

NOTE: Due to the COVID-19 Pandemic for the upcoming April 13, 2020 Special Caucus Meeting Governor DeWine's directive for meetings and social distancing will strictly be in effect.

**SPECIAL CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK
HELD ON TUESDAY, APRIL 13, 2020**

The meeting was called to order by Council President Vecchio at 6:30 pm., who stated due to unchartered waters with COVID19 this meeting is being held by teleconferencing and livestreaming means to protect ourselves and our families. The clerk called the roll and the following Members of Council answered: After each legislation title is read I will allow two minutes of discussion on the topic for Council input:

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

Also, in attendance were Mayor Gammella, Law Director Horvath and Assistant Finance Director Healy.

Mayor Gammella stated the doors are open people can come in with space limited in the chambers for social distancing. I would ask to ask audience participation to be limited to five (5) minutes.

DISCUSSION:

1. AN ORDINANCE 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.

Mayor Gammella stated this is so the city can get monies the city applied for to clean sewer and catch-basins, basically free money the city is applying for.

Mr. Orcutt noted the city has made some good progress with all of the storm catch-basin cleaning the city has been doing in Ward 3, has helped a little bit; commented that a few areas will have to be reviewed according to last summer.

Mr. Troyer stated in the third paragraph there are dates that are incorrect, street sweep approximately 500 miles of city streets three times during 2019 that needs to be changed. The last paragraph, last line, under 2015-2019 MS4 permit obligations, dates may need to be changed.

Mayor Gammella commented the law department felt this was fine the way it was and suggested this Special Council meeting as Mayor and items one through nine should have been on the Special Council agenda, not the Special Caucus meeting. The only exception would have been item number four since that was on a Council agenda. Mayor Gammella asked for a motion to place items one through nine, with exception

Discussion: cont.

of item number four to place on the Special Council agenda.

Mr. Troyer stated this isn't free money this is paid through the residents' sewer bill so this allows for residents' monies to come back to the city. With the map and streets listed in the agreement is all this work going to be done in Ward 4?

Mayor Gammella stated that comment is totally out of line, work will be done throughout the city and the city has to apply for the monies, please don't grandstand.

Mr. Troyer responded I'm not grandstanding, there's only a map of Ward 4 in the agreement. So the answer it is not only Ward 4.

Mayor Gammella reiterated it will be the entire city.

Mr. Mencini asked what meeting this is being moved to.

Mayor Gammella stated the Special Council meeting immediately following.

Mr. Troyer commented that would be improper.

Mayor Gammella stated no, it would not, the Charter says the Mayor can call a special meeting and have legislation placed on that special meeting. That's how it should have been done; there shouldn't have been a Special Caucus with the exception of item #4.

Mr. Vecchio stated both have valid points on this and asked Mayor Gammella how was the meeting called; in written form or by voice?

Mayor Gammella responded I believe it was both.

Mr. Vecchio continued so if it was outlined of what items would appear on the Special Caucus agenda and what items would appear on the Special Council agenda, obviously there is some confusion. Councilman Troyer is correct, in the fact, that the items cannot be moved over to the Special Council agenda because they should have been placed on initially.

Mayor Gammella interjected they should have been placed on initially.

Mr. Vecchio stated as per the direction, not knowing what the direction was, not seeing it myself, that's why I'm asking.

Mayor Gammella stated the Special Council meeting was called for the nine items Council placed on Caucus that should have been placed on the (Special) Council. It's

Discussion: cont.

in the Charter and I have a memo from the law director pertaining to this. The motion should be to take items one through nine with the exception of item #4; shouldn't have to do that if this was done correctly.

Mr. Vecchio stated the items cannot be placed on the (Special) Council agenda because they should have been placed on initially.

Mayor Gammella interjected they should have been placed on initially, with the exception of #4 and that would be up to Council.

Mr. Poindexter stated looking at the Special Council agenda immediately following the note says legislation must be moved by Council from the Special Caucus agenda prior to this meeting, it's posted that Council was planning to move legislation over.

Mr. Vecchio commented the only issue I see is there is nothing (listed) on the Special Council agenda. The proper way to do any items is by introducing legislation at the Special Council meeting under letter J for introduction then move by motion to letter M of the Council agenda for first reading.

Mayor Gammella stated no, at the point the Mayor calls a Special Council meeting those items designated should have been on the Special Council agenda.

Mr. Troyer stated we would have to believe that twice these meetings were called there was a mistake made, the meeting called last week was the exact same way. A note can't be put on a special agenda to make it right to break the rules.

Mr. Vecchio asked if the law director is available? No response.

Mayor Gammella stated I would like to read the memo from the law director that may clear this up if the law director isn't available.

Mr. Troyer – Point of Order?

Mr. Vecchio acknowledged the point of order.

Mr. Troyer – we don't have the memo, can't read something Council doesn't have.

Mrs. Horvath stated let's look at this issue and first let me say everyone is trying very hard to get it right and this is an extraordinary situation we have. It's very important to sit and reason through this and understand that we can't do prior to the pandemic. Obviously, we are having a telephonic meeting, that tells us things are changing. The important thing is we do our best efforts for the city. Back on August 15, 2016 there was a similar situation that arose and the question was whether or not the Mayor

Discussion: cont.

would be able to call a special meeting and if he was able put legislation on that special meeting directly without having go through Caucus. After looking at the Charter and some other places it was determined that the Mayor could do so. Obviously, in that case, as it is in this particular case, none of the pieces had been introduced to Council. In the case of August, 2016 it was determined that the legislation didn't have to be moved from the Special Caucus to the Special Council agenda, it could just appear directly on special Council agenda. I understand why there would be a lot of confusion on this; we are in unchartered territory. My suggestion would be let's take the pieces that involve new legislation that has not been introduced and move them to the special meeting. It's fine if you want to talk about them in Caucus but move them all to the special meeting. So that whatever Council does with these pieces in the special meeting will have the legitimacy of that prior legal opinion and also will be upheld by certain provisions in the Charter.

Mr. Troyer stated I agree with most of what the law director said the Mayor can sign, call meetings and put something on the agenda. Looking at the special (Council) agenda notice and there is nothing on that agenda; two versions of that same agenda one this week and last week. With nothing on the (Special) Council nothing can placed on the (Special) Council agenda. We are not here to shred the Charter to get things done and fast-track items. We can't ignore the Charter or Council rules but could change the rules. I'm here to follow the rules and make this happen and do my job. I will not vote to suspend or AYE on anything that is put on this evening's Special Council agenda.

Mayor Gammella commented all legislation was attached because it was quite lengthy can we move on with the meeting and stop the theatrics.

Mr. Vecchio stated moving forward by a poll everyone heard what the law director statement is. The clerk was asked to poll Council on what Council would like to do. Move eight of nine items excluding number four to the special Council agenda.

Mr. Troyer – Point of order.

Mr. Vecchio recognized Mr. Troyer's point.

Mr. Troyer continued this is a Caucus meeting these issues need to be discussed.

Mayor Gammella commented that's what a Council meeting is for also.

Mr. Mencini commented I agree with many of the things the law director said and we all know with the COVID19 situation, doesn't mean we can say anything goes. I agree with having discussion at the Caucus to make the Council meeting easier.

Discussion: cont.

Mr. Scott stated to Mayor Gammella how time-sensitive are these items? If moved to the April 21st meeting would that cause issues i.e. first and second. Is there a time-constraint where the items have to be done tonight?

Mayor Gammella responded on the majority of them there is a time constraint. I'm just the Mayor and called the meetings. If Council wants to wait until the 21st the ramifications is what they are. There are somethings very timely and item number one is one of them; to get residents' monies back to clean catch-basins, it's ridiculous we're arguing this.

Mr. Troyer commented who's grandstanding now Mayor, I'm just saying things must be done properly, I'm for this.

Motion by Mr. Troyer to move to the April 21st Regular Council agenda. (See below)

Mr. Vecchio asked Mr. Troyer to restate motion; what are you looking at moving and where are you moving to.

Mr. Troyer responded the NEORSD agreement move to April 21st Regular Council meeting.

Mayor Gammella interjected for the record, all these items need to be addressed in a timely manner, said three times won't say it again.

Mr. Vecchio reiterated Mr. Troyer's motion to place item number one on the April 21st Council agenda.

Mr. Mencini commented Council did not hear Mr. Poindexter's comment on this.

Mr. Poindexter stated in full support and think we should move forward as soon as possible. If my colleague is uncomfortable with moving the special Council agenda immediately following maybe consider holding another Council meeting tomorrow or following day to accommodate Mayor and Councilman Troyer.

Mr. Vecchio once again reiterated Mr. Troyer's motion to place the NEORSD cost-share agreement on the April 21st Council agenda. **Motion** died for lack of second.

Mr. Scott stated does Council have the ability to call a special Council meeting for items that can be moved forward for Tuesday, April 14th or Wednesday, April 15th?

Mr. Vecchio stated probably Wednesday media needs 24-hour notice.

Discussion: cont.

Mayor Gammella interjected why wouldn't Council move to special meeting immediately following, that's what it is for.

Mr. Troyer – Point of Order.

Mr. Vecchio recognized Mr. Troyer's point.

Mr. Troyer stated it's not the Mayor's turn, he doesn't get the floor.

Mr. Scott continued just the ability to move to another Council agenda, there are questions and have one Councilmember that won't suspend. Trying to alleviate issues don't believe one or two days will cause a major issue.

Mayor Gammella reiterated items one through nine, with exception of #4, should be added to the Special Council agenda immediately following, as Mayor and trying to lead this city forward, in this time of crisis, strongly suggest Council act on all the items.

Mr. Vecchio stated weighing in everybody myself, yourself and every Member of Council and law director are included in wanting to do what is right for the city and what also needs to be done. We are also here to do these things under the safe-conditions for everyone's health with this unknowing disease that is out there. Everybody is trying their best, I think, everyone's egos and everything needs to be put in check and let's figure out what will work for everyone. If another meeting needs to be called then another meeting is called to insure it's done correct and proper. I don't know if there is harm in doing so and don't know I there's harm by taking what the law director said with moving (items). If another meeting needs to be called for the safety and health of all of us including residents' right decisions have to be made.

Mayor Gammella interjected placing this on the (Special) Council agenda immediately is the right decision. I've brought this forward to Council it's in your hands, I've done my very best.

Motion by Mr. Troyer to place this item on the next Regular or Special Council agenda.

Mr. Vecchio stated hold that, was going to bring the point with if Council wants to call another special meeting do it correctly. Mr. Salvatore is weighing in.

Mayor Gammella – Mr. Chairman, stop right there this meeting was called correctly.

Mr. Vecchio stated to Mayor Gammella there is disagreements whether it was one or

Discussion: cont.

not, that's what we're trying to work through. Let's do this in a gentleman fashion there's no point in arguing this, let's work it out and handle it.

Mr. Salvatore stated in my opinion, there is an agenda in front of us that is spelled out having nine items under discussion. Therefore, I think take what is in front of us one item at a time and whether it lands depends on Council's action. Could end-up in three places i.e. in committee, next regular meeting or next special meeting. Unfortunately, the procedure is somewhat tainted only because past practice a Caucus meeting was called with legislation prepared and for the special meeting following the legislation was listed, in anticipation everyone was on the same page to move that legislation forward. There is a little hitch here and think each item should be taken one at a time and if there is something time-sensitive the Mayor can speak on each item and give the date of the sensitivity. Follow that guideline to get through this agenda the best we can based on the circumstances being dealt with. Possibly, net meeting virtual meetings will be held by Zoom to get the feel of being in the meeting, there's been a few times my phone has cut-out with incoming phone calls.

Mr. Vecchio stated item number one has been discussed there was a motion to place on the April 21st meeting that was not seconded. Then a motion to place on the next scheduled meeting whether regular or special Council meeting.

Mr. Salvatore asked Mayor Gammella for the specific date for this cost-share agreement? Or taking the circumstances of our world today if this is not passed until next week will that change anything?

Mayor Gammella commented I called the special meeting for that purpose that it is time-sensitive and has to be there. The city is dealing with \$200,000 and if don't act today the city may get it or not.

Mr. Salvatore reiterated is tomorrow the deadline date?

Mayor Gammella responded this probably should have already been done and have and I tried to call other meetings and because of the way things are and technology it took a while to get to this point; this has to be done as soon as possible.

Mr. Vecchio asked Mr. Troyer to reiterate the motion.

Mr. Troyer stated the motion was to place the (NEORS D cost-share agreement) on the, let's say, available Council meeting, whether Special or Regular.

Discussion: cont.

Motion by Mr. Troyer, supported by Mr. Mencini, to place item number one on the next, not tonight, Regular or Special Council meeting.

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

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CHANGE ORDER BETWEEN FALLSWAY EMERGENCY EQUIPMENT AND THE CITY OF BROOK PARK FOR ADDITIONAL EMERGENCY REPAIRS TO OUR 2002 FIRE TRUCK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated the additional repairs comes to over \$3,000 for a few things that were needed to be put on. This truck needs to be put into service as quickly as possible for the safety of residents.

Mr. Troyer stated in favor of getting work done but reading 'Whereas' and what the Mayor said the original \$50,000 was approved in June, 2019. If this increases that does that mean this truck has been out of service since 2019?

Mayor Gammella responded no that's when it was passed.

Mr. Troyer continued if passed it would have been needed at that time.

Mr. Vecchio interjected Mayor, that was the original repairs that were just under \$50,000 this is an addition to? Secondly, does Fallsway still have the truck?

Mayor Gammella responded yes.

Mr. Vecchio clarified yes to both?

Mayor Gammella responded yes.

Mr. Vecchio clarified the truck is still out of service and this is additional repairs above original ordinance.

Mayor Gammella concurred.

Mr. Troyer reiterated the truck has been out of service since 2019.

Mayor Gammella responded no, that's not correct that's when the ordinance was passed.

Mr. Troyer stated the truck needed an engine.

Discussion: cont.

Mayor Gammella stated to Mr. Troyer the ordinance is in front of you, vote your conscience.

Mr. Vecchio polled Council on Item number two.

Mr. Troyer commented wish I could but it would be against the Charter.

Mr. Mencini stated fine with moving ahead.

Mr. Poindexter stated good with it.

Mr. Scott stated not mistaken this was to run additional testing, good with it.

Mrs. Schmuck stated in favor needs to be passed.

Mr. Orcutt stated this truck was out of service for engine repairs and came back to the city for a change-order for a controller. This current legislation is for \$2,351.38 to repair rusted and corroded parts, in favor.

Mr. Salvatore stated in favor of moving forward to whatever agenda Council deems.

Motion by Mr. Troyer, supported by Mr. Mencini, on the next regular or special Council meeting called, that is not tonight.

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

NAYS: None. The motion carried

3. AN ORDINANCE AUTHORIZING THE MAYOR TO GIVE CONSENT TO THE STATE OF OHIO, DIRECTOR OF TRANSPORTATION, TO COMPLETE A GUARDRAIL UPGRADE PROJECT IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated this is a timely issue for guardrails throughout the city that ODOT (Ohio Department of Transportation) will pay for.

Poll of Council:

Mr. Scott stated no issue.

Mrs. Schmuck no issue.

Mr. Orcutt stated this is a good project for the city, Mayor, one question what areas are identified for Route 237 and Snow Road, or does the State of Ohio determine that?

Discussion: cont.

Mayor Gammella responded that is determined by the state, the locations are correct.

Mr. Troyer stated in favor.

Mr. Mencini stated this is an upgrade project with the legislation being self-explanatory and like infrastructure good to upgrade, in favor.

Mr. Poindexter stated in favor, looking at legislation work will be done on Snow Road and Route 237.

Mr. Salvatore stated in favor.

Motion by Mr. Mencini, supported by Mr. Poindexter, to place on the next Council agenda whenever that may be.

Mr. Troyer, point of clarification, that would not be tonight?

Mr. Mencini stated if that's not the next Council meeting, that's correct.

Mayor Gammella stressed the next Council meeting immediately follows.

Mr. Troyer asked Mr. Mencini to clarify the motion.

Mr. Mencini stated you want me to make the motion or clarify the motion, let's stop with the nonsense everyone, it's getting childish. My motion is to put this piece of legislation on the next Council meeting whenever that may be. Whatever Council decides and as our Council President said, correctly so, when we have that discussion.

Mr. Vecchio reiterated the motion is to place on the next Council meeting whenever scheduled.

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

4. AN ORDINANCE TO PROVIDE FOR THE APPROPRIATIONS OF THE CITY OF BROOK PARK, STATE OF OHIO, FOR FISCAL YEAR ENDING DECEMBER 31, 2020.
Introduced by Mayor Gammella.

Mayor Gammella stated once again, this is up to Council, I put it on due to the pandemic situation. The city can use the capital monies for the benefit of the residents and hope to have passage this evening under suspension.

Mr. Vecchio stated Council, before going around to everyone, one thing noticed and will ask the question. At the March 17th meeting Council passed an ordinance in the amount of \$56,583. Looking at the agenda on tonight's agenda the total is \$61

Discussion: cont.

million-dollars. What is the difference with the two proposed ordinances?

Mr. Poindexter stated doing the math on the different numbers and the difference is \$4,711,327.54.

Mr. Healy clarified that would be the capital, it was passed before the capital and roads. The 2020 Street Improvement Fund 546 and tallying those two figures together along with other roads that were put in and pulled out last time in 240 and 241 accounts show some repairs in those accounts. That's the monies that were pulled out with the streets and capital. The general fund appropriations was already passed this would be only for capital.

Mr. Vecchio stated it appears this should have been an amendment for capital only that should be in front of Council.

Mr. Troyer clarified when this was passed under suspension last month it was agreed between Council, Finance Director and Mayor that this whole piece of legislation would come back after the emergency was over for review of the whole budget like it was new. There is capital listed that we haven't gone over with the roads program being grossly lopsided to one ward. All that is basically a moot point there can't be two budgets. Council already passed the budget and a budget amendment is needed if there were to go forward, this is incorrect and if passed the city has two budgets.

Mr. Orcutt stated to Mr. Healy has the administration worked together on how the city's revenues will be impacted with the pandemic?

Mr. Healy responded the finance director and I along with the tax department staff look at this on a daily basis. As everyone is aware the city is in the arrears by a month with tax collections and we are constantly trying to see what is coming in and what's not coming in. The Mayor could speak on Ford and NASA the two biggest taxpayers in the community. A large chunk of those people are contractors so we don't know yet who is furloughed, laid-off or being called back. If doors are being closed or staying open there is a lot of unknowns. I think both the director and myself are following 'proceed with caution' process and looking at on a daily basis. There is not a lot of information on this and it is not known what the outcome and fallout will be i.e. 10%, 20% or 5% and trying to grasp that daily.

Mr. Orcutt commented this is a time we don't want to panic or send fear into the community but must proceed with caution. At the same token I think the Mayor does need some critical items. Mayor, if you could possibly put together what is mission critical for the next six months needed for the capital budget for Council review.

Mayor Gammella stated that is a reasonable suggestion and have spoken with the

Discussion: cont.

finance director and assistant finance director on this situation. City taxes will be down because currently Ford will be out of money, that alone will hurt the city. There will be an up script with the recent buyouts but a lot of small businesses are hurting. We don't have to look at the revenues coming in, we know they will be way down. We are in a state of emergency in this country and unchartered waters, hence the meeting tonight. We will compile a list.

Mr. Troyer concurred with Councilman Orcutt and stated Council can call a (special) meeting in concurrence with Council rule #4; with waiver of the 24-hour notice if all Councilmembers sign-off on it.

Clerk – Point of clarification, Mr. Vecchio acknowledged. Clerk continued the media needs 24-hour notice or we are in violation.

Mr. Troyer stated even though Council rule #4 gives the ability.

Mrs. Horvath stated I think there are certain exceptions, not having looked at that section of the Sunshine laws. Obviously, in cases of extreme emergency sometimes the best you can do is call the media telling them it's not 24-hours but we're notifying you of having a meeting now. In this particular instance would that meet that category probably not. Certainly, you're looking at a giving the Mayor time to get the list together and can call the special meeting before the 21st or alternately or moving to another special meeting between now and the 21st. I don't think capital expenditures would give rise to an exception to notifying the media in that 24-hour timeframe; I think it would be more of a natural emergency or something needed to be taken aware of immediately.

Mr. Salvatore stated from everything just heard and looking at this agenda my suggestion is to move item #4 from tonight's agenda. Allowing the Mayor the opportunity to have something available for one of the last two meetings already scheduled for the month of April; for the necessary capital budget recommendations for the next four to six months.

Mr. Mencini stated I concur with that but think we should go around for questions.

Mr. Vecchio went around for Councilmembers' questions.

Mr. Mencini continued my question is with the COVID19 virus and the serious aspect with closing and distancing and doing that for the past five to six weeks. I would hope that the administration has talked about some potential things that might be done in the future and today with those funds being proposed to improve the city and help the residents?

Discussion: cont.

Mayor Gammella responded we are here on a daily basis to help the residents. The senior transportation services have continued for essential doctor visits and shopping. Police, fire and paramedics are on duty, rubbish is being picked up. The only item cancelled was bulk pickup due to the current situation, we're doing the very best. I'm here at City Hall with a skeleton crew with a lot of employees working from home. We are managing the city and will continue to manage the city in this crisis situation, not only here but across the country.

Mr. Mencini continued I understand that but this legislation is on the agenda to approve the capital budget and funds might be needed to help residents in this pandemic. Has there been discussion where the monies would go to; any particular place in need. Second question will this take away any capital improvement budget needs of potential city projects for this year?

Mayor Gammella continued depending on how long Ford and NASA subcontractors are down; the city caught a major break when it was ruled that even if working from home taxes are paid to home domicile. For instance, people at NASA or any business worker here still has to pay city taxes to Brook Park. That was a huge break because the way it was written earlier after 20 days those workers wouldn't have to pay city taxes. Revenues will be down and there a lot of things we wanted to do but who knows when we're going to come out of this.

Mr. Poindexter stated I agree with colleagues with pushing this forward since we don't know what equipment will be needed i.e. masks for paramedics. I think we should be careful with budget and not rush it and think it needs to be done as an amendment and would like to put to the next meeting or whatever Council decides.

Mr. Salvatore stated already spoke on issue and think it should be moved to a regular meeting at the end of April.

Mr. Scott stated originally I was going to support this budget with some tweaking before the crisis arose. I concur with Mr. Orcutt and Mr. Healy my opinion is sit back since we don't know what the future holds, how long this virus will go on or the impact is going to be. Will the city have to go into the cash reserves and since we don't know what is in front of us currently I would say tread very carefully. Don't think we need to move too rapidly on this let's see what happens with revenue and what we will hit financially. Once we know the direction where this goes and a possible light at the end of the tunnel bring it back for discussion.

Mrs. Schmuck added onto Mr. Orcutt's request and look forward to the Mayor's status on this.

Mr. Orcutt commented I don't think this is a time for panic and think we need to work together unitedly since we don't know what lies with the revenue and the impact with

Discussion: cont.

income taxes. I do appreciate what the finance director and assistant finance director have done for many years and think the city is in better straits than other cities; no time to panic. As I said before mission-critical is the way we need to think right now for items needed to operate the city.

Mr. Troyer stated this piece cannot move forward due to being a second budget, the correct motion would be this was discussed. I would like to see possibly in late May, with the way this (situation) is going. Bring the whole budget back to be looked at properly but would not be against an amended budget brought forward for discussion if something is needed immediately. All items moved to the next regular or special Council meeting would need to be introduced under letter J.

Mr. Salvatore stated based on what I have heard and don't want anyone to misunderstand what I'm saying. I'm not saying we should deal with the budget the way its presented this evening to do two weeks from now. What I'm saying is afford the opportunity for the Mayor to come back with emergency capital suggestions by the end of the month. What I heard this evening that the Mayor could have something ready for Council of any emergency measure items that may require tweaking of the budget; I believe we have to wait and be very cautious. I was on Council when the 'emergency day fund' and am thankful we did that because that fund may become very important to the city going forward. If the Mayor could have something possibly for the April 28th meeting for discussion.

Mr. Vecchio asked the Mayor if April 28th is sufficient time to put something together?

Mayor Gammella responded that would be sufficient time, however, I don't know what is going to transpire within the next two weeks, that money could be needed immediately.

Mr. Vecchio stated when Mr. Orcutt brought this up for six months you were in agreement on that and as Council has gone would think that's the way to go. If you can have something by April 21st then it can be placed there or the April 28th agenda.

Mayor Gammella commented pass this tonight is the way to go.

Mr. Troyer reiterated Council can't do anything with this legislation, this is a second budget. An amendment to the current budget is needed.

Mr. Orcutt asked if legislation is drawn up for this?

Mr. Vecchio responded no, just the budget sent to Council.

Discussion: cont.

Mr. Poindexter suggested to the Mayor when bringing the proposals forward include safety equipment for police i.e. body cameras and things of that nature. I'd like to see grant items come forward so the city doesn't lose out on any grants. There are a few items such as water park furniture that can be left out until a later date.

Mayor Gammella agreed with Mr. Poindexter with the water park furniture being held off and there are a lot of things being done right now. The city has to think of the safety of the residents and employees and that is the paramount issue. Something will be put together as soon as possibly can for the next meeting.

Mr. Vecchio concurred that safety for residents and employees is paramount but also with discussions this week is the safety of everybody within the Council chambers and city buildings. I would like to see some money appropriated to hire a professional service for sanitizing city buildings during the course of this time. If bids are necessary or whatever is needed for the idea of that cost that's something that needs to be done. I, myself, and sure the rest of Council look at that as being paramount for the safety of ourselves, our families as well as the residents and their families.

Mayor Gammella asked if Council is giving the authority to do that to spend the money?

Mr. Vecchio responded I don't think you need Council's authority I think Council is giving the ability to get some bids and pricing to see what needs to be done

Mayor Gammella interjected I already have pricing; have looked at various vendors to do that with that work with various communities I've reached out to. Again, I need Council's approval to spend the money.

Mr. Vecchio stated put it in the form of items coming forward for Council's review.

Mayor Gammella commented a week from now at the earliest.

Mr. Salvatore stated from my perspective authority is not needed to provide safety for residents, Council for cleaning, that should be done as an administrative function and should have already happened.

Mayor Gammella interjected that's already been done and has been done all along and will continue.

Motion by Mr. Troyer, supported by Mr. Poindexter, that item number four was discussed.

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

Discussion: cont.

5. AN ORDINANCE ENACTING SECTION 131.14 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'ECONOMIC DEVELOPMENT GRANT WRITER' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated speaking with Council on this issue and think in these parallel times there is going to be a huge need for a grant writer; with state and federal funds being available. Some will be given to the city and some that the city will need to aggressively go after as in the past. Mr. Adams over the last two years has brought in over \$1 million dollars in grants to the city, however, he will be extremely busy trying to help businesses as well. This grant writer will move into the city upon hiring and have been called the best grant writer in the county by former county treasurer, Jim Rokakis, and believe that after interviewing her. I know the city needs a grant writer now more than ever. People will say how can someone be hired the city needs to hire someone now and at this late in the game will probably cost the city \$29,000 and benefits. If it doesn't work out then it won't be done next year but I'm saying this. In these perilous times it is absolutely essential to have someone there to make sure the city gets every nickel and dime this community has coming to it; to help the residents and businesses.

Mr. Scott stated one question this was never posted for the public there may be qualified people in Brook Park. Have other ways been looked at rather than paying the salary i.e. having a company come in so the city doesn't have to put on payroll? Or could this be a monthly expenditure. Has the city looked at a commission type basis with the future grant writer? Has there been any type of discussion of this being a salary with benefits?

Mayor Gammella responded the city looked at a firm that works with other cities and it would come to about \$50,000 or \$60,000 annually. The problem is they're not just working for the City of Brook Park; they are working for 10 to 20 communities. I want a grant writer here who is parochial with looking out for the City of Brook Park and its residents. These are unrepresented times there is going to be all kinds of monies available and we have to be ready for it; the cities prepared will prosper the cities that aren't will fall by the wayside. The city will get what is thrown at us but we need to be assertive and aggressive, as in the past, to get more than the city's share.

Mr. Scott continued with the uncertainty of the future I don't feel comfortable putting on another operational cost. The city may have to furlough or lay-off that is not known. Not comfortable at this time putting on another salary when there is so much uncertainty.

Mayor Gammella responded appreciate your honesty and email but let me say this a grant writer brings monies in. It doesn't cost the city money in the long run it brings a lot of money in. Mr. Adams doing two jobs has brought in approximately \$1.2

Discussion: cont.

million dollars in grants for the community. I think a full-time grant writer could exceed that and think it's absolutely essential to have and don't think the issue should be delayed.

Mrs. Schmuck stated I agree the city needs a grant writer and looking at the resume it is very impressive, lot of experience in grant writing. I'm also impressed with willing to help small businesses in Brook Park. I agree with bringing in a grant writer.

Mr. Orcutt stated to Mayor Gammella, glad to hear you want to be aggressive with all of this and Mr. Adams getting \$1.2 million dollars in grants, is quite a bit of money considering his salary, commend him for his hard work. My question the county executor mentioned in the state of the county address that the county is projected to lose \$70 million dollars because of the pandemic. The State of Ohio and Governor DeWine is projecting to lose billions of dollars and also the federal government just took out a \$2.2 trillion dollar loan to help with the pandemic. Where does your team see the area where the city will be extremely aggressive for grants?

Mayor Gammella responded one of the reasons those huge deficits are seen is they are going to have monies available to help municipalities and people. Another place is we're not just looking at the government we're looking at grants from foundations i.e. Ford Foundation, Gates Foundation and everywhere possible to get grants, even corporate grants. The city needs someone who understands this thoroughly to get these monies and, again, if it doesn't work out the contract is not renewed. I know it's more than the paid salary and this will save jobs, I want to save jobs and keep people working in the city. We are working on various plans to do that and will do that. We are going to get through this together and are all in this together. That's what I want to stress the most it's the entire city and entire world. The city has to be aggressive and assertive and will continue to do.

Mr. Troyer stated I'm not quite in agreement but understand your drift. My question is would you be willing to give a monthly report on what the grant writer accomplished to show the city is getting it's money worth. If the grant writer is writing the grants then Mr. Adams isn't bringing in the \$1.2 million dollars anymore. Mr. Adams will be busy otherwise and I did talk to Mr. Adams who was very helpful and enlightening on this matter but I'm not quite there. I think putting in the legislation of a monthly report will be given that might help.

Mayor Gammella responded the question is fair but you have to understand the first to four months may look like nothing is coming in. This grant writer could report on what grants were applied for and why but sometimes it takes a couple of months to get those monies back. As long as that is understood I'd be happy to give a report every month but you may not see a return of that money for three or four months.

Discussion: cont.

Mr. Mencini stated looking at the history of the city of the housing bust and recession the city may have always had a grant writer. I agree that it should be someone local but as I wrote in an email and appreciate your response. With all that is going on right now with possible layoffs and furloughs and not knowing when this pandemic will end. I also have to look at the nation with the \$2 trillion dollars now and maybe \$2 trillion dollars in a month or two. The states will run a little dry as well as the cities and hoping none go bankrupt. A chief financial officer on Bloomberg said how much money will we have, how much money will we have down the road. It's a scary problem to have with the unknown and would like to have a grant writer but right now the timing is this may not be the best time.

Mayor Gammella responded I understand, however let me state this is the exact time a grant writer should be hired and the exact time trying to aggressively get monies for the city. I've been big in hiring people for the city from my directors and everything else. This person is willing to move into the city at the point when hired. What I was looking for is the very best grant writer I could find and found that person.

Mr. Poindexter stated I really like this idea looking at the fact that Mr. Adams brought in \$1.2 million dollars doing this in a part-time capacity, imagine if he was dedicated full-time in getting grants. I think a full-time grant writer would be good for the city. I would like if the grants weren't limited to only to economic development but also technology, environmental, health, educational grants etc. I think that would expand the city's earning potential with this position and if expanded to all those areas the grant writer would out earn her salary, in no time. My only apprehension is with all this going on with the Coronas virus not knowing what is being done with the force it would be unsettling to some people to bring on new people. After hearing the Mayor's point in investing in something like this and drawing in as much resource possible it may help bring some of those people back sooner. I support this now but would like to see expanded to other areas and think it will be good for the city.

Mayor Gammella responded I would like to say your point is spot-on and that's why I said funds such as the Ford foundation, Gund foundation and corporate sponsorships and perhaps with education the city can help and possibly helping with residents. There is a lot of different ways we can help this city and our community doesn't necessarily have to be a grant for example streets. It could be a grant for children getting scholarships to college we have to be aggressive and assertive and do new things.

Mr. Salvatore stated to Mayor Gammella I appreciate you are doing something like this but think the timing may be a little premature based on the economic conditions and current situation. You and I haven't had any dialogue on this issue but will keep an open mind and would consider down the road just not in full support this evening.

Discussion: cont.

Mayor Gammella responded when I said four to five months it's possible a grant could be written and monies received next week. Normally, the grants take a few months to come to fruition but there could be monies out there now that the city could get in a few weeks.

Mr. Salvatore commented I'm sure Mr. Adams is looking into that as we speak.

Mayor Gammella responded he is but there are so many different grants out there not just federal, state and local I'm talking about funds, scholarships and there are so many things out there that the city hasn't explored and will start exploring them. I don't think any community has and wants to be on the front burner on this and be very assertive and aggressive; because we have to do things differently in today's new world.

Mr. Vecchio stated to Mayor Gammella you mentioned it's \$29,000 plus benefits for the rest of the year; we're roughly looking at \$40,000.

Mayor Gammella interjected for an entire year it would be \$50,000 with benefits. If you want we can strap away the three-months and four months before actually hiring.

Mr. Vecchio continued my question is in listening to everyone and paying attention to what is going on in the country alone. Back in February and March the federal government put on a hiring freeze and then at the end of March put on a hiring freeze. Why would the city and I understand some of your logic behind this but why would the city even think about this in this time seeing what the higher levels the city receives monies from are already doing? To me, it doesn't make economical sense to put someone on when we're being told of hiring freezes because most likely some of the grants may be pulled back at both levels.

Mayor Gammella responded we are going to do this and need this grant writer and there is nothing said that the city can't hire people, we can hire people. We have a police officer retiring and I am going to hire another police officer; we need police and fire safety people in this community, especially at the time right now. Again, to Councilwoman Schmuck's point you do things when it's the most expeditious to do it and now is the time. I'm saying this and will say it over and over we have to get the monies available to this community as quickly and expediently as possible can. Whether the monies come from the state, local, federal, corporate or various funds or charitable organizations; we want to aggressively seek these funds.

Mr. Troyer asked Mayor Gammella advertising out to show who is the best is a good idea but can we get someone to also apply for grants for roads, that would be a huge savings to the city.

Discussion: cont.

Mayor Gammella concurred and stated Mr. Adams has done a great job at that as well as Engineer Piatak but having the third person there may be a grant the city doesn't know about for asphalt or concrete. That has nothing to do with roads but could help the city out.

Mr. Troyer continued what I'm saying is have the grant writer take over the grant writing for the city engineer.

Mayor Gammella responded I don't know if I want the grant writer to take over for the engineer but I want this person to assist the engineer and Mr. Adams. I want this person have her own entity to report back to Council with what she's doing and where she's going; if it doesn't work out we don't do it. I'm saying we can afford to hire this person we can't afford not too.

Mr. Scott stated to Mayor Gammella has there been any discussions about payment such as commission based? The city had a grant writer in the past during the last administration that worked on a commission.

Mayor Gammella responded I've had that discussion with her and she would not work for commission, again, this person is the best. If we're going to take a step like this you want to get the best possible person. If hired she has indicated she will move into the City of Brook Park and be part of the community.

Motion by Mr. Poindexter, supported by Mrs. Schmuck, to place on the next available Council agenda.

ROLL CALL: AYES: Poindexter, Schmuck, Troyer.

NAYS: Orcutt, Scott, Salvatore, Mencini. The motion failed with a vote of 3-4.

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

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

NAYS: None. The motion carried 8:27 p.m.

Discussion: cont.

Motion by Mr. Scott, supported by Mrs. Schmuck, to go back to the regular order of business.

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

Motion by Mr. Poindexter, supported by Mr. Troyer, that item number five was discussed.

ROLL CALL: AYES: Troyer, Mencini, Salvatore, Scott, Orcutt
NAYS: Poindexter, Schmuck. The motion carried with a vote of 5-2.

6. A RESOLUTION AUTHORIZING THE MAYOR TO PARTICIPATE IN THE ODOT CONTRACT FOR ROAD SALT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Poll of Council:

Mr. Salvatore in favor. Mr. Mencini in favor. Mr. Troyer in favor as long as not put on agenda immediately following. Mr. Orcutt in favor. Mrs. Schmuck in favor time sensitive and passed right away. Mr. Scott in favor.

Motion by Mr. Mencini, supported by Mrs. Schmuck, to place on next available Council agenda.

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

7. A RESOLUTION TEMPORARILY SUSPENDING COLLECTIVE BARGAINING NEGOTIATIONS AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated the city was heavily in contract negotiations and have a tentative agreement with the firefighters and if this isn't passed this evening the city will have an agreement with the firefighters'.

Mr. Orcutt stated to Mayor Gammella what is the cutoff date for this agreement?

Mayor Gammella responded don't have the date in front of me but will be within the next day or so.

Mr. Orcutt stated so you have made an agreement already?

Mayor Gammella responded we have an agreement with the firefighters, no other local unions, but the firefighters. If Council does not act after whatever it is that agreement comes into effect. What I'm saying is this needs to be passed tonight at the special Council meeting to stave that off for the time being.

Discussion: cont.

Mr. Orcutt continued with all due respect to you, I'm looking at this legislation with sections 1, 2 and 3 I have a little issue with that. Because I know you had some discussions that can't be discussed publicly. But, I personally never gave the go ahead and don't remember Council doing the same thing on any of these contracts.

Mayor Gammella interjected we just have a tentative agreement and Council hasn't been met since then. I've been trying to get meetings so I can explain this and here we are at the last hour, again, I brought it to the table. Council can act accordingly, I wanted to let you know what the situation is.

Mr. Orcutt continued I have an issue with three section when it has Council doing x, y and z when that never happened. I understand you are in a bind, I understand we are in a financial crisis currently across this country. Discussing this with you, with all due respect, I'm extremely cognizant of what you went ahead and did. I understand we have to be united and work together to fix this problem. With that said I wanted to state that to you to make sure you understood that there are things listed in this Resolution that I never did or committed to.

Mayor Gammella - Councilman, stop right there. You were in the Executive Sessions about negotiations.

Mr. Vecchio - Let's stop and have some decorum. (hard to understand with people speaking over people).

Mayor Gammella - no Mr. Chairman, this is becoming a witch-hunt here.

Mr. Vecchio - Mayor.

Mayor Gammella - you weren't in any of those executive sessions.

Mr. Vecchio - Mayor Gammella, Point of Order. Listen, Mr. Orcutt was finishing up on the floor. Let's allow a little bit of decorum and will allow each of you time to speak. Let's do this with civility please, Mr. Orcutt please end your final statement.'

Mr. Orcutt - as I was saying Mayor with all due respect, as I started. I do understand the predicament we are in right now. I've gone over everything and have seen it and still going through information sent over from the law department. But, I definitely wanted to get on record that I'm not appreciative of that happening and those items being in this resolution.

Mr. Vecchio - Mayor, continue.

Mayor Gammella - nothing else needs to be said on my part.

Discussion: cont.

Mrs. Schmuck – nothing to say will listen to discussion from my colleagues.

Mr. Scott – one quick question to the Mayor, nothing has been signed on the tentative agreements?

Mayor Gammella – I've signed nothing, no.

Mr. Scott – Section 2 says City Council reviewed partial or full tentative agreements with the Fraternal Order of Police Lodge 15, International Association of Firefighters, local 1141 and Local 436. Does the tentative agreement that you stated is only with the firefighters or does it also include these other unions?

Mayor Gammella - yes, what this will do is allow more time to negotiate with the other unions and firefighters because we don't know what the situation brings. However, some weeks back we had a tentative agreement with the firefighters and have 30 days to tell them yes or no. If we don't tell them something the contract is going to pass. What I'm saying is we have to pass this tonight so that we can stave this off and continue negotiations. This is absolutely important and one the reasons I called the meeting tonight; all these items were important. But, one paramount issue is what we're speaking about right now and needs to be placed on the Council agenda immediately following this Caucus.

Mr. Scott – I'm going to express something and don't know how its going float. I have to agree with Mr. Orcutt with some of this. When I saw this it was what is this all about. I'm here and what I'm going to do is vote for the welfare and benefit of the city; I'm here to protect the city. I'm not here, don't take this personal, I'm not here to protect you or protect the firefighters. I'm here to do what is best for the city. I will probably agree to this but it's with reservations that sections 2, 3 and 4 blew me away. I know we've had executive sessions but it pertained to something else and thought we were going to have more meetings before the pandemic popped up. I felt blindsided with some of this (hard to hear exactly) and will support this. I think it's what we have to do to protect the city but I'm only here to protect the city. Any other entities involved with this I'm not here to protect them, I'm here to protect the city. My main question that this was not signed and you stated it wasn't signed.

Mr. Salvatore – Mayor, I understand how these contracts we're in and the predicament we're in due to the circumstances. One question why didn't we, at least, call these negotiations off a couple of weeks ago? Have a cease and desist on all further negotiations until we have a chance to find out exactly how our economic impact is going to be with our city and the crisis of the world.

Mayor Gammella – because it wasn't that big of an issue there was no federal emergency, there was no social distancing, there was none of that. When we came to

Discussion: cont.

the tentative agreement and want to stress tentative agreement with the firefighters. None of this, in fact we were having discussions about how this was going to work and what we were going to do. If this should come to pass and become a big thing and all of sudden before we knew it, it was upon us. However, we had already come to a tentative agreement with them. With that said what this does is it's must be passed tonight at the special Council meeting so we can stave off and buy more time. I'm sure they will be more understanding but without this that contract goes into effect. By the way we've had no meeting since then, I've tried calling meetings, we've had no meetings since then.

Mr. Mencini – that was last week, stop.

Mr. Salvatore – Mr. Chairman, do I have the floor?

Mr. Vecchio – yes.

Mr. Salvatore – I understand the emergency of this Mayor, and understand this has to be done. I was under the impression that we were still in negotiations and won't bring up those discussions at this time but my feeling was you were still hammering out an agreement that you would bring back to Council.

Mayor Gammella – that's correct, with all the other unions we don't have an agreement with. With the firefighters we did have a tentative agreement but since that tentative agreement we haven't had a meeting for me to come back to Council. I tried calling meetings to no avail and understand the situation and that. However, this has to be passed tonight and can't make it any more clearer; at the special Council meeting immediately following.

Mr. Salvatore – I think what we're going to have to identify with the discussion of six or seven items. The motion is all these items will be placed on the next available Council meeting or. When is this meeting going to be held with all the items discussed so far?

Mayor Gammella – I think the Council meeting right after this one. That's why the meeting tonight for passage at the Sp. Council meeting this evening.

Mr. Troyer – Point of clarification.

Mr. Vecchio recognized Point of clarification.

Mr. Troyer – the motions were made to place on any next or other regular or special Council meeting not tonight.

Mayor Gammella commented that's not what I heard and I asked for two different

Discussion: cont.

clarifications. Again, Council I can only give you the information you act on it.

Mr. Poindexter stated the other day we received a tentative agreement by email and reading through it I think it's a decent agreement. My holdup is that if we do reject all of these the next negotiations would start from the point where we're at now and not lose any of the gains we made as a city or the firefighters have made. Are you confident with this agreement that negotiations start up where they left off?

Mayor Gammella responded yes, the firefighters have acted very honorably have all the unions, much appreciated. They didn't cause nor did we cause this situation it's just something that needs to be dealt with.

Mr. Poindexter continued I just want to make it clear that I don't want to reject this agreement because I think it's a decent agreement. I will do that, however, to get a better agreement.

Mayor Gammella commented what this does is temporarily suspending and thought the tentative agreement was an excellent one, that's why I agreed with it. But, all of this came up suddenly and we have to deal with the situation the way it is. As the law is currently written, if no action is taken the agreement goes into effect.

Mr. Mencini stated to Mayor Gammella, being the executor of the city and stating a few times that this happened so sudden. Having listening to all different newscasts a lot of states and cities took pre-emptive action on a lot of things. Being executor couldn't you have done this under these circumstances with the cease and desist? Couldn't you have made that call before there were only two discussions between Council and the Mayor. You keep reiterating that's why I tried calling meetings, that was last week. Which was being called Pearl Harbor and people being told don't leave your house, don't go to the grocery store and things of that nature. I took the comment of this being a witch-hunt personal because I think we get along very well. I appreciate all you've done for Ward 2 but to call this a witch-hunt, that's not what this is about. In all I do I would rather do face to face, not a fan of over the phone or social media. I believe on this one it's tough and didn't get the email sent until Sunday morning and to sit here it's a good one. I worked in a department for 33 years so to say it looks good there are a lot of gray areas. Overall, they don't look bad but this was a tough one along with some of the decisions tonight. To keep saying let's get it done there's a budget in here, negotiations of contracts for dedicated people going above and beyond the city ever had and to hire somebody, this is a tough one. As I asked as executive maybe a little sooner.

Mayor Gammella responded we were ahead of the game and probably one of the first communities to close the recreation center. We were probably the first community to

put out an emergency newsletter on this virus. However, before this really became a **Discussion: cont.**

big issue that's when we had the tentative agreement, there was no state of emergency or the lockdown. Nobody saw any of this coming and have to be frank with you. I knew the Coronus virus was going to be an issue but never thought it would be an of this magnitude and don't think anybody did. It's literally paralyzed the United States of America and we have to work with it. That's why this legislation is on tonight and can't stress enough it has to be put on the special Council immediately following for passage, in fairness to the unions, employees and the people of this community.

Mr. Troyer mentioned to Mrs. Horvath a term that he believes in the Ohio Revised Code exigent circumstances which I believe would get us out of this. Secondly Mayor, have you mentioned to the unions can this be put on the back burner and suspend negotiations for a while?

Mayor Gammella responded with the other unions that we had a tentative agreement with yes. In this case we had a tentative agreement with firefighters and they are well in their rights. They are very intelligent and dedicated people and we have to take this action and what we need to do and do it this evening.

Mr. Troyer reiterated even though there is an agreement have you asked them to negate that?

Mayor Gammella interjected the law states 30 days we can't negate the laws as you say we have to follow the rules and this is following the rules.

Mr. Troyer continued we can't ignore the Charter and Council rules so my suggestion is two-parts. Council rule #4 states in the event of an emergency the 24-hour advanced notification may be waived with the signatures of all Members of Council, if applicable, under the Sunshine Laws. My suggestion that the law department amend Section 1 by taking 'all' out of there, eliminate sections 2, 3 and 4 or make them more reflective of what actually happened and have a clean piece of legislation for a special meeting called for Wednesday with time to be determined. Introduced the new legislation under letter J and move to letter M, according to what Council received April 15th is the last day. I don't think we're legally bound with this but if the Mayor feels Council needs to do this that would be the way to accomplish and make Council happy by taking the wording out of the legislation that doesn't reflect what actually happen.

Mayor Gammella commented a special Council meeting immediately following that's where this has to be acted upon, for the sixth time of saying that. Say what you would like that's what I'm saying.

Mr. Vecchio brought up the emergency meeting and the law director brought it up

Emergency meeting. Emergency meetings can be called but you must immediately

Discussion: cont.

notify all media outlets that have requested special notice of the time, place and purpose of emergency meeting, if it came to that point.

Mrs. Horvath stated as to Councilman Troyer's two points; one would be exigent circumstances and don't recall anything of that in Ohio Revised Code 41, 1710. I don't think that is something we could rely upon as I'll call a defense. The other issue you have is 4117.10b that does not make any provision for a union to agree that they could extend that timeline or 30-days out. Could we ask them, sure but do they have the authority and would that be a viable option? I don't see anything there that says they are able to do it; so we need to rely on ourselves with regard to this. I had a conversation earlier today with Attorney Budzik and to the best of my knowledge the April 15th is, in fact, the date and seems to comport with Section 3 of the legislation. That speaks to the Commissioner of Human Resources sending an email on the 18th to temporarily suspend contract negotiations. If you are going to do something along the lines of an emergency meeting and if you could do it tomorrow that would be a good thing and fit into the timeline; assuming that you didn't want to take advantage of the special meeting scheduled for tonight. If Council did want to do something and all of you would have to agree to a special meeting for tomorrow. Before that special meeting an executive session could be held in pursuant to Ohio Revised Code 121.22G-4 that pertains to collective bargaining issues. Looking at the intent of this it looks like to take some pieces and move to the Mayor's special meeting tonight. The Charter talks about the Mayor being able to introduce legislation, the Mayor being able to call special meetings and the Charter trumps the Council rules. Either way this can be done but everyone needs to cooperate to come up with a solution that is good for the city. I don't think anybody anticipated having this type of problem or anticipated the pandemic. Some Charters, Columbus for example, has emergency language as well as some Ordinances having emergency language but we don't. Because it is something that we weren't focused on or anticipated, it's extraordinary. We need to all work together to come up with solutions to do good for the city. Those are the two options I see and think that answers Councilman Troyer's question about exigent circumstances that I don't think we can rely on and whether or not that gives us an extension, there's no provision for that in the Ohio Revised Code.

Mr. Troyer to Mrs. Horvath what about using Council rule #4 and read the rule and stated the sunshine laws is basically waived there but what is the signatures of Members of Council mean?

Mrs. Horvath responded everyone agrees that all of Council will call a meeting and in agreement that this is an emergency and are notifying the media as soon as possible.

Mr. Troyer continued we finish the meeting and call a meeting by signature for this particular piece.

Discussion: cont.

Mr. Vecchio interjected no, according the Ohio Sunshine laws the media has to be notified of that meeting immediately.

Mr. Troyer commented so tomorrow or Wednesday would be better.

Mrs. Horvath mentioned I don't want to see Council push the envelope.

Mr. Poindexter – Point of clarification?

Mr. Vecchio recognized.

Mr. Poindexter stated I was wondering with the notice attached to the special meeting tonight serve as notice to the media, that would be covered in my opinion.

Mrs. Horvath agreed if you moved it from the Special Caucus to the special meeting immediately following that would be notice to the media.

Mr. Troyer responded correct, and if the media is watching would be aware.

Mrs. Horvath commented moving it to the special meeting immediately following the media had notice. People may feel that violates Council rules and I don't like to violate any rules but that would be a Council rule, not Sunshine law or anything else that may be problematic. There are two decisions neither one is perfect and all of you together have to figure out what is the least onerous alternative. Passing on the Council rules and doing action tonight or extend out with the sunshine laws and giving the media notice that will comply. That's one of the problems where you take yourselves from a Chartered city and want to incorporate in Council rules to follow all these sunshine laws.

Mr. Poindexter stated it seems we have a crossroads here, one option is we're going against the rules of having a meeting which are in their own right damning and not good for our Council rules. On the other hand, we have a potential of entering into an agreement without fully understanding or even seeing the agreement; I think that's far more severe than having a meeting that may or may not be in proper order. If it were me instead of entering into an agreement by the time lapse I would suggest doing the meeting tonight at least for this one item. That way Council doesn't enter into an agreement that none of us are either for or against.

Mr. Vecchio stated Council whatever you do and following proper procedure of Council rules would have to invoke Council rule #23 – suspension of rules in order to move forward.

Mr. Salvatore stated listening to everything about this topic and don't know how

Discussion: cont.

anyone can pass an agreement that Council hasn't seen or knowing full well this agreement goes into full effect by doing nothing. We must address this issue regardless of personal feelings and can remove a few of the 'Whereas' out. If it's an issue of having to change a date or don't agree on tonight let's meet remotely Wednesday morning because it's obvious negotiations must be stalled.

Mr. Orcutt asked Mr. Healy with the contract the way it is right now what is the overall economic impact of that union agreement with the city?

Mr. Healy responded today is the first day of looking at this and I look at it as a whole. Based off of last year's numbers with the 2.75% and the increase in health care. It's going to be over \$1.5 million dollars as a whole for those three that doesn't include any other unions. Specifically, with fire (agreement) there are some things I can't get a handle on and misinterpret what is written such as the four, five or six week option paying out vacation. Right now it's my understanding we only pay out on six weeks, not the fourth and fifth, that's another week of pay if paid out to employee and not sure that would be exercised or not. The other one was the section that was deleted in regards to holiday payout to quantify that one because I believe looking at the old contract and trying to figure that out. I could be mistaken with section four that after taking 48-hours of sick leave within the calendar year of taking sick leave next the sick leave would be backed off after 48-hours. Will refer to the law director to make sure I'm reading that correctly but to me that would be if you had 24-hours and took three sick days within a year the first 48 are okay but then after that the next 24 would come off that 144 and whatever time was taken. I can't give any solid numbers on that I would have to look at the previous years of sick time and holiday to cross reference. The salary increase was based off of the employee total, that wasn't three contracts. When talking about the three contracts I'm talking about the additional things given. The 2.75% was based off of last year's figures for employees as a whole, not the three unions. The benefits and add-ons i.e. week of vacation or holiday pay and believe the holiday pay is going from one to two to three to four that was for the one union.

Mr. Orcutt stated thank you and I have looked over them as well. The other thing I wanted to mention is I like the suggestion that section one remains in the legislation and remove two, three and four.

Mr. Scott asked is there a way to have electronic signatures on a 24-hour waiver notice to meet tomorrow?

Mr. Vecchio responded there is a right-signature item that can be used that has a full login that is used for a lot of documentation and provides legally bound signatures, there is a cost.

Discussion: cont.

The clerk mentioned that the 24-hour waiver notice can be emailed to all Councilmembers to sign on appropriate line of Council title and send back through email if everyone is in agreement.

Mr. Scott mentioned I was hoping there was an avenue that could be used to put all these items talked about putting on an agenda.

Mayor Gammella reiterated must be done at the special Council immediately following.

Mr. Scott stated to Mayor Gammella, don't think that's going to happen and trying to give another avenue.

Mr. Troyer reiterated a new piece of legislation would be needed for introduction under J and moved to M.

Mrs. Horvath commented the law department, as always, will work to meet whatever deadlines humanly possible. Part of the problem is that operable language is needed stating that partial or full tentative agreements are rejected, all of them and that has to be in there. Language is also needed saying that the city is temporarily suspending contract negotiations based on the current health and economic crisis. There is talk about eliminating section two, three or four and there is certain language needed in there stating these are the actions being taken and cannot be eliminated. I'm not sure what language is found to be objectionable and will be happy to work with anybody on this and sure Mayor Gammella feels the same. There is certain language that cannot be taken out because if they are taken out the purpose won't be accomplished. I have to have in there this is going to be effective legislation and somewhere it has to state those partial or full tentative agreements are rejected and have a listing of those particular unions is a good idea as well as language saying the city is temporarily suspending these negotiations based on the current crisis. When saying let's get rid of section three, I need to know what is objectionable and somehow make it clear in this resolution that we are temporarily suspending negotiations due to pandemic.

Mr. Vecchio weighed in with everything said, initially Councilman Orcutt had concerns with items two, three and four. Reading sections two, three and four it states City Council has reviewed partial or full tentative agreements with unions. The first statement by Mr. Orcutt is that Council did not review anything. I think what they're looking for is the removal of 'Council has reviewed' because Council didn't review. Possibly something to the term of Council agrees with the Mayor's assessment.

Mrs. Horvath commented you could say Council has considered the tentative agreement and agrees with the Mayor's assessment. But, the legislation must state

they are rejected in there, can't cut the whole thing

Discussion: cont.

Mr. Vecchio continued I don't think with the Councilmembers that have spoken and what I'm hearing consistently is Council did not (review) and the sections elude to Council did. There has to be a better wording that says as discussed basically Council agrees with the Mayor's assessment, or administration's assessment. All three sections begin with City Council or Council.

Mrs. Horvath commented that's fine but certain language must remain.

Poll of Council thoughts of changes:

Mr. Orcutt stated don't want it to reflect the reality of things that are factually inaccurate. Don't want something stated in this legislation that I did something I didn't do. Listen to what Mr. Healy told us and uncertain of what will happen in the future and have heard from other cities taking a 10% hit.

Mrs. Schmuck commented if the wording is changed of Council, that would be great.

Mr. Scott stated no issues with section four, Council directs the Mayor and administration to continue to assess the impact of the health and economic crisis. I do have issues with two and three because I was taken aback by the fact that Council reviewed them. If there is someplace showing that Council did not review these and did not see all of these tentative agreements until this past weekend; changing a few words in two and three I would have no issues. Would like to have a meeting tomorrow if the law department can make the changes and as the clerk stated with the 24-hour waiver notice.

Mrs. Horvath commented the law department can change these sections.

Mr. Scott continued my issues are with sections two and three and also not knowing about the (Human Resources) sending a letter. Also, don't remember reviewing partial or full tentative agreements until this past weekend.

Mr. Salvatore stated like what I'm hearing from colleagues Orcutt and Scott and am onboard that the legislation should reflect the facts and truths.

Mr. Poindexter stated nothing to add.

Mr. Mencini stated I have no problem with sections four, five and six; number one is okay but definite problem with numbers two and three, agree with colleagues.

Mr. Troyer stated I agree with sections two and three to get those straightened out. In section one the word 'all' should be removed because of two new Councilpersons not being involved in earlier negotiations. Also, section four should read instead of

Council directs should say Council agrees that the Mayor and administration.

Discussion: cont.

Mrs. Horvath stated section two should read something like City Council has considered the administration's assessment with regards to the tentative agreements then keep the rest of that language. Same token in section three City Council was advised about the email and agrees with the administration's assessments to suspend. Section four would be kept the same. My question is with section one seems like some people are okay with it and Councilman Troyer wants to modify. Possibly read Brook Park City Council has been advised by the administration of certain issues concerning these agreements and discussed the administration's negotiations with labor organizations, maybe something like that.

Mr. Scott commented in agreement with Mr. Troyer on section one; Council wasn't advised or included in all negotiations. Sections one, two and three need to be changed no issues with section four.

Mr. Mencini stated we only met a few times and with Mr. Troyer's statement that two members weren't included there wasn't a lot with the negotiations that were missed and probably brought up to date on.

Mr. Vecchio stated all of Council is in agreement for the law department to reconstruct the verbiage in sections one, two and three accordingly. Council then by signatory vote hold an additional emergency meeting tomorrow evening.

Mr. Troyer commented that a motion legislation was discussed does not defeat the legislation since it has not been introduced or given a number.

Motion by Mr. Troyer, supported by Mrs. Schmuck, that item #7 was discussed with modifications of the legislation by the law department for introduction at tomorrow's emergency meeting.

Mrs. Horvath clarified this would be a new piece of drafted legislation?

Mr. Scott asked if the legislation can be amended.

Mr. Salvatore stated if the motion is the legislation was discussed, the legislation is done, can't bring it back and redo it. A new piece is needed or amendments to the legislation in front of us. If Council votes to say it's been read then it has been read in committee and done.

Mr. Troyer – Point of clarification.

Mr. Vecchio recognized.

Mr. Troyer – since this legislation hasn't been introduced it doesn't eliminate it, per

say, it's just been discussed.

Discussion: cont.

Mr. Vecchio stated until legislation is introduced and assigned to committee it is not considered active legislation to move through the process; can have discussion.

Poll of Council in favor of changes and new piece of legislation: Mencini - yes
Poindexter, Mr. Salvatore - yes, Mr. Scott - yes, Mrs. Schmuck - yes, Mr. Orcutt, Mr. Troyer - yes.

The clerk called the roll on the motion by Mr. Troyer, supported by Mrs. Schmuck, that item #7 was discussed.

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

8. A RESOLUTION PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated speaks for itself and other cities have done this and hope Council will follow suit to do things that protect the safety of residents and employees.

Poll of Council Mr. Poindexter - good.

Mr. Mencini - good.

Mr. Salvatore - good.

Mr. Troyer stated there's mention in the legislation of suspending Council rules and gives the Mayor total control of Council. Totally against and would have to be rewritten.

Mr. Orcutt stated good with legislation and think what Mr. Troyer is seeing is in section five.

Mr. Troyer concurred.

Mr. Orcutt continued I don't know where it gives control to the Mayor, it reads we're suspending Council because of the local emergency declared.

Mr. Mencini interjected look at #6, fifth or sixth line authoring the Mayor identify the best means or methods to insure the city's ability to discharge its duties, lot of gray area in that.

Mr. Orcutt stated I don't think how it reads (people talking over each other hard to transcribe exact verbiage).

Mrs. Schmuck - good.

Mr. Scott - good.

Discussion: cont.

Motion by Mr. Mencini, supported by Mrs. Schmuck, to place on the next called Council meeting.

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

NAYS: Troyer. The motion carried with a vote of 6-1.

Mr. Troyer – Point of clarification.

Mr. Vecchio recognized the point.

Mr. Troyer continued section 5c reads that the Council rules will be suspended or dispensed with at any such meeting.

9. A RESOLUTION TO CONDUCT COUNCIL MEETINGS REMOTELY WITH PROVISIONS FOR PUBLIC PARTICIPATION AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Vecchio asked Mrs. Horvath to speak on this legislation.

Mrs. Horvath stated obviously we need to figure out how we can efficient, remote meetings with the current situation; this draft legislation to assist Council to do that. Also, need to figure how to do public participation. With the passage of house bill 197 that allows for certain things with regards to meeting remotely and so forth. Section 3 has a typo that should read 121.221 that incorporates what was recently with remote Council meetings.

Mr. Mencini – Point of clarification.

Mr. Vecchio acknowledged.

Mr. Mencini continued notice reads introduction by Mayor and legislation reads introduced by Council President.

The clerk acknowledged the error, should be introduced by Council President Vecchio.

Mr. Vecchio commented that Summit County's legislation reads that City Council meetings will be conducted via Zoom as permitted by law from both the Ohio Attorney General and Governor. Clearly stated in the legislation that the public is encouraged to view meetings via livestream with no in-person participation.

The clerk concurred with Mr. Vecchio's comments and mentioned that the public can also send emails and/or regular mail to the Council office to be read.

Discussion: cont.

Mr. Vecchio continued this would continue until some of the meeting constraints are lifted.

Poll of Council:

Mr. Orcutt – good.

Mr. Schmuck stated this is well needed at this time and what the nation needs to stay safe, good with it.

Mr. Scott – good.

Mr. Salvatore – good.

Mr. Poindexter – good.

Mr. Mencini – good

Mr. Troyer stated section one no problem, section two do we all agree having two Council meetings a month per Charter?

Mr. Vecchio stated I would say no because the Charter reads two Council meetings per month, I think it means you can cancel the date of one and change if necessary.

Mr. Troyer clarified the goal is to have two Council meetings as the Charter requires?

Mr. Vecchio continued yes, as video-conferencing meetings.

Mr. Troyer – likes the system and good with legislation.

Motion by Mr. Mencini, supported by Mrs. Schmuck, to place on the next available Council meeting.

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

Mr. Vecchio stated the next regular Council meeting is April 21st.

Mayor Gammella interjected no, Mr. Chairman, the next regular Council meeting immediately follows this one per the notice.

Mr. Vecchio clarified that's a special Council meeting, the next regular Council meeting is April 21st.

Mayor Gammella continued the next special Council meeting immediately follows. I heard of at least six items moved, are you going to call it?

Mr. Scott clarified we are having an emergency meeting tomorrow, as it stands right now?

Discussion: cont.

Mayor Gammella interjected they were meant for the special Council meeting immediately following, that's how it was called to get some of these items resolved tonight.

Mr. Scott asked for a poll of Council for tomorrow's emergency meeting.

Mr. Poindexter asked what is the difference between having it tonight or tomorrow? We're not doing it the proper way, quote or unquote, tomorrow either. We're doing it under emergency pretenses; why can't those same emergency pretenses be used tonight?

Mr. Mencini commented we haven't adjourned.

Poll of Council for emergency meeting tomorrow night:

Mr. Scott – do it all tomorrow and get it all done.

Mrs. Schmuck – yes.

Mr. Orcutt – yes.

Mr. Troyer stated very hesitant on this but we are in a state of emergency, so I'll go along.

Mr. Mencini – yes.

Mr. Poindexter – wise man once told me don't put off until tomorrow what can be done today – today yes and tomorrow if necessary.

Mr. Salvatore – that's why I asked for a specific date on these motions because I knew this would happen this way, go along with the majority. Should have been specific on dates where legislation was too land.

Mr. Vecchio stated going with the poll of Council to place items one, two, three, six, eight and nine on the emergency meeting agenda for tomorrow night.

Mr. Scott commented it was just for discussion, we haven't motion for adjournment.

The clerk commented the only issue is the law department has been directed to draw up a new piece of legislation for negotiations and if this is done tonight; Council won't have a chance to review the legislation.

Mr. Scott stated the law department is drafting a new piece of legislation, so this can't be done tonight.

Mr. Vecchio concurred.

Mr. Troyer – Point of clarification, that piece of legislation was not introduced so it's not a dead piece.

Discussion: cont.

Mr. Vecchio stated what Mr. Scott is saying is the new piece that the law department has to drafted for that agenda is not in existence, as the clerk stated also. If items one, two, three, six eight and nine are moved to the emergency meeting agenda. Council will not have the additional piece for the collective bargaining on the agenda, it would have to be introduced.

Motion by Mr. Troyer, supported by Mr. Scott, to add item numbers one, two, three, six, eight and nine to the emergency meeting for tomorrow.

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

NAYS: Poindexter. The motion carried with a vote of 6-1.

By a poll of Council the Special Council Emergency meeting time was set for 6:00 p.m. for Wednesday, April 14th.

Mr. Troyer clarified that letters J – Introduction and M for passage listed on the agenda?

Mr. Vecchio concurred the clerk will have both listed.

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, Orcutt, Scott, Salvatore, Poindexter, Troyer

NAYS: None. The motion carried.

Mr. Vecchio declared this meeting adjourned at 10:21 p.m. and moved to the Special Council meeting.

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.

