

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, MARCH 3, 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:

SCHMUCK, ORCUTT, TROYER, MENCINI, POINDEXTER, SALVATORE

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

Councilman Scott properly excused.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior to meeting held on February 18, 2020.

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

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

NAYS: None. The motion carried.

2. Regular Council meeting held on February 18, 2020.

Motion by Mr. Mencini, supported by Mr. Poindexter, to amend page six, paragraph four, delete distillery and insert distribution.

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

NAYS: None. The amendment carried.

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

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

NAYS: None. The motion carried.

3. Special Caucus meeting held on February 25, 2020.

Motion by Mr. Salvatore, supported by Mencini, to amend page one, fourth sentence, delete 225530 and insert 22530.

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

NAYS: None. The amendment carried.

Motion by Mr. Mencini, supported by Mrs. Schmuck, to approve as amended.

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

NAYS: None. The motion carried.

Motion by Mr. Troyer, supported by Mr. Orcutt, to go out of the Regular Order of Business to discuss the cancellation of the March 3, 2020 Caucus Prior to meeting.

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

NAYS: None. The motion carried.

Mr. Troyer expressed concerns with the cancellation of the meeting scheduled by Council. When a meeting is scheduled it should be called whether there is anything on the agenda or not. If a meeting is to be cancelled, Councilmembers should be

Open Discussion of cancellation of meeting: cont.

contacted for cancelling of a meeting. Council has a (meeting) schedule that should be adhered to, the Council President does not have the ability to change the Council schedule by cancelling a meeting. There was nothing on the agenda but a Caucus Prior to the Council meeting is for discussion of what appears on the Council agenda. I think Council needs to clarify how this should be done and give the clerk guidance on placing items on the (Caucus Prior to) agenda even if discussion of that evening's Council agenda. I don't think it's proper to change the schedule when people were in the audience waiting for that meeting that and Council could have been discussing the RFQ legislation. I think if there is nothing on an agenda Council needs to come up with something dealing with that.

Mr. Mencini commented looking at the Council Rules and Charter there is nothing printed about this. I think the way Council was contacted via text there was ample time for Council to question the cancellation of the meeting. I think the public does need to know and Council should come up with a system to handle this.

Mr. Poindexter commented all of Council had an opportunity to bring forward material for the Caucus Prior to meeting, no one brought anything forward. In essence, Council did cancel the meeting with having nothing on the agenda. I don't see a point of calling a meeting with nothing listed on the agenda. We can't arbitrarily place items on the agenda, they must be properly placed on the agenda. I do agree that a notice should be posted for the residents who want to attend the meeting; so they're not waiting for a meeting that doesn't occur.

Mr. Mencini agreed with Councilman Poindexter and think some people have a feeling the way it was done, not an issue for me.

Mr. Troyer stated I could read a couple of items in the Charter and Council rules that I think apply but the point is as stated earlier. The reason for the Caucus Prior to meeting is to go over what is on that evening's Council agenda, as Councilman Salvatore has stated many times. If an item is on the Council agenda there is always a reason to have the Caucus Prior to meeting. That's the reason that meeting was voted in a few years back. It would be as simple as placing on the (Caucus Prior to) agenda discussion items on that evening's Council meeting. There was not anything on the Caucus Prior to meeting; the amendments to the legislation on the Council agenda could have been discussed. I think the meeting was improperly cancelled because it's Council's decision to cancel a meeting; not proper for the Council President to cancel a meeting.

Mr. Vecchio stated to your point of this being a Caucus Prior to meeting to discuss items on the Council agenda. You can't have something in two places; you can't have something on the Caucus Prior to agenda and Council agenda. If the motion was to place on the Council agenda from a previous meeting; it's on the Council

Open Discussion of cancellation of meeting: cont.

Agenda and not on the Caucus Prior to agenda, so Council can't discuss it at the Caucus Prior to meeting. The legislative move is to place on the Council agenda under First, Second or Third reading, whatever the case may be. To have discussion at the Caucus Prior to meeting on an item that appears on the Council agenda can't be done. Because, therefore, it would have to be listed on the (Caucus Prior to) agenda and be in two places at once. As printed on the (Caucus Prior to) agenda item number one is discussion and the second item would be going down to a committee. For instance, under discussion the RFQ legislation authorizing the Mayor to advertise on both the Caucus Prior to agenda and Council agenda, is what you're proposing and that can't be done in the legislative process. Along with past practice and believe Mayor Gammella can attest, being a former Council President, if there wasn't anything on an agenda meetings were cancelled.

Mayor Gammella concurred.

Mr. Vecchio continued and that's been past practice so following that and through the Charter and Council rules there is nothing printed stating that meeting cannot be cancelled or should continue. Council is bound by the Charter to have two Council meetings a month. Nowhere is it printed, unless someone can show me, regarding a Caucus or Caucus Prior to meeting because those meetings are work sessions which are informal meetings. I would think the business portion of this city is done at a Council meeting and if there are no items on the Caucus agenda and a (text) message via the clerk that the (Caucus Prior to) meeting is being cancelled due to nothing appearing on the agenda. Nothing was brought forward by any committee and/or chairman. Why have a meeting for Council to come in and waste time, makes zero sense to me. Out of efficiency from the position of the chair and what I deem to be smart government I made the choice due to nothing appearing on the (Caucus Prior to) agenda.

Mr. Troyer continued Council rule #5 and the Charter gives Council the ability to make the Council rules which then become, basically, part of the Charter. Mr. Troyer read a few excerpts from Council rule #5 'all regular standing committees consisting of the committee of the whole shall hold their regular meetings on the second and fourth Tuesday of each at 7:00 p.m. or as per Council schedule'. 'The agendas for all regular Council and committee of the whole meetings shall be prepared by the Council President of Council and each member of the committee of the whole shall have a copy of the agenda at least seventy-two hours in advance in his mailbox in the Council office'. If you want Council to do it that way it's not your call it's Council's call, then we need to go back to two Caucus and two Council because now the Caucus Prior to meetings are useless, except for the fast-tracking of legislation, the way described. Is anyone here for fast-tracking of legislation, no response, let's change our rules and go back to two full Caucus and two full Council meetings. You said the reason that the Caucus Prior to meetings are there is wrong and can't be

Open Discussion of cancellation of meeting: cont.
done.

Mr. Vecchio responded nowhere did I state that and would appreciate you not to spin words or put words into my mouth. The exact words were that legislation cannot be in two places at once; which would be the Caucus Prior to agenda and on the Council agenda. As we have done for 26 months going into 27 months there have been items on the Caucus Prior to agenda, lot of times it may be a resolution or something simple. Council has the ability via vote in their legislative capacity to vote down moving something forward or vote to move it forward. It has nothing to do with what is placed on the agenda; it's the ability of Council via voting. If there is nothing on an agenda Council can't vote on anything or discuss anything, that's the facts of it, not changing anything there.

Motion by Mr. Poindexter, supported by Mr. Mencini, to go back to the regular order of business.

ROLL CALL: AYES: Poindexter, Mencini, Schmuck

NAYS: Troyer, Salvatore, Orcutt. Being a tie-vote Council President Vecchio votes AYE. The motion carried with a vote of four to three.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee - Chairwoman, Schmuck.

Mrs. Schmuck stated no report this evening.

Finance Committee - Co-Chairman, Poindexter.

Mr. Poindexter stated no report this evening.

Legislative Committee - Chairman, Mencini

Mr. Mencini reported legislative committee has two items in committee.

Parks & Recreation Committee - Chairman, Poindexter

Mr. Poindexter reported the recreation commission met on February 20th with discussion of opening day ceremony to be held on April 4th. Since that discussion it seems there may be a scheduling conflict with the school board. The recreation director and Recreation Commissioner Rocco will be meeting with school officials on Wednesday, March 4th, will keep Council apprised. Basketball playoffs are in full swing at the recreation center with many Brook Park teams playing for championships, good luck to all teams; to the other teams thank you for a great season. Baseball and softball signups have been extended to Saturday, March 7th, tennis signups are taking place for advanced ages only. The third annual spring break Olympics are open for registration for the dates of March 23rd through 26th from 12:00 p.m. to 3:00 p.m., for ages eight to 13. This event is free for members and there is a small fee for non-members, free t-shirt to all participants.

Planning Committee - Chairman, Orcutt

Mr. Orcutt reported Planning Commission met on May 2nd with one item for new construction and a conditional use permit to operate a car dealership located at

Reports of standing committees:**Planning Committee - Chairman, Orcutt: cont.**

13345 Brookpark Road for Classic Mazda. The commission unanimously approved the request with four additional conditions: 1) two parcels of land need to be zoned into one parcel within one year. 2) must have dedicated parking for employees. 3) dedicated parking for all new and used vehicles for sale, so excess inventory doesn't block aisle-ways for emergency vehicles. 4) the iron fencing is to match the other businesses on Brookpark Road.

Safety Committee - Chairman Troyer.

Mr. Troyer stated there is no legislation on tonight's agenda or in committee. The Organizational meeting for Citizen of the Year Committee will be on March 5th at 6:00 p.m. in the community room; please submit nominations for residents that do good deeds for the community. United Methodist Church of Brook Park invites everyone to be the judge of the sixth annual spaghetti cook-off to be held on Saturday, March 21st from 4:00 p.m. to 8:00 p.m. at the UAW Local 1250 hall located at 17250 Hummel Road; tickets for adults are \$15.00, children ten and under \$8.00. Dinner includes spaghetti sauce tastings there will be a silent auction, 50-50 raffle and other things. This is a great event and for tickets or more information call the church office at 216-676-4738. There will be a free community event 'Buzzard Breakfast' held on March 14th from 9:00 a.m. to 11:00 a.m. at Redeemer Lutheran Church, 6151 Smith Road, reservations are necessary by March 7th by emailing mayorsbreakfast44142@gmail.com. or by calling 216-362-0533. Sponsors of this event are Mayor Gammella, Brook Park City Council, Brook Park Fire Department, Brook Park Botanical Club, Brook Park Help Thy Neighbor and Redeemer Lutheran Church.

Service Committee - Chairman, Salvatore

Mr. Salvatore reported no legislation on tonight's agenda.

Board of Zoning Appeals - Chairman, Mencini

Mr. Mencini reported the board met on Monday, March 2nd and approved a request for a 12' side-yard sign variance for brand new home construction located 16005 Southway Drive. The second request was for four (4) sign variances at 5775 Engle Road, Cle Park. The first was for a variance to install an additional ground sign #1, the board also approved a 10 sq. ft. variance per sign #1, the board rejected the third variance for an additional ground sign and approved a 1,330 sq. ft. variance for total property signage. The board also approved variances for Classic Mazda first being a secondary wall sign #6, additional wall sign #7 and approved a 71 sq. ft. sign #7 variance. The board approved a variance for non-masonry construction and a variance for partial relief of site landscaping and screening regulations.

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

Mr. Orcutt reported Southwest General hospital continues to place residents first and provides many services to assure health needs are met with dignity, professionalism and compassion. Some programs include the Community Nurse Program that includes health screenings and educational programs in neighborhood locations, such as recreation and senior centers, libraries and local meeting places. Also, a physician referral phone service that is staffed by a registered nurse. Another program to help residents of the health center's taxing district is to dispose of unused medications and o transportation to Southwest General. The Southwest Board of Trustees meeting will be Wednesday, March 4th at 6:00 p.m.

Berea Board of Education Representative, Mencini

Mr. Mencini stated to Councilmembers, elected officials and directors that probably the end of March or early April a trip to Polaris will occur to view the new improvements. Spring break will occur from March 20th through March 27th. At the January board meeting the school board retained six law firms for legal representation in all different areas of operations of the school district. Actual revenue for the month of January was down \$647,000 compared to last year while the revenue for the month was under. The estimated actual expenditures for the month were up \$250,000 compared to last year. Actual expenditures were under the estimate and the district's cash balance is down \$266,000 compared to last year.

Technology and Innovation Council Representative - Poindexter

Mr. Poindexter reported the Technology & Innovation committee will be having their first meeting Wednesday, March 4th at 6:00 p.m. in the Council Chambers.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Gammella reported the administration and staff are taking all necessary precautions for the Corona-virus and will be attending a conference with some Mayors and Managers for cities to be best prepared, as well as meeting with Southwest General Health Center officials. The Classic Mazda dealership will be located at the former Skateland property; this is part of the ongoing process to bring new businesses in constantly. Businesses leave and businesses come its ongoing and the city does it's best to stay on top of it. Spoke with Ford representatives earlier today and they are going with the second and third bidders for the property; the primary bidder was unable to get financing. Negotiations continue with the various unions in the city. The administration is tasked to run a budget with 2% and that's what we're going to do and the budget will be to Council by the end of the

Reports and communications from the Mayor: cont.

week; many thanks to Finance Director Cingle and Assistant Finance Director Healy for all their hard work.

Questions:

Mr. Orcutt asked Mayor Gammella with the Corona-virus there was an article that the City of Cleveland has special training and equipment. In the unlikeliness of a plane landing at the airport does Brook Park fire personnel have any training or new equipment to date?

Mayor Gammella responded no, but there have been discussions with the fire chief and with the upcoming meeting of the Mayors' and Managers and Southwest the city will be ready.

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

Mr. Cingle reported February monthly reports will be distributed in the next few days. With the upcoming budget discussions if there is any information Council needs please contact. The tax department window of operation is 9:00 a.m. to 4:00 p.m. and will have extended hours until 7:00 p.m. on March 16th, March 24th, March 31st, April 7th and April 14th; Saturday hours will be from 9:00 a.m. to 12:00 on April 4th and April 11th.

Recreation Director Elliott

Mr. Elliott reported both yesterday and today there has been a timing issue with the parking lots. The front door project will continue next Wednesday to modify the second set of doors. The center will be having Midnight Madness on March 20th from 8:00 p.m. to 12:00 midnight. The center will be hosting the Boxing Gloves tournament from March 27-29, 2020.

Law Director Horvath

Mrs. Horvath reported the city was served with a new lawsuit today for an administrative appeal to the Board of Zoning. Ms. Cardaman joined the law department in July, 2019 and is very experienced in municipal law and on February 22nd was honored by the Parma Bar Association for having over 25 years of practice in law.

Service Director Garner

Mr. Garner reported the next bulk Monday will be March 9th, please call the service department by 12:00 p.m. on April 10th to get on the schedule. Recycling fees are going up and the recycling rules and matters are being looked at and will be strictly enforced. Residents are asked to keep out what doesn't belong in recycling cans and to utilize the green-orange dumpsters for cardboard and paper. With the snow season ending any snow damage please contact the service department to be put on the tree lawn list for repairs, topsoil won't be available until mid-April.

Reports and communications from other departments commissions and public officials:**Engineer Piatak**

Mr. Piatak reported he will be attending a Northeast Ohio Regional Sewer District workshop on March 13th geared to district member community infrastructure program. This grant program is for local infrastructure projects i.e. storm sewers, sanitary sewers and thing of that nature. On March 10th I will be attending the Rocky River Watershed advisory committee meeting and will provide an update at next meeting. Currently working on the city's street rating database and when complete will be forwarded to Council. My office is working on the annual Phase II EPA storm-water report that is due by the end of March. At last meeting Councilman Orcutt asked for a date that the sewer evaluation study will be completed; response received has a target date of mid-2021.

Questions:

Mr. Troyer asked Mrs. Horvath if a resolution could be created to honor Ms. Cardaman, co-sponsors C/W and Mayor Gammella.

Mr. Vecchio thanked Mr. Troyer for doing that.

Mr. Mencini asked Mrs. Horvath if the civil litigation report could be given to Council in March or April.

Mrs. Horvath responded during the executive session updates will be provided on some of the lawsuits and a report will be coming to Council.

Mr. Mencini thanked service department crews for the great job during the last winter storm.

Mr. Mencini asked Mr. Piatak with the previous grant for Delores Blvd. is that a done issue?

Mr. Piatak responded yes.

Mr. Orcutt stated to Mr. Elliott with the outside lights, is that done through the building automation system or by making a change on the computer?

Mr. Elliott responded no, it's not part of that system and must be done manually.

Mr. Orcutt thanked Mr. Cingle for the Brewer-Garrett report very helpful. Could Council request Brewer Garrett representatives come to an upcoming Caucus meeting to provide the recreation center savings?

Mr. Cingle responded yes.

Reports and communications from other departments commissions and public officials: Questions: cont.

Mr. Vecchio suggested the April 14th Caucus meeting.

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

New Legislation:

Per Council's request Mr. Vecchio read two pieces of legislation by title:

A Resolution accepting the recommendations and approving the minutes of the Housing Council on the City of Brook Park's Community Reinvestment Area (CRA) agreements and declaring an emergency. Introduced by Mayor Gammella. Placed in Finance Committee.

An Ordinance amending Ordinance NO. 11180-2019, authorizing the implementation of the Brook Park home maintenance assistance grant program (HMAP) and declaring an emergency. Introduced by Mayor Gammella. Placed in Legislative Committee.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Joan Markusic

13911 Bellbrook

Ms. Markusic expressed concerns with the (proposed) time limits for speakers there should be a time limit for Councilmembers, no communication except for social media, Council voting reasons don't have to be known, rough tar on Smith Road and Council not being productive should find common ground.

Liz Sayers

23065 Cedar Point Road

Ms. Sayers expressed concerns with not receiving public documents requested, safety building repairs, bad streets, city not moving forward, environmental issues with recreation center, city's Master Plan and businesses moving out of city.

Mayor Gammella interjected as to how long Ms. Sayers is going to continue with these issues, there is no point to this.

Ms. Sayers interjected Mayor, you have embarrassed me enough.

Remarks from the audience on any subject: cont.

Mr. Vecchio to Ms. Sayers these matters should be discussed between you and the Mayor, this is a business meeting.

Ms. Sayers stated I know that and you should have told him before when he runs his mouth about things that shouldn't have been said at Council.

Dave Morris

13805 Holland Road

Mr. Morris expressed concerns with the central park greenspace and possible sewer issues, suggested with the upcoming budget talks maybe a Saturday morning (special) meeting could be called with all city personnel in attendance.

Motion by Mr. Poindexter, supported by Mr. Troyer, to address audience.

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

NAYS: None. The motion carried.

Mr. Poindexter thanked all the residents for coming forward. To Ms. Markusic Councilmembers do speak with each other during the week but he also wants open discussions. The reason of voting before a vote I like to do that to let residents know why I'm voting that way and possibly sway other councilmembers. To Mr. Morris good point with the greenspace area and sewer issues and also like the idea of the Saturday budget meeting.

Mr. Troyer responded to Ms. Markusic exactly what I've been saying about fast-tracking especially with the crack-sealing. Council does talk amongst themselves but needs to be careful. Read the O.R.C 121.22 emergency clause (into the record) that appears on each piece of legislation. Commented that the audience should have input at Caucus meetings when legislation is being discussed.

Mr. Mencini stated to Mr. Morris great phone conversations between us. Not in favor of a Saturday (special) meeting due to public being very busy on the weekends. He brings any issues or concerns to the recreation center or Council meetings. Councilmembers do speak among themselves and includes directors. If Council agreed on everything would still get backlash from residents that all Council does is agree with each other.

Motion by Mr. Mencini, supported by Mr. Poindexter, to go back to the regular order of business.

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

NAYS: None. The motion carried.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: FIRST READING:

SECOND READING OF ORDINANCES AND RESOLUTIONS:

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. Poindexter suggested making suggested amendments from last Special Caucus meeting.

Mr. Vecchio asked if Mrs. Horvath should be included since working with another law firm.

Mr. Poindexter thinks amendments should be made under second reading instead of third reading, so the legislation doesn't have to go back to second reading.

Mrs. Horvath stated in discussion with finance director and Mayor the law department reached out to Squires, Patton and Boggs. They will assist in looking at the legislation to make it clear on how Council will delegate authority to the administration. Due to the recent corona-virus and stock market crashes we haven't been able to speak with the law firm recently. Council can make amendments to move the legislation forward but the most importantly is to work together to achieve a good result. Will speak with the law firm and provide a memo to Council, Mayor and Finance Director.

Mr. Vecchio suggested possibly putting this legislation on the next Caucus (Prior) agenda to see if the outside information is available.

Mr. Salvatore suggested making the amendments so outside counsel sees clear legislation, so not to delay third reading. Madam, law director?

Mr. Troyer - Point of order.

Mr. Vecchio - What's your point?

Mr. Troyer had my hand up, looked at me and went to law director.

Mr. Vecchio she was asked a question let's hear her answer.

Mrs. Horvath stated as indicated, changing language in the Whereas clauses can be done this evening. This may be a situation with trying to accomplish a good purpose

Second Reading of Ordinances and Resolutions: cont.

and (possibly) having some adjustments on third reading.

Mr. Orcutt mentioned my intent was to move forward, I've been trying to move this forward for over a year. I like the lighting program and the idea of 'earmarking energy-savings for fixing of buildings.

Motion by Mr. Orcutt, supported by Mr. Salvatore, to amend third 'Whereas', by deleting 'Fire Station No. 9' and inserting Ruple Road fire station.

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

NAYS: None. The amendment carried.

Motion by Mr. Orcutt, supported by Mr. Salvatore, to amend Section 1 by deleting Fire Station No. 9 and inserting Ruple Road Fire Station.

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

NAYS: None. The amendment carried.

Mr. Troyer expressed concerns to Mrs. Horvath will the bond counsel rewriting this legislation?

Mrs. Horvath responded most likely bond counsel will be looking at Section one (1) since the O.R. C. speaks about the legislative authority delegation to the Mayor.

Motion by Mr. Troyer, supported by Mr. Orcutt, to amend the third Whereas by deleting (HB 420) and inserting O.R.C. 717.02.

Mayor asked Mrs. Horvath for clarification of correct O.R.C. section.

Mrs. Horvath concurred and stated by eliminating HB 420 the O.R.C code section would adhere to this project.

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

NAYS: None. The amendment carried.

Motion by Mr. Troyer, supported by Mr. Mencini, to amend 4th whereas to read 'the purpose for issuing this request is to identify and have Council select qualified providers or energy service companies to perform the implementation of an energy savings performance contract; and

Mayor Gammella stated my only problem is qualified provider to work, we can't select numerous providers there can only be one provider. One company must be the general contractor, much like Brewer-Garrett was with the recreation center project. It has to be one company so there are no problems; unanimous providers

Second Reading of Ordinances and Resolutions: cont.

cannot be selected. I understand Council wanting to see the competitive bids but after seeing those bids only one person (company) is selected to oversee the entire job.

Mr. Troyer commented I understand; the competitive bidding process can be eliminated using O.R.C. 717.02 (c) especially. The RFQ provides the qualified companies, how many apply, now it should be Council should have that responsibility but can delegate out that responsibility. To pick three companies out of the qualified companies for proposals. Then those three companies come back to Council with proposals for review by Council or the delegate for the overseeing of the project.

Mayor Gammella thinks we're in agreement but wording it differently, one company needs to do everything, cannot have different companies, now the question is. How does the city get to that company by the RFQ price-wise?

Mr. Troyer commented that's where there is an issue. The RFQ doesn't have a value, there are no financial numbers to do the project. The RFQ picks out the best companies (that apply) to do the project. Then it goes to the RFP (Request for Proposal).

Mrs. Horvath stated I think we can all agree we want to have this done right. The Mayor is looking at the end of the project with one company performing the services. Mr. Troyer wants to divide this process into two or more parts and delegate authority through the point of the Mayor's office for the RFQ and/or RFP. Speaking with many people the RFQ and RFP in this type of situation is kind of both. I think the problem is the Mayor is looking down the long road with one company selected and Mr. Troyer doesn't want to jump that far. Part of the process for the RFQ or RFP, whatever it's called is once that is achieved then another delegation of authority is to accomplish the rest of the parts. With that being the case my suggestion would be to defer that amendment to the next discussion.

Mr. Vecchio asked Mrs. Horvath would the next discussion be after speaking with bond counsel?

Mrs. Horvath concurred.

Mayor Gammella commented I don't think there is anybody up here that doesn't want this project done right. One thing I don't want to do is fast-track I want to take our time to get this right. Mr. Troyer you've stated numerous times you want this project done right and that's what we're going to do.

Mr. Troyer asked for a call of the question.

Second Reading of Ordinances and Resolutions: cont.

The clerk called the roll call on the 4th Whereas amendment that reads: 'the purpose for issuing this request is to identify and have Council select qualified providers or energy service companies to perform the implementation of an energy savings performance contract; and

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

NAYS: Poindexter. The amendment carried with a vote of 5-1.

Mr. Troyer thanked Mayor Gammella for the back and forth conversation.

THIRD READING OF ORDINANCES AND RESOLUTIONS:

Motion by Mr. Mencini, supported by Mr. Poindexter, for a five-minute recess.

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

NAYS: None. The motion carried at 9:21 p.m.

Motion by Mr. Mencini, supported by Mrs. Schmuck, to go back to Regular Order of Business.

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

NAYS: None. The motion carried at 9:26 p.m.

EXECUTIVE SESSION - PER MAYOR GAMMELLA:

1. ATTORNEY CONFERENCES - CIVIL LITIGATION UPDATES
2. NEGOTIATIONS OF BARGAINING SESSIONS WITH PUBLIC EMPLOYEES CONCERNING COMPENSATION.

Motion by Mr. Troyer, supported by Mr. Mencini, to go into Executive Session for pending or imminent court action and collective bargaining matters.

Mr. Vecchio commented we need to go into Executive Session for items listed on the agenda.

Mr. Troyer responded the Sunshine laws state the reasons, not the ones listed.

Mr. Vecchio reiterated the motion

Mr. Salvatore asked if those reasons include what will be discussed?

Mrs. Horvath responded we will be discussing both pending and imminent legal matters both. Under the Ohio Revised Code section 121.22 we are a Chartered city and to call it under something else is not a major problem. Wouldn't want to see, at this late time, an argument over process and procedure. Would hope to defer to Council rules amendments for another day and move forward with the business at hand.

Discussion of sunshine laws - Executive Session: cont.

Mr. Vecchio commented Council would be going against own rules because clearly in Council rule no. 2 there are five listings.

Mr. Troyer stated those are examples.

Mr. Vecchio stated they are laid out in our Council rules.

Mr. Troyer stated the requirement to follow the open meetings act are for reasons I just explained listed in Ohio Open Meeting Act, Chapter Nine; that is the wording required if we're going to follow the open meetings act.

Mrs. Horvath stated we are a chartered city and by case law doesn't have to basically follow the open meeting act due to home rule. Would be very chagrin, after a relatively lengthy meeting, that we're talking about policy and procedure and not moving forward with what needs to be discussed. If Council really wants to discuss Council rules my suggestion is to put that on a Caucus agenda to take a look at the rules. Not well taken to begin that discussion now before going into executive session.

Mr. Salvatore stated there is a motion on the floor and would ask the chairman to call the roll. One thing before that is done is the terminology used for executive sessions is not important. The only important and pertinent issues are what will be discussed.

The clerk called the roll by Mr. Troyer, supported by Mr. Mencini, to go into Executive Session for pending or imminent court action and collective bargaining matters.

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

NAYS: None. The motion carried at 9:30 p.m.

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

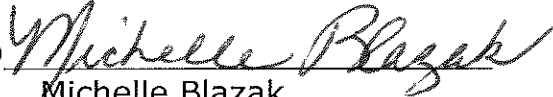
ROLL CALL: AYES: Troyer, Orcutt, Schmuck, Salvatore, Poindexter, Mencini.

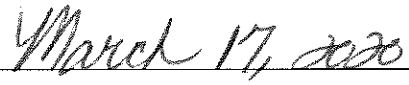
NAYS: None. The motion carried at 10:14 p.m.

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

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

Council President Vecchio declared this meeting adjourned at 10:15 p.m.

RESPECTFULLY SUBMITTED 
Michelle Blazak
Clerk of Council

APPROVED 

THESE MEETING MINUTES ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.

5,826 words