

NOTE: Due to the COVID-19 Pandemic for all upcoming Regular or Special meetings of Brook Park City Council Governor DeWine's directive for meetings and social distancing will strictly be in effect.

Due to technical difficulties with livestream audio broadcast the teleconferenced Special Council meeting started approximately at 6:30 p.m.

**EMERGENCY SPECIAL COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, APRIL 14, 2020**

The meeting was called to order by Council President Vecchio at 6:30 p.m. who read the meeting notice. The clerk read the called the roll and the following Members of Council answered:

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

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

J. OTHER COMMUNICATIONS, PETITIONS AND VERBAL APPROVAL:

INTRODUCTION OF NEW LEGISLATION:

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.

Motion by Mr. Troyer, supported by Mr. Mencini, to place under letter M.

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.

Motion by Mr. Troyer, supported by Mrs. Schmuck, to place under letter M.

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

NAYS: None. The motion carried.

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

J. Introduction of New Legislation: cont.

Motion by Mr. Mencini, supported by Mr. Troyer, to place under letter M.

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

NAYS: None. The motion carried.

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

Motion by Mr. Mencini, supported by Mrs. Schmuck, to place under letter M.

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

NAYS: None. The motion carried.

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

Motion by Mr. Troyer, supported by Mr. Mencini, to place under letter M.

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

NAYS: None. The motion carried.

6. A RESOLUTION TO CONDUCT COUNCIL MEETINGS REMOTELY WITH PROVISIONS FOR PUBLIC PARTICIPATION AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio.

Motion by Mr. Mencini, supported by Mr. Poindexter, to place under letter M.

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

NAYS: None. The motion carried.

7. A RESOLUTION TEMPORARILY SUSPENDING COLLECTIVE BARGAINING NEGOTIATIONS AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

Motion by Mr. Mencini, supported by Mrs. Schmuck, to place under letter M.

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

NAYS: None. The motion carried.

L. REMARKS FROM THE AUDIENCE ON THE AGENDA ONLY:

No one came forward.

M. INTRODUCTION ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORDINANCE NO. 11145-2020, AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

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

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

NAYS: None. The motion carried.

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

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

ROLL CALL: AYES: Mencini, Poindexter, Salvatore, Troyer, Orcutt, Schmuck, Scott
NAYS: None. Ordinance No. 11145-2020, has passed under suspension of the rules. Adopted.

2. ORDINANCE NO. 11146-2020, AUTHORIZING THE MAYOR TO ENTER INTO A CHANGE ORDER BETWEEN FALLSWAY EMERGENCY REPAIRS EQUIPMENT AND THE CITY OF BROOK PARK FOR ADDITIONAL EMERGENCY REPAIRS TO OUR 2002 FIRE TRUCK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

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

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

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

ROLL CALL: AYES: Orcutt, Poindexter, Mencini, Troyer, Salvatore, Schmuck, Scott
NAYS: None. Ordinance No. 11146-2020, has passed under suspension of the rules. Adopted.

3. ORDINANCE NO. 11147-2020, AUTHORIZING THE MAYOR TO GIVE CONSENT TO THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION, TO COMPLETE A GUARDRAIL UPGRADE PROJECT IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

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

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

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

ROLL CALL: AYES: Poindexter, Schmuck, Scott, Orcutt, Troyer, Mencini, Salvatore
NAYS: None. Ordinance No. 11147-2020, has passed under suspension of the rules. Adopted.

4. RESOLUTION NO. 8-2020, AUTHORIZING THE MAYOR TO PARTICIPATE IN THE ODOT CONTRACT FOR ROAD SALT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

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

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

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

ROLL CALL: AYES: Schmuck, Poindexter, Troyer, Mencini, Salvatore, Scott, Orcutt
NAYS: None. Resolution No. 8-2020, has passed under suspension of the rules. Adopted.

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

5. RESOLUTION NO. 9-2020, PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

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

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

Motion by Mr. Troyer, supported by Mr. Orcutt, to amend on page 2, section 5-A, between the words meeting and all include the words 'in agreement with the Mayor'. Mr. Troyer read Section 5-A everything is referenced with this Council finds and determines that 'Council will meet on April 21, 2020 electronically for a regular meeting. In agreement with the Mayor all other city board and commission meetings are cancelled until further notice.

Mayor Gammella asked are you saying that Planning Commission and/or Board of Zoning meetings can't be held.

Mr. Troyer stated that's how the legislation reads.

Mrs. Horvath stated this verbiage is in here to say all of the city boards and commissions are cancelled until further notice, it's not to cancel them all forever.

Mayor Gammella concurred.

Mr. Troyer reiterated all that is being included is 'in agreement with the Mayor'.

Mr. Vecchio read section 5-A 'Council will meet on April 21, 2020 electronically for a regular meeting. In agreement with the Mayor all other city boards and commission meetings are cancelled until further notice.

Mr. Troyer concurred.

The clerk called the roll call on the amendment by Mr. Troyer, supported by Mr. Orcutt to amend section 5-A as read.

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

Motion by Mr. Troyer, supported by to amend Section 5-B to delete 'the regular scheduled Council meeting under Charter section 4.05 is hereby suspended until Council determines that the local emergency declared herein as abating'

Mr. Orcutt asked Mr. Vecchio if the teleconferencing of meetings is permanent?

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

Mr. Vecchio responded no, we're waiting on some video-conferencing technology that was submitted today.

Mr. Orcutt stated Council can still move city business using telephones?

Mr. Vecchio concurred.

Mrs. Horvath stated the intent of this legislation is not so much to cancel regularly scheduled two meetings per month that Council has; this is to cancel the in-person meeting, due to the pandemic. By saying regular scheduled meetings really means not getting together in the same room. I would think an amendment regarding that issue would be better taken than to just cancel and leave us stuck with having meetings as the Charter and Council rules state isn't a good ideal currently. Rather than striking the entire subsection the amendment should reflect something to the effect in-person Council meetings will be suspended and instead during the emergency teleconferencing will be used.

Mr. Vecchio clarified the intent is to head-off the in-person and follow the governor's rules?

Mrs. Horvath concurred and stated there is a duty to conduct public business and the Charter states two meetings per month. To the extent the emergency allows want to make sure that can be done just not with in-person meetings.

Mr. Troyer clarified that section 5, subsection c, addresses that issue; subsection b goes against the city Charter; subsection c addresses the teleconferencing.

Mr. Vecchio concurred that subsection c outlines that. I think what the law director is saying with subsection b be changed that the regular schedule of Council meetings to include in-person audience participation, is the intent.

Mr. Mencini stated that still does not cover Charter section 4.05 we would still be in violation with the Charter, think that is what Mr. Troyer is eluding too. Section 5 and all sections starts with 'This Council' which is very important and comes back on Council.

Mr. Salvatore suggested suspend live Council meetings and follow subsection c as subsection c. By saying Council shall during the period of emergency hold regular meetings according to Charter section 4.05 via telecommunications or other remote communications as Council deems necessary. I think the intent of the law director is to suspend in-person meetings and hold telecommunication meetings.

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

Mrs. Horvath concurred with Mr. Salvatore and suggested verbiage of in-person attendance at regularly scheduled Council meetings is suspended. Then remove subsection c and have one paragraph that speaks on the suspending in-person requirement of attendance; instead hold meetings during the period of emergency via telecommunications.

Mr. Troyer removed his **motion** to amend.

Mr. Vecchio suggested it may be in our best interest in subsection b to read the regular scheduled in-person Council meetings under Charter section 4.05 is hereby suspended. Until Council determines that the local emergency declared herein has abated and will continue with mirroring in subsection c with b.

Mr. Troyer stated anything suspending Charter section 4.05 is improper. Section 4.05 requires two meetings per month.

Mr. Salvatore stated we're not violating the Charter or giving that up Council shall during the period of emergency hold its regular meetings via telecommunications. We're exchanging the live meeting of being assembled in the Council Chambers in lieu of what is being done tonight. The simple fix is remove 4.05 and continue with subsections b and c joined together.

Mr. Orcutt concurred with Mr. Salvatore suggestion and law director's advice. My recommendation is insert 'the regular in-person Council meetings is hereby suspended until Council determines that the local emergency has abated.

Motion by Mr. Troyer, supported by Mr. Orcutt, to amend section 5 subsection to insert 'the regular in-person Council meetings is hereby suspended until Council determines that the local emergency declared herein has abated'

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

Mr. Vecchio suggested an amendment to Section 5, subsection c, to read Council shall during the period of emergency hold regular or special meetings via teleconference or other means of remote communication. The Council rules will be suspended and dispensed with at any such meeting and that during such meeting during this time no public comment period will be provided. Although comments submitted in a signed writing or email identifying the writer will be noted, may be read and will be included in the journal of proceedings.

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

Mr. Troyer stated another amendment to section 5, subsection c, after the word communications insert a comma and delete the words that the Council rules will be suspended and dispensed with at any such meeting. During such meetings during this time no public comment period will be provided although.

Mr. Scott expressed disagreement with the proposed amendment and stated people are allowed to come into the Chambers to express their concerns. Is there any other way to have public comment other than having them go into the chambers?

Mr. Troyer stated it reads that the Council rules will be suspended or dispensed with, Council cannot function without rules.

Mr. Scott continued my issue is with no public comment being provided. I agree with the Council rules being suspended or dispersed with at any such meeting.

Mr. Troyer asked if public comment can be done with teleconferencing?

Mr. Vecchio responded no, there is no way to control it. The only way to do so, in this case, is as a write-in.

Mr. Troyer suggested another amendment by deleting 'that the Council rules will be suspended ad dispensed with at any such meeting'.

Mr. Vecchio clarified the proposed amendment to read 'Council shall during the period of emergency hold regular or special meetings via teleconference or all other means of remote communications. During such meetings during this time no public comment period will be provided although comments submitted in a signed writing or an email identifying the writer will be noted; may be read and will be included in the journal of proceedings'.

Mr. Scott commented an amendment to the last line delete the word 'may' and include the word 'should'.

Mr. Vecchio commented there could be a 100-page desertion, it wouldn't serve Council well.

Mr. Scott suggested perhaps a five-minute limit.

Mr. Mencini asked couldn't it pertaining to the Council agenda?

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

Mr. Vecchio responded Council could do it for agenda items only. Council has the ability to set Council rules, if you want it for agenda items only, so be it.

Mr. Mencini continued I would think it would suffice during the emergency and teleconferencing.

Mr. Vecchio commented special Council meetings have audience participation for items on that agenda only.

Mr. Salvatore concurred with the special meeting conditions that audience participation is for items on that agenda only; at regular meetings the public can speak on any subject. This would just complicate the issue don't think anyone will send in a novel to be read. Don't need to make a rule for the rules they're self-explanatory.

Mr. Poindexter agrees with the word 'shall' and would say it what is being read turns out to be gibberish it can be shut down, at that point.

Mr. Mencini stated not in favor, that isn't done at the microphone theoretically until it gets out of hand. Council is meeting by audio meetings that falls under emergency meetings.

Mr. Poindexter asked who would determine if it is read or not?

Mr. Vecchio agreed with that statement.

Mr. Troyer suggested a compromise maybe just insert will be read.

Mr. Vecchio read the amendment 'Council shall during the period of emergency hold regular or special meetings via teleconference or other means of remote communications and then during such meetings during this time no public comment period will be provided; although comments submitted in a signed writing or an email identifying the writer will be noted, will be read and will be included in the journal of proceedings.

Motion by Mr. Troyer, supported by Mr. Mencini, to amend section 5 subsection c to read as stated.

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

Motion by Mr. Troyer, supported by Mrs. Schmuck, to adopt as amended.

ROLL CALL: AYES: Troyer, Schmuck, Scott, Orcutt, Mencini, Poindexter, Salvatore
NAYS: None. Resolution No. 10-2020, has passed under suspension of the rules as amended. Adopted.

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

6. RESOLUTION NO. 10-2020, TO CONDUCT COUNCIL MEETINGS REMOTELY WITH PROVISIONS FOR PUBLIC PARTICIPATION AND DECLARING AN EMERGENCY.

Introduced by Council President Vecchio.

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

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

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

ROLL CALL: AYES: Schmuck, Mencini, Troyer, Poindexter, Salvatore, Scott, Orcutt
NAYS: None. Resolution No. 10-2020, has passed under suspension of the rules. Adopted.

7. RESOLUTION NO. 11-2020, TEMPORARILY SUSPENDING COLLECTIVE BARGAINING NEGOTIATIONS AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

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

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

Mr. Salvatore stated to Mayor Gammella in section three where it reads 'City Council has been that the Commissioner of Human Resources email to all the city's labor unions dated March 18, 2020 and affirms the Mayor and his administration's decision to temporarily suspend contract negotiations based upon the current health and economic crisis faced by the city'. I never received that email and want to concur that really took place and have that somewhere.

Mayor Gammella commented you never received that in your email?

Mr. Salvatore continued I may have but don't recall, just want to concur that happened.

Mayor Gammella interjected you should have and will check first thing tomorrow morning.

Mr. Salvatore stated it was in the original resolution by you but don't see your name on the one being voted on tonight.

Mayor Gammella stated I'll look into it tomorrow morning and call you.

Mr. Salvatore stated to Mayor Gammella as one of the co-sponsors of this legislation would you like to add your name to this legislation this evening?

Mayor Gammella responded no, but thank you.

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

ROLL CALL: AYES: Mencini, Schmuck, Scott, Orcutt, Troyer, Poindexter, Salvatore
NAYS: None. Resolution No. 11-2020, has passed under suspension of the rules. Adopted.

Mr. Vecchio thanked everyone for sitting here going through these trials and tribulations. To the residents with everything going on with the communication issues due to unchartered waters and having no one in the chambers; has hampered us but we are working on setting up meetings via video-conferencing. Once that is up and running notices will be given to everyone as well as the residents.

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

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

Council President Vecchio declared this meeting adjourned at 8:34 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *August 25, 2020*

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

3,115 words