

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, FEBRUARY 18, 2020**

The meeting was called to order by Council President Vecchio at 7:30 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, Engineer Piatak and Service Director Garner.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior to meeting held on February 4, 2020.

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

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

NAYS: None. The motion carried.

2. Regular Council meeting held on February 4, 2020.

Motion by Mr. Mencini, supported by Mr. Poindexter, to amend the title be deleting 20 to read February 4, 2020.

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

NAYS: None. The amendment carried.

Motion by Mr. Mencini, supported by Mr. Poindexter, to amend page 7, top of page, insert Poindexter as supporter of the motion.

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

NAYS: Troyer. The amendment carried with a vote of 6 and 1

abstention.

Motion by Mr. Orcutt, supported by Mr. Mencini, to amend page 8, third paragraph, delete 1941 and insert 1981.

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

NAYS: None. The amendment carried.

Motion by Mr. Mencini, supported by Mr. Orcutt, to approve the February 4, 2020 Council minutes as amended.

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

NAYS: None.

ABSTENTION: Troyer. The motion carried with a vote of six and one abstention. Approved.

Motion by Mr. Salvatore, supported by Mr. Mencini, to go out of the Regular Order of Business to letter M - Introduction of Ordinances and Resolutions item numbers 2 and 4.

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

NAYS: None. The motion carried.

Introduction of Ordinances and Resolutions: (First Reading):

2. RESOLUTION NO. 2-2020, HONORING CRAIG JOHN MILLER OF BOY SCOUT TROOP 228 FOR ACHIEVING THE RANK OF EAGLE SCOUT AND DECLARING AN EMERGENCY. Introduced by Councilmembers Salvatore, Mencini, C/W and Mayor Gammella.

Motion by Mr. Salvatore, supported by Mrs. Schmuck, to suspend.

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

NAYS: None. The motion carried.

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

The clerk read the Resolution as requested.

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

NAYS: None. Resolution No. 2-2020, has passed under Suspension of the Rules. Adopted.

Councilmembers Salvatore, Mencini, Orcutt and Mayor Gammella presented the Proclamation to Eagle Scott Miller and congratulated him on all his achievements.

Eagle Scott Miller thanked everyone for this moment and stated when first joining boy scouts he never thought he would become an eagle scout. Through family and friends pushing me through, I've achieved this honor that can be helpful to my future.

Mr. Mencini commented one thing about Craig he has had support from his family and with my coaching of his two cousins and the relationship developed with the family, I wouldn't trade for anything. Craig is a class act along with his family. Congratulations, on your hard work.

4. RESOLUTION NO. 4-2020, RECOGNIZING AN HONORING RUSSELL AND DEBORAH HORNER FOR INVENTING A NEW GAME CALLED 'BATTLE TOSS' AND DECLARING AN EMERGENCY. Introduced by Councilman Poindexter, C/W and Mayor Gammella.

The clerk read the Resolution in its entirety.

Motion by Mr. Salvatore, supported by Mr. Poindexter, to suspend.

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

NAYS: None. The motion carried.

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

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

NAYS: None. Resolution No. 4-2020, has passed under the Suspension of the Rules. Adopted.

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

Mr. Poindexter presented the Resolution to the Horner's and thanked them for their hard work and determination in the development of your game. A wonderful idea that shows hard work and perseverance and it has been in honor watching you develop the game idea. Testament to your character and perseverance and your inspiration to the whole community.

Mr. Horner thanked the Mayor, Council and everyone in the city, being a lifetime resident, am very proud to have Brook Park printed on every game that goes out across the country. The birthplace of 'Battle Toss' is Brook Park and we are very proud of that.

Mr. Salvatore thanked the Horner's for the hard work, being part of the community and developing something that will take you to a new height.

Mr. Vecchio commented on behalf of everyone thank you and hopefully this makes you prosperous and becomes world renowned.

Mr. Poindexter thanked the Horner's for the generous donation of three units of the Battle Toss game to the Recreation Center.

Motion by Mr. Troyer, supported by Mr. Poindexter, to go back to Regular Order of Business.

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

NAYS: None. The motion carried.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee - Chairwoman, Schmuck.

Mrs. Schmuck reported the Aviation & Environmental committee has nothing on the agenda.

Finance Committee - Chairman, Scott.

Mr. Scott reported the Finance committee has two items on tonight's agenda. The Board of Control met earlier and approved 11 items. The three largest are: Key Government Finance first year of a five-year lease for a rubbish truck in the amount of \$48,307.74; InfoStore for city-wide scanning in the amount of \$48,314.00 and Ports Petroleum for gas and diesel fuel in the amount of \$40,000.

Legislative Committee - Chairman, Mencini.

Mr. Mencini reported the Legislative committee has one item on tonight's agenda, if any legislation is to be pulled out of committee please contact.

Parks & Recreation Committee - Chairman, Poindexter.

Mr. Poindexter reported the Recreation committee has one item on tonight's agenda recognizing local entrepreneurs and inventors Russell & Debbie Horner. The next Recreation commission meeting will be held on Thursday, February 20th to hopefully

Reports of Standing Committees:**Recreation Committee - Chairman, Poindexter: cont.**

finalize plans of the opening day ceremonies at Kennedy Field. The date for this event is Saturday, April 4, 2020. The (second) Basketball 'Silent Saturday' was observed on February 8th and, once again, a huge success; as well as the other weeks being more enjoyable for everyone involved. Hopefully, this will move forward in future seasons.

Planning Committee - Chairman, Orcutt.

Mr. Orcutt reported the Planning committee has nothing on tonight's agenda and the commission has not met since last report.

Safety Committee - Chairman Troyer.

Mr. Troyer reported the Safety committee has nothing on tonight's agenda nor any legislation in committee. Provided an oral report on the Brook Park 2019 crime statistics showing motor vehicle accidents down from 829 in 2018 to 646 for 2019. There was one (1) murder in 2018 and zero (0) in 2019; 11 robberies in 2018, 15 in 2017 and four (4) in 2019. Six (6) aggravated assaults in 2018 and five (5) in 2019, the highest was 12 in 2015. In 2018 there were 50 burglaries and 40 in 2019; weapons offenses are down and there has been no arson for the last three (3) years. The report shows department personnel of eleven (11) auxiliary officers versus nine (9) in 2019. There are 27 patrolmen and detectives with 29 of them having 16 to 35 years of service and nine (9) supervisors. Calls for service in 2018 were 25,436 and 22,360 in 2019; there were 3,766 traffic citations in 2018 and 4,954 in 2019. The reason for this report is if more information is needed on Thursday, February 20th at 7:00 p.m. at the Brook Park Library the Neighborhood Watch group will have Officer Kosakowski (Koz) who will be discussing the 2019 crime statistics.

Service Committee - Chairman, Salvatore.

Mr. Salvatore reported the Service committee has one item on tonight's agenda for a cost-share agreement between the City of Brook Park and the Northeast Ohio Regional Sewer District (NEORSD). Mr. Salvatore congratulated the service director and staff for the great work being done, especially during the recent storms. At one time there were 80 service employees with 40 of them doing the work, during the storms. Currently, there are 40 service employees with 20 of them doing all the work. The last bulk pickup totaled 35.5 tons for the month of February.

Board of Zoning Appeals - Chairman, Mencini.

Mr. Mencini stated the Board of Zoning Appeals has no report; the next board meeting will be held on March 2nd.

REPORTS OF SPECIAL COMMITTEES:**Southwest General Health Center - Trustee, Orcutt**

Mr. Orcutt stated no report and the next scheduled meeting will be held on March 4th. Mr. Orcutt referred to Mr. Salvatore for a Strategic Planning report. Mr. Salvatore reported as a member of the Southwest Strategic Planning committee for the last several years. All the work has been completed with meetings being held from

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

December - February and the report will be submitted to the trustees at the March 4th meeting. In the past, planning things would be from five (5) to 15 years out but with the way things are changing, so rapidly, the committee came up with a two-year (2) plan that will be a very exciting especially with this year being the hospital 100-year anniversary.

Berea Board of Education Representative, Mencini

Mr. Mencini reported the State of Schools was held on February 5th at Grindstone Elementary with the fourth graders giving a nice musical presentation. Superintendent Wheeler gave a report on the elementary and high schools that are moving ahead, with 70% to 80% being done. Superintendent Wheeler reported that there is \$100,000 balance remaining in the budget for 2020 with projections indicating a deficit for 2021 and beyond. The administration is looking into staffing, healthcare and other issues in trying to avoid a levy. The last levy in 2014 the voters approved a 3.9 mil continuing levy. There will be future Meet the Superintendent events to be held in Brook Park, Berea and Middleburg Hts.

Technology and Innovation Council Representative - Poindexter

Mr. Poindexter reported the committee is fully formed and thanked Council colleagues for the appointment and confidence. The first meeting date will be on Wednesday, March 4th at 6:00 p.m., to hopefully steer a scope of work for immediate future and long-term.

Mr. Salvatore asked where will that meeting be held?

Mr. Poindexter responded currently it is scheduled in the City Hall conference room.

Mr. Salvatore asked if the public can attend?

Mr. Poindexter concurred.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Gammella reported as Councilman Troyer mentioned crime statistics are down in the community, that's excellent news, the safety forces are doing a terrific job; along with the residents on the Block Watch committee. Housing values are going for a great price in Brook Park. The city will be expanding recreation center activities with the

Reports and communications from the Mayor: cont.

green space-central park with the 18 acres' deal received from the schools. Possibly a new senior center and reopening of the pool will start tonight with the Request for Qualifications (RFQ's) legislation on tonight's agenda.

Questions:

Mr. Mencini stated there are couple of businesses leaving on the east corridor i.e. Nickles Bakery, PNC and Charlie & Tango. What is being done about this? Speaking with business owners and the problems with the Brookgate Shopping Center's landlord, who appeared at a Caucus meeting. I know it's hard on you and business is business with everything being done online. What is the city doing to get businesses to stay in Brook Park, hope this isn't the tip of the iceberg?

Mayor Gammella responded this is not only happening in this community but in communities across America and I think it is the tip of the iceberg. With E-Commerce people aren't going to the stores to buy products and that is having an impact on the brick & mortar businesses in this country. Banking being a very good example with people being able to do all their banking and apply for a loan online. The city is doing everything possible to deal with it and will continue to do so and you can 5/3 Bank to that, they're leaving as well. This is an issue but it's an issue that all communities are facing and is a casualty of the new environment. That's why I keep saying that the city has to make the switch from manufacturing to high-technology jobs of the future.

Mr. Mencini interjected what is the city doing for the businesses that are here now? A lot of the merchants are long-time residents and I'm not saying the city isn't looking into this. But something has to be done that was a percentage of the city businesses walking out. I'm not totally putting this on you, Mayor, but we have to come up with something and can't rely on certain things to happen to solve all our problems.

Mayor Gammella stated with Nickles Bakery the thrift store is being closed in the front but the distribution services in the back will remain open; possible net-loss of five (5) or six (6) jobs with the store closing. At the same time, we bought Corrigan Movers into the city and the building a new Mazda (dealership) and a new Classic Auto Group, to name a few. Over the past few months, Regency Construction was brought in so the city is doing a lot of things to try and add value to the community. I will say again, the brick & mortar stores are struggling look at Great Northern with Pier W, Bed, Bath & Beyond and World Market going out of business.

Mr. Mencini continued one of the things I bring up a lot is the roads and hopefully the 2020 budget continues to aggressively address roads; not only main(s) but residential (s). There are some people on Facebook blaming Council with everything and I will start addressing that. Not towards you, but there is only so much the city can do with the roads; there is only so much money to go around in the community. With the

Questions to the Mayor: cont.

upcoming budget what are we looking at for the roads program?

Mayor Gammella responded there will be a roads program but you have to understand that we've been mandated by the residents of this city to operate on two-percent (2%) and that's what we have to do. I could spend \$50 million-dollars for roads and it wouldn't be enough, we don't have \$50 million-dollars to spend. The roads, quite frankly, aren't so bad in shape as everyone says. Yes, there are problems that will be addressed and will continue to address them. When saying those people who are you talking about?

Mr. Mencini commented I won't say names but some of them are well respected people of this community. Mayor, you're correct every city has the problem with businesses and roads. My point is the roads will continue to be addressed but if the city isn't going to do anything with roads it's hard to fight that battle, again you never want to fall too far behind with roads, this building and employees.

Mr. Troyer asked Mayor Gammella is there a completion date for the front door of the recreation center? What is the name of the company doing the work?

Mayor Gammella responded not sure of the completion date and we're doing everything that can be done to save money. Those doors came from the former City Hall and are far more energy-efficient than the previous doors. I realize you're a professional contractor and pointed out a few things that I personally never would have seen but it will be done correctly.

Mr. Troyer continued with the RFQ on the agenda, a while back a committee was formed is there any output from that?

Mayor Gammella responded with the city survey and the pool committee it's overwhelming that people want the pool area to reopen and want a complete recreation center. This is the problem that the city is facing by spending \$5.2 million-dollars on a building that is half complete. The pool area needs a roof and the walls around the pool need to be fixed. The residents want a pool and I think there should be a pool. That's the only way this city is going to generate more income by making this building a complete recreation center. Coming from the automotive industry the automotive companies don't want plants at half-capacity. Full capacity is needed to pay the utilities and make the building the most efficient it can be. We've done that by moving City Hall to the recreation center, the former buildings will be coming down, making that area part of the new central park. We have to get started on this, that pool area is dismal, we need to fix it and make it right and we will make it right.

Questions to the Mayor: cont.

Mr. Orcutt stated following up on Councilman Mencini's comments, we've talked about the blight in this community and I've told you my ideas for the community. A lot of it has to do with (the hotel) at I-71 and Snow Road; when traveling down I-71 there is a choice of the Marriot Inn on West 150th Street or driving to Bagley Road in Middleburg Hts., I believe that hotel is holding this city back a little bit. Also, encourage your administration to continue to push them to get things fixed. The sign that is seen from the highway has been broken for about five to six years, just flapping in the wind. Traveling from downtown I wouldn't be attracted to stop at that exit for an overnight stay and appreciate the fact the pole has been painted, that looks a lot better. The point I want to make is with the businesses leaving and understand the online purchasing and banking. I spoke with a small business owner that is looking and excited to move his business to Brook Park and would like to discuss with you.

Mayor Gammella commented will call tomorrow and as far as the unnamed hotel all I can say is there is something in the works.

Mr. Vecchio asked Mayor Gammella if there is an update on the Ford Property?

Mayor Gammella responded yes, unfortunately, that was a mega-deal that concerned Walton Hills as well as Brook Park. Currently, that company is having financing problems and is supposedly 98% complete with the financing but isn't there yet. Ford is very despondent about this and I talk with them on a weekly basis. I thought there would be a deal at the end of 2019 and hoped to have an announcement on December 31st (2019). I've been told by someone very well in the know that projects of this magnitude take a little bit more time and all we can do is keep hope. If this deal does not come to fruition, there will be another one and Ford has made it clear to work together and do something with that land. The city is very fortunate to have 195 prime acres that's industrial as well as manufacturing or high technology. As a result of this project the parcel situation has been taken care with Council being a big part of that. Plus, a lot of situations with the Illuminating Company and the biggest thing solved is the environmental issue, that property is ready to go. A lot of situations we've already cleared plus pulling that property from Ford Manufacturing to Ford Land to get on the market was a feat in itself.

Mr. Vecchio asked if there is anything starting to happen with the Aerozone Technology area on the west end?

Mayor Gammella responded yes, nothing I can report on but discussions are taking place with people.

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

Engineer Piatak

Mr. Piatak stated no report this evening.

Service Director Garner

Mr. Garner stated on Councilman Salvatore's comments thank you very much. The crews are very diligent on what they do and accomplish. During snow storms service crews go home for four hours and then come back for 12, after working their eight-hour shift. All credit goes to them along with the mechanics that keep the trucks running making this a multi-faceted situation. The recent bulk pickup was 35.5 tons with the winter months being light and summer months netting 100+ tons.

Law Director Horvath

Mrs. Horvath stated no report.

Finance Director Cingle

Mr. Cingle reported the 2019 Audit has begun with the auditors being onsite last week, the process takes three to four months. With the budget the Mayor is working on finalizing the capital improvement budget and when returned the figures will be punched in turned back over to the Mayor for final review and to come to City Council. The tax department will be open for extended hours in later March and early April to assist taxpayers with filing returns; dates to be announced.

Questions:

Mr. Salvatore stated to Mr. Cingle with the many audits we've been through, has there ever been a situation that the city didn't receive a favorable response. Forcing you to do something out of the ordinary due to false information provided?

Mr. Cingle responded the city has always received clean audit opinions. There were instances where residents have expressed concerns to the state auditor's office that were reviewed and resolved without any issue. The city has always received a clean audit and the process normally takes three to four months, a longer process, because auditors are not onsite every day. The auditors are onsite to get information, then they leave but are still gathering information from the various departments. Then the auditors come back with the process being finalized mid-June.

Mr. Salvatore continued if there was a case of possible false information provided or reported what does that do to the Finance Department? Does it take the department out of the daily routine?

Mr. Cingle responded its time consuming and many times the law department has to get involved to work through the concerns or issues.

Mr. Scott stated to Mr. Piatak with roads construction season coming up, any idea when crews will start with the West 130th Street project?

Reports and communications from departments, commissions and public officials: cont.

Mr. Piatak responded I do not but can make an inquiry to the county, typically, the more local asphalt plants open mid-April; don't anticipate much happening before then.

Mr. Scott questioned going north?

Mr. Piatak responded crews will continue where suspended earlier this winter and then go to the Snow Road and West 130th Street intersection.

Mr. Mencini clarified with Mr. Cingle there is one more stage before the budget is presented.

Mr. Cingle concurred, as soon as the capital improvement budget is received from the Mayor's office that will be inputted into the system because it affects transfers and other areas of the budget. Once that is finalized the Mayor reviews the budget one more time and then it is presented to Council.

Mr. Mencini stated to Mr. Garner, during snow storms service crews put a lot of hours in and with the little storms it is still a lot of man-hours. To Mr. Piatak appreciate the reports given to the zoning (board) definitely helps. To Mr. Piatak will there be a road assessment for this year?

Mr. Piatak responded the street-rating database will be updated and provided.

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

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**Correspondence:**

1. CORRESPONDENCE REQUESTED TO BE READ.

The clerk read the correspondence into the record and attached to these minutes.

Mayor Gammella responded to the correspondence read stating the city finances are in fine shape; the finance director does a fine job. There is nothing wrong with the city finances and I get a little tired when hearing people saying the (city) finances are bad, they are not. They are in very good shape and a good example is over the last two years I saved \$140,000 by doing the Mayor and Safety Director jobs. You hear what the safety forces are doing and what all employees are doing to pitch-in and make this a

Mayor's response to correspondence read:

better place. The pool is the essential to recreation, to this community and it's not just about the pool. It's about the senior center, indoor jungle gym, outdoor water park and a central park. With everything the city can do with that, all of this, I could maybe fix five roads. What's more important the five or six roads or getting the recreation center and central park done, so people have a place to come in their community. Everyone mentions bring young families into the community this is how you do it with greenspace, a nice park and nice recreation center. That's the only way this is going to work and I think the pool, central park and redoing and completing the recreation center job is a good use of taxpayers' monies. In the end, the residents are our customers and we deserve to take care of them first and foremost.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Elizabeth Sayers

23065 Cedar Point Road

Ms. Sayers expressed concerns of not receiving requested public documents, city businesses leaving, negativity, school environmental issues with both Brook Park Memorial and Brookview, recreation center environmental issues, 2012 Master Plan and safety building environmental issues.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: FIRST READING:

Note: Item numbers **two and four were moved by motion** to the beginning of the meeting.

1. ORDINANCE NO. 11140-2020, AUTHORIZING THE MAYOR TO ADVERTISE FOR REQUESTS FOR QUALIFICATIONS (RFQ) FOR GUARANTEED ENERGY PERFORMANCE CONTRACTORS FOR THE IMPLEMENTATION OF A GUARANTEED ENERGY CONSERVATION PROGRAM AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Troyer - there are two issues with how this is being handled. Mayor, I received a lot of information today and HB420 is the grandfather to the ORC 717.02, which will be used for this and the same section used for the last process. I had some problems with the last process and stated a week ago that I couldn't be for this if Council isn't the legislative authority; it's not spelled out that way. We need to know what process we're using in ORC 717.02 because there are different processes. I can't support this if I can't be assured that Council is going to be the legislative authority and everything goes through Council; because that how it is stated, many times, in ORC 717.02. I did ask you, at the time, and you said you would have a committee to select after the RFQ. I mentioned I would like to know (who would be on that committee) and you stated Mr. Orcutt, I said that's not enough...

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

Mayor Gammella - I never told you that.

Mr. Troyer - you said that maybe he would be on it?

Mayor Gammella - No, I don't think I told you, in fact, I know I didn't tell you that.

Mr. Troyer - you did say that.

Mayor Gammella - No, I didn't tell you that and, quite frankly Councilman, I find it very distasteful. I had you in a meeting and tried to bring you up to speed on this and the first thing you said was. We're not going to do anything illegal and I was appalled by that. I wouldn't do anything illegal, Tom, nothing. So you can do whatever you would like to do, you can vote yes or you can vote no. I want to move ahead with this recreation project and the RFQ is a legal way to do it and that's what I intend to do with this Council. You're right this Council is the legislative authority and if you don't want to do that tonight; you want to end this project that's up to you.

Mr. Troyer - Again, I did have the floor, I don't want to end the project. I want the project to go forward and want it to go forward properly.

Mayor Gammella - See, there you go again. Making an inference that we're doing something improper and I have a real problem with that. Because I would never do that and neither would this Council; I think you owe your colleagues an apology, Councilman.

Mr. Troyer - I don't think I do and if I could continue with what I'm saying. Again, I firmly believe this structure, community center, needs to be addressed and have said that many times; the walls and the roof need to be addressed. This is going a step further and looking into a cost-saving issue and going further into the pool and stuff. I'm absolutely willing to go this route and look into it and think we have enough money to repair the walls and the roof, then look at it later. But, you would like to have the pool included and I'm okay with that, another way of doing it. I just...Again Council is the legislative authority in this town and that is important because the section of state law using the previous expenditure. Is the same one being looked at now and mentions the legislative authority constantly...this is 717.02. It also says requests for proposals (RFP) not qualifications. It says the legislative authority shall advertise, the legislative authority shall analyze the proposals and vendors' qualifications; it's all about the legislative authority. We don't know who will be on that committee making that choice. I think Council should be on that committee but if you want to have your own committee who might know more about the process and would be best for the city, that would be fine. Before we vote to move ahead with this Council should know who those people are and Council should approve those people. Then those people after looking at the

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

qualifications come back and say we like this company and come back to Council to say okay and we agree and like that company. Council is the legislative authority, it's just so important, the other thing I would need, and am only one vote. There's at least three different processes in this ORC 717.02 plus there are also portions of that to be picked i.e. C-1-A, B&C, C-2-B so there are these different combinations of how we're going to do this, here's one, C-1-B or C. Council should know how we're going to do this, what the process is.

Mayor Gammella - You don't know the process, Councilman, you were on the last Council to do this with spending \$5.2 million-dollars.

Mr. Troyer - I voted no.

Mayor Gammella - and yet, you'll tell me I don't know the process.

Mr. Troyer - I voted no.

Mr. Salvatore - Point of order. This is unnecessary and uncalled for with legislation, that hasn't been read yet under section M for first reading. Read by title, like in the past, the legislation will have its first reading. If there are questions to be answered then I suggest moving the legislation to a Caucus meeting for full input from the Finance and Law Directors, Mayor Gammella and all Members of Council can voice their opinion. To sit here and argue is not productive and I don't want to be a part of it.

Mayor Gammella - Mr. Chairman, we've been talking about this for two years. Rick, you were part of the Council that approved \$5.2 million-dollars, on this, with the RFQ process. I don't know what's left to talk about, clearly if you don't want to redo the recreation center or if you don't want to do the master park, just vote no.

Mr. Salvatore - Point of Order.

Mayor Gammella - No, point of order, nothing Rick.

Mr. Salvatore - this is a Council meeting.

Mayor Gammella - it is a Council meeting and, quite frankly Mr. Chairman, those are the facts.

Mr. Vecchio - Mayor, there is a point of order on the floor.

Mr. Salvatore - the facts are there's legislation in front of us.

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

Mayor Gammella - the facts are you pledged \$5.2 million-dollars on this building and its half-done; it's got to get done.

Mr. Vecchio - Council, Mayor.

Mr. Salvatore - you're certainly not going to get anything done by hitting me over the head with a baseball bat, it's not going to work.

Mayor Gammella - I wouldn't think of that.

Mr. Salvatore - you're not going to intimidate me.

Mr. Vecchio - Gentlemen

Mayor Gammella - intimidate you.

Mr. Salvatore - Yeah.

Mr. Vecchio - Gentlemen, please refrain.

Mr. Salvatore - Mr. Chairman, you take charge of this meeting.

Mr. Vecchio - Mr. Salvatore I am taking charge please sit back and mind it. Enough is enough we're going to move forward Council.

Mr. Salvatore - I come here to work, I want to get this done.

Mr. Vecchio - Gentlemen, this is legislation in front of you that has had a reading. Council if you are done with this it's had its first reading. Either make a decision as to what you're going to do, we are moving forward as it stands now. The debate and/or discussion is done.

Mr. Mencini - how can it be done, he has questions.

Mr. Orcutt - Mr. Chairman

Mr. Salvatore - you can't do that either.

Mr. Vecchio - Council you need to have this debate in Caucus, not under first reading.

Mr. Orcutt - Mr. Chairman.

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

Mr. Vecchio - Mr. Orcutt.

Mr. Orcutt - thank you very much, Mr. Chairman. I just wanted to state that I believe Councilman Troyer did have the floor and stating questions that he had. I don't think this is blown up and we have been talking about this behind the scenes and think we are all in favor of moving forward with a project. There are a few questions, that obviously, my colleagues, do have. If we could get this meeting back in order I'd like to hear what motion, my colleague, Mr. Salvatore had. I don't know actually who had the floor but I say...

Mr. Mencini - Councilman Troyer

Mr. Orcutt - that we've had discussion off the floor here. I think most people are totally going to favor this but just have a few questions. If we could go back to Councilman Salvatore.

Mr. Vecchio - Mr. Orcutt, currently the debate between the Mayor and Councilman Salvatore is over and done with. Mr. Troyer has the floor to finish.

Mr. Troyer - Thank you. What I'd like to do before making a motion and the reason for the motion is not waste any time so everything will flow. If we can get all the information and get this all straightened out. My motion would be to place back in committee with the understanding it will be pulled out of committee for the pre-Caucus meeting prior to the Council meeting of March 3rd.

Mr. Vecchio - you're making a motion to placed back in committee and bring forward to the Caucus Prior to of March 3rd.

Mr. Troyer - correct.

Mayor Gammella - Mr. Chairman, could we ask the law director to explain the RFQ process. Because all we're doing, at this point, is having someone go out to look at the various companies that qualify and Council will be the legislative decision-maker on this. I don't know why it's so difficult this is only to get the project started.

Mr. Vecchio - Madam law director please weigh-in.

Mrs. Horvath - As I'm sure just about everybody on Council is aware we've done this before. I understand there was some controversy before with regard to the energy-efficiency project. The way it came about previously was totally legal and the end result was we are sitting in this room today. I understand that the ORC 717.02 does talk

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

about a great deal about the legislative authority. Certainly, ultimately, the final decision to expend money or to agree that a particular company would be doing this work rests with the Council. I think Council also has to remember that they are the legislative authority and, therefore, they should not be performing administrative tasks. It sounds to me that sending RFQ's; engaging in bidding; forming a committee to pick a particular rating for companies and so forth; those are all things that are administrative tasks, that's not forming legislation. I've had a number of discussions with Mr. Cingle and the administration, at this point we are looking at bond counsel and other counsel to go ahead and provide a template. For how best we should have a procurement system to follow this Ohio Revised Code section, to do everything properly and in-sync. I think that to expect Council, which has a lot of business to conduct, to actually engage in administrative tasks to move this forward, I think would be inappropriate. I don't think that anyone Council (member) would say let's let Council advertise for bids, or let's let Council perform some of the tasks that lead up to the point where a presentation is made and a decision could be made by Council. I think that we will be looking at determining what tasks are administrative and properly performed by the Mayor and his administration and what decisions should properly have been contemplated and made by Council. Yes, ORC 717.02 does talk a lot about the legislative authority but I think that's in the boundaries of what does legislative authority do. We will have a clear template for Council and the administration to follow and I just wanted to indicate that to Council. Hopefully, that will answer a lot of questions and also want to assure that the prior procedure we followed and very similar to the procedure started now was completely proper. I recall we not only had bond counsel's opinion on the propriety of that but also my opinion and that of Mr. Dolan. I hope that answers some questions and clears up some things, hopefully with the understanding of how best to begin these steps so we can move forward.

Mayor Gammella - Mr. Chairman, with the RFQ process this allows us to go to bond counsel to get this rolling. If it comes to the point that Council decides we don't want to do this, then we don't do it. We're just advertising for bids, getting the best feel that we can to put the best package together that we can; with bond counsel and all done legally to get this project moving ahead.

Mr. Scott - I came in on this process with City Hall after the RFQ's and committee making their selection and what not. My question is how is the RFQ formulated? Is there a template or boiler-plate that has to follow HB 420?

Mr. Vecchio - Gentlemen, this discussion is for a Caucus meeting, a work session, not on the Council meeting schedule. This is here for first reading and you're either going to make a legislative decision to leave it sit at first reading or make a decision to put back in committee.

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

Mayor Gammella - or to suspend, Mr. Chairman.

Mr. Vecchio - or to suspend, whichever you're planning to do. Contain it to that discussion only.

Mr. Salvatore - Mr. Chairman, I would like to go back to my original recommendation, there are some questions and concerns from directors. I don't want to stall this project, want it to move professionally and freely through the system. I'm all in favor of you reading this by title for first reading and placing on the Caucus to get all these other questions answered; just like hiring of bond counsel.

Mr. Vecchio - Mr. Salvatore I read the title.

Mr. Salvatore - Then it's had its first reading and have this discussion at a Caucus meeting with the only issue on that agenda is this legislation; then pass under suspension. I think it's important to do this but it's also important to do it right.

Mr. Vecchio - my suggestion is to place on the next Caucus Prior of March 3rd agenda, it's had first reading.

Mr. Salvatore - willing to have a special meeting on February 25th to move this forward.

Motion by Mr. Troyer, supported by Mr. Orcutt, to have a Special Caucus meeting on February 25th at 7:00 p.m. for Ordinance No. 11140-2020 only.

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

Motion by Mr. Troyer, supported by Mr. Schmuck, to place Ordinance No. 11140-2020 back in committee and bring out for the February 25th Special Caucus agenda.

Mayor Gammella - it has already had its first reading.

Mr. Troyer - that's beside the fact it can still go back to committee and brought back out.

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

Mr. Vecchio reassigned Ordinance No. 11140-2020 to finance committee.

Mr. Troyer asked Finance Chairman Scott to pull out for the special meeting.

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

Mr. Scott concurred.

3. ORDINANCE NO. 11141-2020, AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

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

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

NAYS: None. The motion carried.

Motion by Mr. Mencini, supported by Mrs. Schmuck, to adopt.

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

NAYS: None. Ordinance No. 11141-2020, has passed under Suspension of the Rules. Adopted.

5. ORDINANCE NO. 11142-2020, AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2020 ENERGIZED COMMUNITY GRANT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella and C/W.

Motion by Mr. Mencini, supported by Mr. Poindexter, to suspend.

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

NAYS: None. The motion carried.

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

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

NAYS: None. Ordinance No. 11142-2020, has passed under Suspension of the Rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

THIRD READING OF ORDINANCES AND RESOLUTIONS:

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.

Council President Vecchio declared this meeting adjourned at 9:10 p.m.

RESPECTFULLY SUBMITTED



Michelle Blazak
Clerk of Council

APPROVED

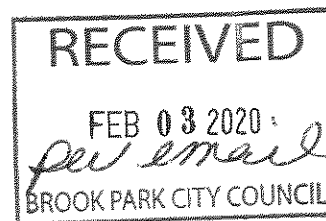


THESE MEETING MINUTES APPROVED BY BROOK PARK CITY COUNCIL ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.

7,255 words

Michelle Blazak

From: Michael Vecchio
Sent: Saturday, February 1, 2020 10:27 AM
To: Michelle Blazak
Subject: Fwd: Pool Area



Michelle,
Please put this on the agenda for the 18th

Thank you
Mike

Get Outlook for Android

From: [REDACTED]
Sent: Saturday, February 1, 2020 10:00:31 AM
To: [REDACTED]
Subject: Pool Area

Council President Vecchio

I am requesting this be read at the next possible council meeting (I assume that will be 2-18). Thank you. As always if you have any questions please let me know.

Mayor Gammella and Members of City Council- as someone with more than just a passing interest in our local government, I feel compelled to respond to the recent "report" from the city, more particularly, from the Mayor, speaking about efforts to fix and re-open the pool area.

How is this a priority at this point ?

Need I remind all of you some of them? Roads; Sanitation equipment and dumping fees; Vehicles, Sewers; and of course the long term Financial well being of the city and with it the generation of new and ongoing revenue sources.

So again, how is re-opening the pool area a priority? It's not!

While many of you would be pleased to stand alongside Mayor Gammella for the photo-op of a reopened pool area for your campaign literature, a far better exercise would be working to solve the financial future of our community.

Collectively, the Mayor and members of Council have decades of experience serving this community - nearly 70 years to be more precise, yet here we are without real answers to the problems facing our community.

I'd offer an idea or two myself as I surely do have some thoughts on this, but that would be too easy. All of you were elected and are paid to do that for all of us!

Before we embark on plans to fix the recreation center yet AGAIN, and well before we talk about reopening the pool, let's take the time to finally fix the finances in a sustainable long term manner.

David Morris
Brook Park resident

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