

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JANUARY 21, 2020**

The meeting was called to order by Council President Vecchio at 7:36 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, Service Director Garner and Engineer Piatak.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior to meeting held on January 7, 2020.

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

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

NAYS: None. The motion carried.

2. Regular Council meeting held on January 7, 2020.

Motion by Mr. Poindexter, supported by Mr. Orcutt, to amend page 1, number two, deleting 'supported by Mr.' to read to go out of the Regular Order of Business to Executive Session for attorney conferences.

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

NAYS: None. The amendment carried.

Motion by Mr. Salvatore, supported by Mr. Orcutt, to amend the date by removing 20 and inserting 7 to read Regular Council meeting held on January 7, 2020.

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

NAYS: None. The amendment carried.

Motion by Mr. Scott, supported by Mr. Orcutt, to approve the minutes as amended.

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

NAYS: None. The motion carried as amended.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee - Chairwoman, Schmuck

Mrs. Schmuck reported the Aviation & Environmental committee has no legislation on the agenda. Cleveland Hopkins Airport hired their first female firefighter, congratulations to Captain, Karen Molenterno, of the ARFF (Aircraft Rescue and Firefighting) team. She is enriched in firefighting, paramedic and rescue.

Finance Committee - Chairman, Scott

Mr. Scott reported the Finance committee has no legislation on tonight's agenda. The Board of Control met earlier and approved 20 items; three largest were Axon Enterprises for Tasers & supplies, fourth year of five-year lease in the amount of \$12,960.00; Division of Water annual fee for fire hydrants in the amount of

Reports of Standing Committees: cont.

\$29,960.98 and OnSolve, LLC for CodeRed standard & weather warnings in the amount of \$19,215.00.

Legislative Committee - Chairman, Mencini

Mr. Mencini reported legislative committee has one item under third reading, if items are needed to come out of committee, please let him know.

Parks & Recreation Committee - Chairman, Poindexter

Mr. Poindexter reported the Recreation commission met on Thursday, January 16th and discussed improvements and maintenance issues for the community center. Including a new a new fire alarm system and community room floor replacement plans. At the end of 2019 the commission began reviewing membership rates of surrounding communities and will continue to gather data. The commission also discussed Silent Saturday that was observed on January 11th, I was unable to attend any games that day, but the feedback was tremendous. The players, coaches, referees and parents seemed to enjoy the games more without the rowdy atmosphere that has everyone is used to in the city. I attended a game this past Saturday, with no noise restrictions and it seemed Silent Saturday effects carried over, there was no unruliness, shouting or disturbances. I would say the first Silent Saturday was a success.

Mr. Vecchio commented that he attended a game in North Ridgeville this past Saturday as part of the Silent Saturday, very calm game.

Mr. Poindexter continued there was much pre-hype over Silent Saturday and thinks the recreation staff did a great job with signage and reminding parents that this is about the team players; not about yelling from the stands. Also, the overall experience for the team players, fans, coaches and referees were good for everybody and kept the focus on basketball. Thank you to everyone involved and I say let's keep it up.

Planning Committee - Chairman, Orcutt

Mr. Orcutt reported the Planning committee has nothing on tonight's agenda the next Planning commission meeting will be held on February 3, 2020 at 7:00 p.m.

Safety Committee - Chairman Troyer

Mr. Troyer reported the Safety committee has nothing on tonight's agenda and no legislation in committee.

Service Committee - Chairman, Salvatore

Mr. Salvatore reported the Service committee has no legislation on tonight's agenda. He recently had a productive meeting with the service director and is hoping to have a future meeting with the Mayor and service director to discuss budget issues.

Board of Zoning Appeals - Chairman, Mencini

Mr. Mencini reported the next Board of Zoning Appeals meeting will be February 3, 2020.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center - Trustee, Orcutt

Mr. Orcutt stated the trustees have not met this month but would like to mention the health center will be celebrating their 150th anniversary this year.

Berea Board of Education Representative, Mencini

Mr. Mencini reported on January 23rd the coffee and conversation with Superintendent Wheeler will be at Dunkin Donuts on Snow Road in Brook Park from 8:00 a.m. to 9:00 a.m. The State of the Schools address will be on February 5th at Grindstone Elementary at 7:00 p.m. With the new high school that will service 1,800 students and staff. The district anticipates an August 1st completion hopefully for everything; if not the completion will be on October 10th. There will be 54 general classrooms, ten special education rooms, nine extended learning activity areas and three dining experiences. The outside site-work permanent gas power is completed for areas A & B located in the front on Bagley & Eastland considered the classroom wings. The roof exterior and windows are complete along with drywall finishing's. Areas B & C located on Eastland, another classroom wing, the roof & exterior veneer is complete along with the windows and drywall. Area D is the stadium side that includes the auditorium, band, choral and orchestra the roof is complete, exterior veneer is 95% complete, exterior windows are in progress and the slab for that whole area is in place. Area E is the competition gym with the concrete slabs done and the rest of the work in progress. Areas F & G located in the back that holds the auxiliary gym and locker room trainings the brick veneer, exterior window frames and insulation is in progress.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Gammella thanked the service department crews for the exceptional job with snow removal. The budget is being prepared and have received several wish lists that will be coming forward to Council. Negotiations are continuing with various unions and Silent Saturday was a great idea; it's the utmost importance to focus on the positive in the youth programs.

Questions:

Mr. Mencini stated with shopping and attending events in the city things are heard that are sometimes negative. A recent Plain Dealer article showed that Brook Park property values increased 50% to 132, Lakewood being the highest, this is a very good sign for the community and important it is kept there. Would like

Questions to the Mayor: cont.

meeting with you, the directors and police & fire chiefs. Two other items of importance are the speeding on Smith Road and secondary streets and rolling through stop signs at Holland and Middlebrook. The other item is I want the (city) complex to be great and a lot of people should have input on what people want in the park. It is my understanding the football field was going to be turf and currently it doesn't look like that.

Mayor Gammella responded it is my intention to build a master park, a central park, since the city doesn't have a downtown area and one is needed; this area would be for people to come relax and enjoy. Picking up the Brook Park Memorial property, approximately 18 acres, will help immensely. As you know, the memorial, ballfields and pavilions the city didn't own until the city brought the property. The property will be developed with walking paths, an Amphitheatre and a water feature on Engle Road; everyone will have input. We are smart enough to do this ourselves and will not spend a ton of money on consultants to come and tell us how our city should look. After purchasing that 18 acres the city has a tremendous opportunity to square it off. Not many communities have a park that size, especially a city the size of Brook Park, and being in the heart of the community. The start will be with making a full-service recreation center and a gem for Northeast Ohio. More trees will be planted, more greenspace, canopy space, landscaping mounds on Sylvia, Engle and Holland Roads. This is what the community wants and when talking about housing values going up that's how they will keep going up.

Mr. Troyer stated to Mayor Gammella a question came up earlier about when the former City Hall and Council Chamber buildings will be torn down? Also, with the campus has there been consideration of moving the Armory for total street front. Not sure of the lease the Armory has but that building will be in the middle of everything.

Mayor Gammella responded the (Armory) has a very long-term lease, however, anything is possible and in play. That's a big chunk but the city owns the property so in the future that could be incorporated into this plan. The city is very fortunate to have such a large land mass in the heart of the city, that will be maximized. The (former) buildings will be torn down. That was part of the, you were a Councilmember, when the (decision) was passed to move everything to the recreation center. Not a big fan of that and still not but, quite frankly, the buildings will have to come down for energy efficiency.

Mr. Orcutt requested to meet with the Mayor, tomorrow if possible, to discuss issues in Ward 3 that need immediate attention.

Questions to the Mayor: cont.

Mayor Gammella responded actually a meeting with you is scheduled for 4:00 p.m. tomorrow.

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

Mr. Piatak reported the Northeast Ohio Regional Sewer District (NEORS) contractors will be out in the Defiance and Hardin neighborhoods tomorrow for manhole inspections, tee-testing and things of that nature.

Service Director Garner

Mr. Garner reported January 18th, 19th and 20th was the first major snowstorm of the season, man and machine performing admirably. Residents gave service crews the right-of-way to do their jobs with no instances. January bulk Monday netted approximately 50-tons of rubbish.

Law Director Horvath

Mrs. Horvath reported Council has the list of active civil litigation cases involving the city. Letters will be mailed out to the west-end residents regarding the City of Brook Park vs. City of Cleveland (airport) lawsuit.

Recreation Director Elliott

Mr. Elliott commented he appreciates everyone's feedback on Silent Saturday that was a very positive event. Looking forward to doing Silent Saturday on February 8th there were 11 other cities that joined that weekend, with successful feedback. The installation of the fire alarm system will wrap up this week with testing being done next Wednesday and Thursday. Welcomed Councilman Poindexter to the recreation commission and appreciates the work done by Councilman Salvatore. Part of the commission's discussion was a suggestion by Councilman Poindexter for opening day festivities to dedicate the new high-school ballfield on the city's campus. The first game opener is anticipated to be near the end of March and plans on having the Berea City Schools administration, all three communities of Brook Park, Berea and Middleburg Heights there with updates to follow as plans come together. At the Senior Club meeting on Tuesday, January 28th at 10:00 a.m. the Berea Schools superintendent and assistant superintendent will be in attendance. A presentation of the city campus has been put together to present to Council at a meeting in February.

Finance Director Cingle

Mr. Cingle reported December monthly reports have been distributed, fiscal year 2019 is closed with the audit starting in February. The budget is being worked on daily and should be coming to Council within the next few weeks.

Questions:

Mr. Poindexter stated to Mr. Elliott thank you for mentioning the opening day festivities. Since this is the first year of a 50-year contract with the school district for the ballfield. The hopeful plan is to have the national anthem sung, color-guard, city officials from all three communities and school district in attendance; like opening day for the Cleveland Indians. Putting the spotlight on Brook Park and school district and letting the children know they are important and wanted in the community. Any all suggestions, Berea and Middleburg Heights contacts and donors would be appreciated.

Mr. Troyer thanked Mrs. Horvath for her report and the letter being sent out to residents on the west end. Could you provide a short update of the airport lawsuit to residents who don't receive the letter, what point is the city at now?

Mrs. Horvath responded the city is at the same point as month's prior, there hasn't been any progress in the sense the judge has not made any determination. The very last event on the docket was the judge invalidating a portion of Cleveland's brief; the brief has been amended and refiled on November 8, 2019 with the city filing a response. The city is still waiting for any rulings on the motions for summary judgement.

Mr. Troyer continued to Mrs. Horvath the piece of legislation on third reading in your opinion was it processed properly.

Mrs. Horvath responded yes.

Mr. Troyer continued to Mr. Cingle looking at the numbers quickly the city will be all right?

Mr. Cingle responded the city will be okay.

Mr. Mencini asked Mr. Cingle what percentage is the budget at, 15% or 70%?

Mr. Cingle responded the 2020 income tax projections are being finalized as well as the department head's wish list on the operating side. The Mayor has capital requests and the hope is to have all figures by end of next week to present to Council.

Mr. Mencini continued to Mr. Garner crews did a great job with the recent snowstorm. To Mrs. Horvath appreciate the reports and meetings. To Mr. Elliott good to see children using the game room. Would appreciate having a football coaches meeting.

Questions to the Directors: cont.

Mr. Orcutt stated to Mr. Piatak with the NEORS smoke-testing on Defiance and Hardin areas is that part of the Southwest Interceptor testing?

Mr. Piatak responded yes, that's part of the NEORS sewer study.

Mr. Orcutt continued is there a timeline when that will be finished?

Mr. Piatak responded believes it is scheduled to be done this year.

Mr. Orcutt clarified once that report is done it will be handed over to the city to see where the bad areas are?

Mr. Piatak responded it is my understanding at the end of the study a community report will be developed and turned over and probably a meeting to highlight some of the points.

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

New Legislation:

Mr. Vecchio stated there are two pieces of legislation; one assigned to the legislative committee and the second assigned to the service committee.

Mr. Mencini - Point of Order - doesn't introduced legislation need to be read?

Mr. Vecchio responded that would be a fourth reading, if read, not considered legislation until moved by pulling out of committee.

Mr. Mencini changed his 'Point of Order' to a Point of Clarification'.

Verbal Approval:

1. ANNUAL PAYMENT TO BOXCAST FOR LIVESTREAMING OF CAUCUS, COUNCIL AND SPECIAL MEETINGS - \$2,400.00 (monthly installments of \$200.00).

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

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

NAYS: None. The motion carried.

Verbal Approval: cont.

2. COUNCIL RULE 4 - SPECIAL MEETINGS

Motion by Mr. Salvatore, supported by Mr. Orcutt, to verbally approve rule change #4 as read.

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

3. COUNCIL RULE 9 - CONDUCT OF ELECTED AND APPOINTED OFFICIALS AT COUNCIL MEETINGS

Motion by Mr. Salvatore, supported by Mr. Poindexter, to verbally approve rule change #9 as read.

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

Mr. Troyer - Point of clarification.

Mr. Vecchio - Your point.

Mr. Troyer - Thank you Mr. President, looking at (Council) rule no. 12 - Introduction last sentence says all Ordinances and Resolutions shall be read by title on the day introduced and shall be referred to committee by the presiding officer.

Mr. Vecchio - that's Ordinances and Resolutions.

Mr. Troyer - Ordinances, Resolutions, Introduction.

Mr. Vecchio - correct, it's not an ordinance or resolution until assigned a number, correct? Is it active legislation before or no?

Mr. Scott - No.

Mr. Vecchio - it's not active legislation until assigned a number, meaning action must be taken.

Mr. Troyer - you're changing past practices in the middle of the game?

Mr. Vecchio - I'm just following what...looking at how the legislative process works whether state or federal. The city has been giving (legislation) four (4) readings and this puts it to giving three readings and doing it correctly.

Mr. Troyer - only if you consider reading it before put in committee.

Mr. Vecchio - when brought from committee i.e. Service it's read and becomes

Introduction of legislation: cont.

active legislation; there's no action until (legislation) becomes active by committee.

Mr. Troyer - if this is what you're going to stick with then it would be appropriate to have a rule change for discussion of that's how it will be done changing the wording.

Mr. Vecchio - I would have no issue with that and think it's the best way to go.

Mr. Troyer - thank you.

Mr. Salvatore - to follow up on that it does say all ordinances and resolutions shall be read by title only on the day introduced and shall be referred to committee by the presiding officer, which is you.

Mr. Vecchio - correct.

Mr. Salvatore - we have been doing that for as long as I can remember but it was never considered an introduction as a reading. We haven't discussed it and nobody knows the content so I don't know how it can be given a reading when we haven't considered it to be a reading, with nobody knowing what it is. I think we should follow that rule or look at Robert's Rules of Order if changed will it be affected by Robert's Rules of Order. Definitely, we should stay in past practice until such time to investigate if something can be introduced without being read and put in committee. How did it get into committee if not introduced?

Mr. Vecchio - much like legislation that goes through the House or Senate it's not legislation until it's assigned a number, put in to a committee, come from the committee and having work done.

Mr. Salvatore - Mr. Chairman, I understand that but (Council) rules says it should be read and placed in committee by title only. The rule isn't asking to read the entire ordinance or resolution, just by title only and place in committee.

Mr. Vecchio - by doing so reading title only it effectively had first reading, legislative process. Madam law director refer to you for opinion.

Mrs. Horvath - through the chair to Members of Council. This is an old argument that dates back to 2016. This rule was adopted on 1/4/16 - Organizational meeting. Shortly thereafter the law department sent over a memo indicating that you were really having four readings; Council didn't address that issue and just continued with past practice. I think the best thing to do would be to look at the (Council) rules and have them changed so they read exactly what Council would like them to say. Looking at the rule, if something is read by title on the day introduced it has to be

Introduction of legislation: cont.

first reading, what else could it be? I don't know what else to call it and will tell you, quite frankly, right around the time this opinion was written probably March, 2016. I had an opportunity to attend a seminar with numerous law directors' in Columbus and while in attendance I discussed this predicament with several law directors' and several seminar presenters. Their comment was what else could it be but a first reading. I would be very concerned if our legislation was only having two readings instead of four and think that's the way it's been done having four readings but it's required to have three readings. If (legislation) has an extra reading I don't think it necessarily harms anything but think it's a good topic for Council to look at. Decide exactly how this should be handled and move forward with amending (Council) rules to reflect what Council truly wants. What I will do is pull out the 2016 opinion and give to the clerk to provide copies to all of you; to serve as a template for discussion on how Council wants to change.

Mr. Poindexter - a couple of reasons why I intend to agree with colleagues Troyer and Salvatore is under letter J - Introduction of New Legislation. If it's not legislation yet then Council can't bring it up there because it's not legislation. Using your definition of legislation that would be improper, in my opinion. The other thing that is confusing to me is when legislation is drafted it's an ordinance or resolution regardless if it has a number or not. It's already legislation and reading by title it hasn't had a reading since it was not posted. The title is being read for introduction, otherwise, it isn't introduced, in my opinion.

Mr. Salvatore - this has been done past practice for as long as I can remember and if we go with the theory that just because you read it, it had a reading. Then when it gets to the Caucus agenda and the chairman of the committee reads it then it's a first reading. Can't have first reading until under a Council meeting, under official business, that would give the legislation five readings with that theory. Introduction is a reading, Caucus agenda is a reading that's two readings everything would be passed under First Reading once it gets to the Council floor, that would be considered third reading, if we go that theory. Unless the (Council) rules are changed I think we follow the rules, I do remember that situation and there was a lot of debate. Looking at the rule and talking about something I didn't agree with it says this rule was amended at an Organizational meeting. I don't think an organizational meeting should even have rules on the agenda for discussion; that was my opinion, it was debated and I lost the debate and the rules passed. Again, I said this last week and will say again this week if we're not going to follow the (Council) rules that we have, whether good or bad, then let's change them to be uniform in what we're going to do. Right now that's the way it should be, introduced at a Council meeting; put into committee like you did but think the title should be read. I don't believe it is a first reading, but again, research will determine that.

Introduction of legislation: cont.

Mr. Scott - we have to go back to pre-2016 because if you look up the legality and the official definition of a first reading; it is the reading of a title and placing in committee. Past practice before 2016, I agree we didn't correct and if you read that along with the definition of a first reading. Once a title is read, placed in committee it is legally, if you read it, a first reading, so we have to go back to past practice and I believe this rule must be changed to pre-2016. As Mrs. Horvath said she gave an opinion on this and I'll be honest with you since 2016 I honestly think it's been done wrong and think we've been doing four readings since 2016. I agree that the rules coming from 2016 I was somebody that didn't support you. If that ever happens again, if anybody tries to pull that stunt like done in 2016, that will never happen and apologize I should have supported you back then. Honest opinion, take a look at rule 12, go back to pre-2016 everything will go back to the way it was for past practice, currently, the way the rule is stated we are having four readings.

Mr. Salvatore - one last final comment. I think no action is really official unless it's done at an official Council meeting, that's my opinion. In order to have a first reading (legislation) must appear on a Council agenda and thinks that reading by title only under introduction, in my view, is not a first reading. Doesn't become first reading until Council makes it first reading and Mayor Gammella can remember when a motion was made that (legislation) had first reading. Then there was a ruling determining that if no action is taken on the agenda (legislation) automatically had first reading. If there was no motion for first reading (legislation) died under first reading. I would like to follow some type of forum that makes sense and want it to honestly be in legal form because, if not, then everything Council does would be a waste of time with nothing getting done.

Mr. Vecchio - for clarification as you just said if it's introduced as per the way it would read now...if (legislation) is introduced and read by title, put in a committee it actually has first reading. But, if it's not read by title it's put into committee (Council) takes committee action by bringing it out of the committee to be worked on. Legislation is moved to the Council agenda, following the Caucus Prior to, if it was there it had first reading, second reading and third reading. Correct?

Mr. Salvatore - what I'm saying is no legislation has first reading until appearing on a Council agenda under first reading. Just because (Council) discusses something doesn't mean it had first reading.

Mr. Vecchio - if it's official you've read the title at the Council meeting, official meeting, the title has been read so you've had first reading.

Mr. Salvatore - not according to the rules that we're following.

Introduction of legislation: cont.

Mr. Vecchio - that's a contradictory statement as we look at it.

Mrs. Horvath - the comment I wanted to make was the one that Mr. Salvatore eluded to because looking at past history of documents in the legal department. There was a time when Council would move for a first reading and move for a second reading and that was Council's practice and that worked just fine as long as this last sentence wasn't in rule #12. Once that changed that one sentence caused all the problem and in many cities to read by title on the day a piece is introduced is equivalent of having a first reading. Looking at the way that Council had worked in the past, not talking distant past, probably from 2000 forward somehow the practice died out. That practice was actually a good practice because it made Council rules work really well. We didn't have that one sentence cause any problems with (Council) rules. I would be very, very happy to have Council address that to come to some sort of solution and very happy to work with anyone to see if we can achieve a good result. Just wanted to agree with Mr. Salvatore that was the past practice and think when these (Council) rules were originally drafted everyone knew what that past practice was and followed. If you consider the fact that is what Council was doing is making a motion for first reading, second reading then the rules without that sentence makes sense and worked well for Council, at that point in time.

Mr. Salvatore - you're correct and can almost remember the day that former Law Director Lambros made that ruling that motions were no longer necessary for placement on first, second and third reading. There was no vote required unless there was suspension and voted on. Everything would automatically get first reading after it was read with no action taken, at the next meeting have second reading, automatically go through the cycle, and pass on third reading without suspension of the rules. We all know when the rule Council is following now came into play.

Mr. Troyer - A couple of things that kind of came up in discussion; one can't have a reading if it's not posted. To Mrs. Horvath the number given to the (legislation) what does that refer to.

Mrs. Horvath - I assume you're speaking of the number assigned to each piece of legislation after coming out of committee.

Mr. Troyer concurred.

Mrs. Horvath - that's the number system used to identify the ordinance or resolution, not sure if there is a special name.

Mr. Troyer - what I think we need to do Council is change rule #12 to say legislation introduction...introduction of legislation, therefore, it won't say ordinances or

Introduction of legislation: cont.

resolutions. That would pretty much be the fix, along with a few other, things but think all that is needed is Rule #12 - Legislation introduction and doesn't have to be read.

Mr. Poindexter - To Mrs. Horvath reiterating that (Council) made motions for first and second readings that was done away with. Wouldn't the way the agenda is laid out having subsections for letter M - First Reading and letter N- Second Reading doesn't that do the same thing as making motions for readings. If it's not on the agenda under letter M has the piece had first reading since not appearing on the agenda.

Mrs. Horvath - you have to picture what was going on before without that very last sentence in the first paragraph of rule #12. The sentence all ordinances and resolutions shall be read by title only on the day introduced and shall be referred to committee by the presiding officer. That did not exist at the time that Council was making motions for first or second readings, that was Council's practice. Looking at that paragraph making motions for first and second readings makes sense under the system that was in place. I know for a fact that was discontinued on the advice of former Law Director Lambros and that certainly conformed with what other cities were doing at the time. It was a peculiarity of our Council that those motions were happening and eliminating the motion to have first or second reading didn't really cause any problems; the Council rules and agenda flowed perfectly fine. Where the problem lies is with the addition of the last sentence that happened on January 4, 2016, that last sentence causing the ambiguity and problem. Council can put whatever system they want to move legislation from point a to b, obviously if the (Council) rules and Charter are followed. The problem is this one sentence kind of bucks the system that was in place before and creates issues. Council can design legislation coming to committee or introduced in any fashion they wish. Legislation must be posted and (can) have three readings and Council can change the rules to make it flow, could go back to the way it used to be with making motions or leave on the agenda the way it is. That one sentence needs to be addressed due to basically saying something different than past practice or what the rest of the rules say.

Mr. Mencini - if that is the case and we start doing what was done this evening when this was all discovered, this predicament. I'm not saying it was a surprise tonight but why not introduce ordinances and resolutions on first reading by title. We're hearing now only on first reading it will be read by title then; why isn't it on introduction of ordinances and resolutions on first reading by title?

Mrs. Horvath - are you talking about the agenda or the rules?

Mr. Mencini - the rules or the agenda.

Introduction of legislation: cont.

Mrs. Horvath - I would have to go back and look at prior rules, don't know how that prior rule #12 read before 2016, I know that last sentence wasn't in there. I don't know what the rules were like in 1998, 2000, or so forth but at some point this did become an issue for discussion.

Mr. Mencini - when you made your ruling in 2016 why wasn't it brought forward? Here's my ruling and just so you know. Council may want to change introduction of Ordinances and Resolutions on first reading. That's when the title would be read and put on first reading.

Mrs. Horvath - the way the system works I did address an opinion to everyone on Council, at that time, received a copy of the opinion. I only give opinions I can't make you do anything unless you want. If Council wants to change the rules, I can't insist that the rules be changed barring perhaps the filing of some sort of declaratory or mandamus lawsuit. That's not appropriate with regard to the issue of this particular rule. The opinion was given and if Council decided it didn't want to follow the opinion or had too much on their plate to address it. Or if it was not perceived as a problem then that's Council's prerogative to read the opinion and take action or not take action. It didn't seem to be enough of an issue where the law department would go any further with it other than giving an opinion to Council. As I said if there were only two readings I would be worried and probably take further action. If it appears that there are four readings instead of three after, rendering an opinion, I would leave it to Council's discretion on how to handle that. This is something that Council has to handle, work through and probably give some thought to the whole system before jumping out and tinkering with words here and there. I would prefer to see Councilmembers sit down, go through and give some time to the rules to make sure that whatever needs to be done with the context and how Council wants legislation to flow is all put in the rules for a good set of rules to follow.

Mr. Mencini - was this discussed of late with any Councilmembers?

Mrs. Horvath - no, this is the first instance that I have had any discussion regarding this topic since probably 2017. It's something that has been brought up spontaneously, which is fine, the important thing is recognizing this issue in the Council rules. That we all work together to get a solution so that everything is streamlined and appropriate.

Mr. Salvatore - I'd just like to add that I don't believe any document is an official document until it's been issued a number. I don't think a reading can take place until the number has been issued to an ordinance or resolution. The reason I'm saying that is Council can discuss something at a meeting from a Caucus, place on

Introduction of legislation: cont.

Council agenda issue a number then decide to amend or not pass. That legislation cannot lie in limbo it must come out of committee and be placed on a Council agenda due to a number being issued to either pass or defeat. So until such time it's been given a number I don't think an ordinance or resolution can have a reading without a number. That number creates the validity of that legislation allowing it to move forward through the system; don't agree that it had a reading just because it was introduced. Again, this will take some research and believe we will have to go back many years to fix.

Mr. Vecchio - clarification on that we have the Council rules (from past years) to current to view the different changes.

Mr. Troyer - to do one of those quick fixes, that's not what we need and there are a few things I am working on in other areas. This is something that we should get straight because instead of not just obeying the rules I'd rather have whatever rules the majority comes up, whatever those rules end up being. Looking at this very quickly as I said; rule #12 where it says ordinances and resolutions just change to legislation to read Introduction: Legislation should be introduced in the Council only in printed form with the name of the committee introducing the same endorse thereon or by the Mayor except if it already says legislation in introduced by a Councilman on the floor of the Council then it should carry his name. All legislation shall be read by title only on the day introduced and shall be referred to committee by the presiding officer. I think that would fix that but others have different ideas but again an ordinance and resolution get the number, whereas, legislation does not. Because when it's drawn up its legislation not an ordinance or resolution yet.

Mr. Poindexter - if we just introduce new legislation and put in committee without title how can we be certain that legislation going into that committee is the legislation we want in that committee. For example, if I have a resolution coming forward and present it to the Council President for presentation that night. How do I know that my legislation is going into that committee with no title? How do I know it's not being changed or even introduced there's no record because the title was never read? Hypothetically, I could give legislation to the Council President that never is put in committee because the title was never read. How would anyone know what legislation was introduced?

Mr. Vecchio - the simple point is all of us get the legislation in committee update via email or in person, a printout is provided so there is access knowing full-well your legislation is in committee; that's the fail-safe from the Council office. Tonight, legislation is assigned to committee and tomorrow the clerk will put that legislation in the committee update.

Introduction of legislation: cont.

Mrs. Horvath - Councilman Poindexter, we've had that problem before where the law department has sent over a piece of legislation that was changed. Beginning October 31, 2016 a procedure was developed in the law department of bringing the original legislation to the Council office along with a conforming copy. The clerk accepts the original piece of legislation and date-stamps the conforming copy. This way the law department knows there is always a copy of legislation submitted because that copy is kept in the law department. So there is no way legislation can be changed since the law department adopted this policy along with the assistance of the Council clerk.

Mr. Vecchio - two fail-safes.

Mr. Poindexter - personally I would like to know that legislation I present is going into the assigned committee and able to track it.

Mr. Vecchio - let's wrap this up, place this on a Caucus agenda for discussion.

Mr. Troyer - quick point, not read by full title just who introduced and general subject of what the legislation is about.

Motion by Mr. Mencini, supported by Mr. Scott, to place discussion of Council rule 12 on the next Caucus agenda.

Mr. Troyer - Point of clarification when a rule change is being made it should be in writing.

Mr. Vecchio - the clerk can put your proposal on.

Mr. Orcutt - I was just wondering what we're going to discuss on rule 12, that was just paragraph an and (rule 12) goes through k.

Mr. Vecchio - start with a, on the February 4th Caucus Prior to agenda Mr. Troyer's amendment mentioned will appear.

The clerk called the roll on the motion by Mr. Mencini, supported by Mr. Scott, to place on rule #12 on the February 4th Caucus Prior to agenda.

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

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

1. COUNCIL APPOINTMENT TO THE HOUSING COUNCIL.

Mr. Vecchio mentioned Councilman Burgio previously served on the Housing Council and am recommending Mr. Salvatore due to realtor background.

Mr. Troyer stated the city has CRA's (Community Reinvestment agreements) providing tax breaks and every year those CRA's have to be approved for continuation of the tax breaks. A meeting is held where the building commissioner acknowledges the CRA meeting all city codes.

The clerk followed-up by stating all recommendations made by the housing council are sent to Cuyahoga County Housing Association.

Motion by Mr. Poindexter, supported by Mr. Troyer, to appoint Mr. Salvatore as Council's representative to Housing Council.

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

NAYS: None. The motion carried.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Liz Sayers

23065 Cedar Point Road

Ms. Sayers stated expressed concerns with receiving a public records response from Recreation Director Elliott. Also, expressed concerns with the former City Hall and Council office that are to be demolished and recreation center air quality.

Ray Peterlin

5811 Wengler Drive

Mr. Peterlin expressed concerns of not being able to hear at meetings when sitting in the audience.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: FIRST READING:

SECOND READING OF ORDINANCES AND RESOLUTIONS:

THIRD READING OF ORDINANCES AND RESOLUTIONS:

- 1. ORDINANCE NO. 11139-2019, 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.

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

Mr. Salvatore commented he understands the sensitivity of issue and the importance of passage and will vote for but reluctantly.

ROLL CALL: AYES: Scott, Mencini, Troyer, Poindexter, Salvatore, Schmuck, Orcutt
NAYS: None. Ordinance No. 11139-2019, has passed under Third Reading. Adopted.

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

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

Council President Vecchio declared this meeting adjourned at 9:00 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *February 4, 2020*
as amended

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

7,160 words