath, in the short amount of learning about this, I casual research was done on this by looking up the case referenced with the City of Cincinnati. I think there are some parallels to that case that doesn't line up with the situation in Brook Park. From one article read, it seems that lawsuit was based on a new tax brought forward that was locked by the judge and the judge sided with the advertisement company, believe it was Norton Advertising; Lamar had their own suit that was settled because of the Norton case. That was imposing a new way of higher tax and see why the judge offered a junction. What I don't understand is how does that relate to the City of Brook Park. When the city's fees and taxes have been in place for approximately 20-years? Do you think the city would get the same result as them?

Mayor Gammella responded the city's fees are out-of-line with everyone else's. It was explained in Executive Session why the city's fees were higher than everyone else's. The less spoken about this is the better, Council was advised at the Executive Session; thinks the law director knows little bit more than an article, appreciate you doing the research.

Mrs. Horvath stated the department has spent a lot of time looking at the Cincinnati case and other cases that have quite a few pleadings that were looked extensively. The case is different than the city's case and what is being proposed is based on our city's facts and circumstances and not theirs. This particular ordinance is tailored to City of Brook Park facts and the settlement discussions with Lamar Advertising really doesn't have anything, per-say, to do with the Cincinnati case. I would note that Cincinnati continues to be involved in litigation and my understanding is based on what I know about the case seen on the docket. Cincinnati has three assistant law directors working on that case. So when saying this particular arrangement is tailored for Brook Park it's clearly based on the facts and/or circumstances that we have and also what is best for Brook Park, as far as resolving it.

Legislative Committee - Chairman, Mencini: cont.

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

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

NAYS: None. The motion carried.

Mr. Vecchio stated this will appear under M-1 as Ordinance No. 11138-2019.

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

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

NAYS: None. The motion carried.

Council President Vecchio declared this meeting adjourned at 7:15 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.