

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, JANUARY 7, 2020**

The meeting was called to order by Council President Vecchio at 7:45 p.m., the clerk called the roll and the following Members of Council answered:

**SCOTT, SCHMUCK ORCUTT, TROYER, MENCINI, POINDEXTER, SALVATORE**

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

**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. Special Council meeting held on December 16, 2019.

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

**ROLL CALL: AYES:** Mencini, Scott, Orcutt, Poindexter, Salvatore

**NAYS:** None.

**ABSTAIN:** Schmuck, Troyer. The motion carried with a vote of 5-2

2. Caucus Prior to meeting held on December 17, 2019.

**Motion** by Mr. Poindexter, supported by Mr. Mencini, to amend page 3, first line, insert 'this issue' was discussed.

**ROLL CALL: AYES:** Poindexter, Mencini, Orcutt, Scott, Salvatore

**NAYS:** None.

**ABSTAIN:** Troyer, Schmuck. The amendment carried with a vote of

5-2.

**Motion** by Mr. Poindexter, supported by Mr. Mencini, to approve as amended.

**ROLL CALL: AYES:** Poindexter, Mencini, Salvatore, Scott, Orcutt

**NAYS:** None.

**ABSTAIN:** Troyer, Schmuck. The motion carried with a vote of 5-2.

3. Regular Council meeting held on December 17, 2019.

**Motion** by Mr. Mencini, supported by Mr. Poindexter, to amend page 3, third line, delete the word 'with electric vehicles' and insert 'we spoke about electric vehicles coming to plant one'

**ROLL CALL: AYES:** Poindexter, Mencini, Salvatore, Scott, Orcutt

**NAYS:** None.

**ABSTAIN:** Troyer, Schmuck. The amendment carried with a vote of

5-2.

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

**ROLL CALL: AYES:** Mencini, Scott, Orcutt, Poindexter, Salvatore

**NAYS:** None.

**ABSTAIN:** Troyer, Schmuck. The motion carried with a vote of 5-2.

**Approval of minutes of preceding meetings: cont.**

4. Organizational meeting held on January 2, 2020.

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

**ROLL CALL: AYES:** Mencini, Troyer, Poindexter, Salvatore, Scott, Schmuck, Orcutt

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

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**REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee - Chairwoman, Schmuck

Mrs. Schmuck reported the Aviation & Environmental committee has no report this evening. I would like to say that I'm honored to be here and looking forward to the new year.

Finance Committee - Chairman, Scott

Mr. Scott reported the Finance Committee has nothing on tonight's agenda. The Board of Control met earlier and approved 28 items; three largest being \$551,199.96 for the City of Strongsville dispatch services from January 1, 2020 through December 31, 2020; \$100,000 to Cargill for road salt and \$142,877.25 to Key Government Finance for lease of sewer-vactor and rubbish packers, fourth payment of a seven-year lease.

Legislative Committee - Chairman, Mencini

Mr. Mencini wished Happy New Year and the legislative committee has two items on the agenda; second and third reading. Any legislation to come out of committee please contact me.

Parks & Recreation Committee - Chairman, Poindexter

Mr. Poindexter thanked Mr. Vecchio for the appointment and looking forward to the next year.

Planning Committee - Chairman, Orcutt

Mr. Orcutt wished Happy New Year and looking forward to working with colleagues and thanked Mr. Vecchio for the appointment. The Planning commission met on January 6<sup>th</sup> with the first order of business being the selection of Commissioner Walsh being nominated and voted in unanimously as cochairman of the commission. Three items appeared on the agenda, the first request was for construction of a new digital billboard at 4985 West 150<sup>th</sup> Street for Rock-N-Roll City Harley Davidson the commission unanimously. Second request was from Modern Fastener Company for construction of a 3,960 square foot addition at 5220 West 164<sup>th</sup> Street for steel-coil storage creating more space for future growth, production and jobs, that the commission passed unanimously. The third request was from Corrigan Worldwide Properties for a proposed commercial building at PPN#344-31-007 located on Keystone property that the commission unanimously approved.

Safety Committee - Chairman Troyer

Mr. Troyer thanked Ward 1 residents for allowing representation on Council, Councilmembers for the welcome back, Happy New Year and thank you to Mr. Vecchio for the appointment. The safety committee has no legislation in committee.

**Reports from Standing Committees: cont.**

Service Committee - Chairman, Salvatore

Mr. Salvatore reported later this week he will be meeting with the service director of what is needed in the department. Thank you to Mr. Vecchio for the appointment.

Board of Zoning Appeals - Chairman, Mencini

Mr. Mencini reported the Zoning board met last night and approved variances for Corrigan Worldwide Properties and Modern Fasteners, that Mr. Orcutt spoke of. The zoning board tabled variance requests for a garage at 5227 West 148<sup>th</sup> Street that needs to be downsized a little.

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**REPORTS OF SPECIAL COMMITTEES:**

Southwest General Health Center - Trustee, Orcutt

Mr. Orcutt thanked Council for the trustee appointment and there has not been a meeting to date.

Berea Board of Education Representative, Mencini

Mr. Mencini thanked Council for the board of education appointment and there will be a transition to both the high school and new elementary school located in Brook Park. Monday, January 6<sup>th</sup> was the first day back to school from the holiday break. The month of January is School Board recognition month. In November, 2018 the board approved a three-year lease with Ohio Grindstone backdated to August 1, 2019. No school days for students are January 17<sup>th</sup>, teacher work day and 20<sup>th</sup> Martin Luther King, Jr., and on January 23<sup>rd</sup> will be Coffee and Conversation with Superintendent Wheeler from 8:00 to 9:00 a.m. at Dunkin Donuts on Snow Road in Brook Park. The elementary school site work, water lines and fire lines are pretty much complete with basic site work on the outside. The lighting, heating, gas lines are 100% complete and area A, the auditorium, is 90% complete. Area B is the middle building is 80% complete, Area C is 95% complete except for painting and Area D first floor is 100% complete; the second floor electrical is 15% and roof is 40%. The last day of school for students is June 3<sup>rd</sup>. The district suffered a tragic loss of Kaylee Roberts and deep regrets to the family from Brook Park administration, Council and residents.

Mr. Orcutt asked Mr. Mencini at the new elementary school it looks like the roof was torn off and a new one put on.

Mr. Mencini referred to Mr. Poindexter who served as representative when that occurred.

Mr. Poindexter reported the fasteners the engineer had for the roof were not adequate to hold the roof down, so a new roof had to be installed and am pretty sure that was at the expense of the contractor.

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**REPORTS OF BOARDS AND COMMISSIONS:**

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**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**

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**REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Gammella reported that the city had safe holiday season and on Friday, January 24<sup>th</sup> a blood drive will be held at (American Legion) Post 610 on Sheldon Road from 2:00 p.m. to 6:00 p.m. Mayor Gammella thanked outgoing Councilmembers for an excellent job and congratulations to the newly-elected Councilmembers, looking forward to working with all of you. Happy New Year.

**Questions to the Mayor:**

Mr. Poindexter stated Happy New Year, I was contacted in December, 2019 and currently about dogs being off the leash and attacks on smaller dogs. I was wondering as a point of emphasis for 2020, enforcement of dog ordinances on the books, hopefully the new dog park will curb some of these instances.

Mayor Gammella responded that will continue to be done and if there is a particular area this is occurring let me know so special attention can be given to that area.

Mr. Orcutt stated Happy New Year, looking forward to working with you. Echoing off Mr. Poindexter I brought that same issue of dogs off the leash in a certain area of Ward 3; the dog warden is involved. I would encourage citations given especially to people that have received warnings. Another issue, is with people doing graffiti throughout especially on Brookpark Road that I sent emails and spoke with your assistant. Is it the city's responsibility to clean up the train viaducts on Brookpark Road and Smith Road or the railroads?

Mayor Gammella responded it could be the railroad's responsibility but the problem is this it probably never will get cleaned up. So the city will end up doing it and at the proper time it will get done; I did receive the pictures sent and the city is on it. As far as dogs not on the leash the city visually maintains that and will continue to do so. If there are any complaints and/or problems give the area location for special attention.

Mr. Orcutt asked Mayor Gammella asked for an explanation, for a resident, on the process of building department personnel visiting homes, giving warnings and issuing citations for court appearances; a possible timeframe from when a complaint comes in to the time the problem is resolved, even if the residents go to court.

Mayor Gammella responded when a violation is issued the resident has 30 to 60 days depending on the situation to resolve the issue. If not, the resident is taken to

**Questions to the Mayor: cont.**

court and at that point if the resident pleads not guilty the case is forwarded to Berea Municipal Court. This could be a lengthy process and the problem the city is finding is residents that are cited can't afford to keep their properties up. So the city is put into the case of getting help for these residents, if they don't have the money to keep up their property a fine isn't the answer. What the city is trying to do in the end result is clean up the property and maintained. So we find ourselves, not so much, accusers to people but trying to help people with cleaning up their property. People are very thankful and cooperative but some people need to have the hammer put down on them and city personnel has done that, it can be quite a lengthy process. The people have rights and city personnel can't go on their property and the cut grass, hauling junk out of the front yard or backyard, residents have rights.

Mr. Orcutt asked if the timeframe is the same for commercial property violations?

Mayor Gammella responded it depends on the nature of the violation and would say yes it's pretty close to the same thing. If you're talking about a particular hotel they (owners) went to Berea Court and has done some work on the sign and the city will progress along.

Mr. Mencini stated one thing discussed was a community development report possibly every three months along with police and fire chiefs once in a while. One thing being heard is the speeding on secondary and residential streets, along with rolling through stop signs. Another question, did the (hot) dog business close at Brookgate?

Mayor Gammella responded not sure of the answer, unfortunately, with e-commerce there are brick and mortar buildings closing all over, in every single community. City personnel is vigil on that and work with the Brookgate group to bring in stores and will continue to do so. With the community department reports for clarification do you want the Economic Development and Police and Fire Chiefs at a meeting?

Mr. Mencini responded possibly every meeting or every other meeting the community development commissioner could provide a report and police and fire chiefs at another meeting.

Mr. Vecchio suggested past practice was annual departmental reports were provided.

Mr. Mencini interjected the reports are great but possibly a question-answer period with administration officials.

Mayor Gammella stated there's no problem doing that and will put together a schedule. Also, Mayor's court is a great revenue generator, don't want it to be but it is because of speeders and so forth. At the Mayor's and Managers' Association

**Questions to the Mayor: cont.**

meetings they have the same issues.

Mr. Troyer stated to Mayor Gammella it will be a pleasure to work with you and appreciate the chance. Am requesting a ride-along with the police to hear first-hand what they go through. Also, with speeding, traveling out of town, I noticed there is radar (unit) about the size of a speed limit sign showing people speeds, this unit does not take pictures; that might be something to look into for some of the city streets having issues.

Mayor Gammella responded that idea has merit and will look into that. The city has the speed-machine that is put on city streets but a stationary unit that goes on the poles would be good.

Mr. Salvatore commented the City of Middleburg Heights has those on Pearl Road.

Mr. Vecchio stated to Mayor Gammella with the annual reports, is it a viable solution to get those reports prior to budget discussions?

Mayor Gammella responded that can be done and a schedule will be set up to have fire chief in attendance one month, police chief the next month and following with administration staff that does not attend meetings regularly.

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

Finance Director Cingle

Mr. Cingle congratulated and welcomed all Councilmembers if there is anything you need from Finance please let me know. This time of year the Finance Department is really busy with closing out fiscal year 2019 and the budget process has begun for 2020.

Recreation Director Elliott

Mr. Elliott reported beginning Monday, January 13<sup>th</sup> the fire alarm system will be replaced, should take about ten days. With the new year the department has a couple new programs, information is available at the front desk and on the website. The next Recreation Commission meeting will be Thursday, January 16<sup>th</sup>. The recreation center is one of the local sites for the Knights of Columbus free throw shooting contest to be held on Sunday, January 19<sup>th</sup> at 1:00 p.m., registrations forms are available at the front desk. Also, on Saturday, January 11<sup>th</sup> the recreation center will be joining other surrounding communities in a basketball program promoting good sportsmanship and behavior called Silent Saturday. All teams, coaches and parents have been notified and are aware of this program and all participants are being asked to focus on encouragement and support of good play. This program will be done twice with about eight other cities.

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

Law Director Horvath

Mrs. Horvath wished everyone a Happy New Year and will be providing the list of pending civil cases for the next meeting.

Service Director Garner

Mr. Gardner wished everyone a Happy New Year and welcomed new Councilmembers. The next bulk pickup day is Monday, January 13<sup>th</sup> to get on the schedule please call the service department the Friday before by 12:00 p.m. The 2019 leaf pickup program is complete if residents have leaves bag them up and place in the black rubbish container.

Engineer Piatak

Mr. Piatak stated no report.

**Questions:**

Mr. Troyer asked Mr. Elliott what company is replacing the fire alarms?

Mr. Elliott responded Protegis, formally known as ABC Company.

Mr. Troyer continued if someone sees water on the track or floor in the center and reported to recreation center staff. What would be the procedure for immediate cleanup?

Mr. Elliott responded that being a safety issue that employee should get someone to take care of that right away.

Mr. Troyer asked Mrs. Horvath for estimates the city has for the pool roof and walls. Also, the Brewer-Garrett contract-final agreement for the recreation center.

Mrs. Horvath responded certainly and asked the email address from last week is good for you?

Mr. Troyer responded yes.

Mrs. Horvath stated the Brewer-Garrett contract will be emailed to you and defer to Mr. Elliott with regards to the roof estimates.

Mr. Elliott stated a company provided that estimate regarding the pool area and last year Mayor Gammella created a committee of Councilmembers Poindexter, Mencini and Scott. The committee has previously met three or four times and will be meeting again in the next week or two, before a meeting. That information is being gathered and discussed and there are two estimates. One estimate for the combination of the wall and roof was between \$2 million dollars to \$2.3 million dollars.

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

Mr. Troyer requested the estimate and has been saying for years the roof and walls need to be addressed, the longer it takes to get done the more it's going to cost.

Mr. Elliott commented those meetings should conclude with the conclusion of budget discussions and that information will be shared with Councilmembers.

Mr. Poindexter asked Mr. Cingle for an estimated time when Council will receive the budget?

Mr. Cingle responded hopefully by the end of January or early February.

Mr. Poindexter stated to Mr. Elliott I attended the Ohio State Buckeyes tailgate party at the recreation center, great event. Would like to see more events, possible superbowl party or events like that. Good idea to use the recreation center to get the community together and on board for future events.

Mr. Elliott responded thank you for the positive feedback and wanted to do that in the fall with the Browns but wasn't able to; when the Buckeyes made the playoffs it made sense to have that event. One suggestion you brought forward about the big opening day will be coming in the spring and looking forward to doing that. Each year I challenge the recreation center staff to come up with a new idea and build on that.

Mr. Mencini thanked Mr. Cingle and Mr. Healy for the brief discussion earlier today about city finances. To Mr. Garner with the great weather the Vector has been out along with other service vehicles; are service crews doing cold-patch of potholes?

Mr. Garner responded the (asphalt) plant opened for a winter hot-mix and that program will be starting Wednesday or Thursday running the routes.

Mr. Scott asked Mr. Garner service crews are still picking up Christmas trees, correct?

Mr. Garner responded yes with the anticipation of this week and next week.

Mr. Scott clarified that trees are to be put out on regular rubbish days.

Mr. Garner concurred and commented they will be picked up asap.

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

**New Legislation:**

1. A Resolution to impose a moratorium on the City of Brook Park’s recycling program for a period not to exceed two years and declaring an emergency. Introduced by Mayor Gammella and Council President Vecchio. Placed in Service committee.

**Verbal Approval:**

**1. Appointment and Confirmations - Mayor Gammella:**

**Motion** by Mr. Salvatore, supported by Mr. Orcutt, to approve Gloria Sensel to Planning Commission.

**ROLL CALL: AYES:** Salvatore, Orcutt, Schmuck, Scott, Poindexter, Mencini, Troyer  
**NAYS:** None. The appointment is carried.

**Motion** by Mr. Salvatore, supported by Mr. Poindexter, to approve Jennifer Roberts to the Planning Commission.

**ROLL CALL: AYES:** Salvatore, Poindexter, Mencini, Troyer, Orcutt, Scott  
**NAYS:** None.

**ABSTENTION:** Schmuck. The appointment carried with a vote of 6 and one abstention.

**Motion** by Mr. Salvatore, supported by Mr. Orcutt, to approve Cynthia Schick to Recreation Committee.

**ROLL CALL: AYES:** Salvatore, Orcutt, Schmuck, Scott, Poindexter, Mencini, Troyer  
**NAYS:** None. The appointment is carried.

**Motion** by Mr. Salvatore, supported by Mr. Mencini, to approve Doug Schwind to Civil Service Commission.

**ROLL CALL: AYES:** Salvatore, Mencini, Poindexter, Troyer, Orcutt, Schmuck, Scott  
**NAYS:** None. The appointment carried.

**Motion** by Mr. Salvatore, supported by Mr. Mencini, to approve Shelley Chornak to the Recreation Commission.

**ROLL CALL: AYES:** Salvatore, Mencini, Poindexter, Troyer, Schmuck, Scott  
**NAYS:** None. The appointment carried.

**2. Appointments and Confirmations - Mayor Gammella to the Technology and Innovation Committee.**

Mayor Gammella stated the three appointments to the Technology & Innovation Committee are: Thomas Dufour, James Presley and Holly Klinger.

**Motion** by Mr. Poindexter, supported by Mr. Mencini, to approve all three appointments.

**ROLL CALL: AYES:** Poindexter, Mencini, Troyer, Salvatore, Scott, Schmuck, Orcutt  
**NAYS:** None. The appointments carried.

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**MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:  
REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**

Susan Barbour

5819 Robert Drive

Ms. Barbour stated Happy New Year and expressed concerns with penalties to owners of dogs that run loose, the dog park and assisting at Audrey's Food Pantry.

Liz Sayers

23065 Cedar Point Road

Ms. Sayers expressed concerns with the gazebo at former city hall and council office buildings and the recreation center pool area.

Mr. Vecchio speaking on behalf of Council, condolences to the Roberts' family on the passing of Berea-Midpark High School Junior, Kaley Roberts who recently passed away from influenza.

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

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**Motion** by Mr. Scott, to go out of the Regular Order of Business to Executive Session for attorney conferences. Died for a lack of a second.

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Mr. Troyer stated having an issue with Attorney Conferences being too vague and general; the purpose should be more specific for executive session, residents deserve better and should know the topic.

Mr. Vecchio responded in some instances for attorney conferences the attorney can't disclose, that's the reason for attorney conferences.

Mr. Poindexter asked if the Executive Session pertains to items on the agenda?

Mrs. Horvath stated the purpose of the attorney conference is related to the second reading of Ordinance No. 11138-2019.

**Motion** by Mr. Poindexter, supported by Mr. Scott, to go out of the Regular Order of Business and move into Executive Session for attorney conferences.

**ROLL CALL: AYES:** Poindexter, Scott, Schmuck, Orcutt, Mencini, Salvatore

**NAYS:** Troyer. The motion carried with a vote of 6-1 at 9:05 p.m. In attendance: Members, of Council, Mayor Gammella, Law Director Horvath and Finance Director Cingle.

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

**ROLL CALL: AYES:** Mencini, Poindexter, Salvatore, Troyer, Orcutt, Schmuck, Scott

**NAYS:** None. The motion carried at 9:28 p.m.

**SECOND READING OF ORDINANCES AND RESOLUTIONS:**

- 1. ORDINANCE NO. 11138-2019, 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.

Mr. Vecchio stated Ordinance No. 11138-2019, has had its Second Reading.

**THIRD READING OF ORDINANCES AND RESOLUTIONS:**

- 1. 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. Mencini, to adopt.

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Mr. Poindexter commented that he tried to amend by reducing the penalty to minor misdemeanor, will be voting no.

Mr. Salvatore commented it's clear that this Ordinance softens the blow to the residents with a verbal warning first before any action is taken, thinks that is a big courtesy to extend.

Mr. Troyer commented the legislation isn't perfect yet and thinks there should be more to the legislation. Also asked if this legislation creates extra work for building department personnel?

Mr. Mencini commented coming from the service garage he doesn't think any residents were ever cited on this.

Mr. Vecchio interjected it was stated that the city has never cited any resident.

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**ROLL CALL: AYES:** Scott, Mencini, Salvatore, Orcutt

**NAYS:** Troyer, Poindexter, Schmuck. The motion carried with a vote of 4-3.

**Note:** EXECUTIVE SESSION - ATTORNEY CONFERENCES - PER COUNCIL VECCHIO

**Note:** Moved by **motion** to earlier in the meeting.

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

**ROLL CALL: AYES:** Mencini, Schmuck, Scott, Orcutt, Troyer, Poindexter, Salvatore  
**NAYS:** None. The motion carried.

Mr. Vecchio declared this meeting adjourned at 9:33 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*  
Michelle Blazak  
Clerk of Council

APPROVED *January 21, 2020*  
*as amended*

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