

NOTE: Due to the COVID-19 pandemic for all upcoming Regular and/or Special meetings; Governor DeWine's directive for meetings and social distancing will be strictly enforced:

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, APRIL 28, 2020**

The meeting was called to order by Council President Vecchio at 8:33 p.m., the clerk called the roll and the following Members of Council answered:

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

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

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

No minutes provided.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee - Chairwoman, Schmuck

Mrs. Schmuck reported the Aviation & Environmental committee has no legislation on tonight's agenda.

Finance Committee - Chairman, Scott

Mr. Scott reported the Finance committee has nothing on tonight's agenda; the Board of Control met earlier today and approved four items. The first item was Utility Truck, Inc. for replacement of hydraulic cylinder and miscellaneous repair parts for bucket truck no. 803 in the amount of \$6,000. The second item was EAB Truck Service, Inc. for a rebuild rear suspension on sanitation truck no. 82 in the amount of \$5,000. Third was Mansour, Gavin LPA for professional services for general labor for the month of March, 2020 in the amount of \$4,251 and last item was Cintas Uniforms and rugs in the amount of \$4,000.

Legislative Committee - Chairman, Mencini

Mr. Mencini reported (hard to understand) there are many items in the legislative committee, if anything is to be pulled out of committee call me.

Parks & Recreation Committee - Chairman, Poindexter

Mr. Poindexter reported the Parks & Recreation Committee has no report.

Planning Committee - Chairman, Orcutt

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

Reports from Standing Committees: cont.

Safety Committee – Chairman, Troyer

Mr. Troyer reported Safety committee has nothing on tonight’s agenda or in committee; would like to get back in Council chambers.

Service Committee - Chairman, Salvatore

Mr. Salvatore reported the Service committee has nothing on tonight’s agenda, thanked all service department employees for hard work and dedication with a short staff.

Board of Zoning Appeals - Chairman, Mencini

Mr. Mencini concurred with Mr. Salvatore’s comments and reported the Board of Zoning Appeals has not met since last report.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center - Trustee, Orcutt

Mr. Orcutt reported congratulated Southwest General employees and medical staff providers for tireless efforts and fulfilling Governor DeWine and Ohio Director of Department of Health, Dr. Acton, requests. Southwest General is expecting to receive a new order from Dr. Acton to start ramping back up again.

Berea Board of Education Representative, Mencini

Mr. Mencini reported (hard to understand) per Governor DeWine’s order the rest of the school year has been cancelled as of April 24th. The weeks of May 11-15 and 18-22 students will be allowed to pick up their belongings from the school; per Governor DeWine’s orders the students must contact the school principal. Remote learning is taking place for Berea school children and parents either during the day, evenings or weekends, overall the program is going good. Activities have been cancelled with refunds coming from the school office i.e. art fair, school sports, field trips and other activities. Parents with children entering kindergarten can register on the district’s website. One of the city’s volunteer coaches, Kurt Nennstiel, passed away this weekend; condolences to his family.

Technology and Innovation Council Representative – Poindexter

Mr. Poindexter reported the committee is planning on having their next meeting on Wednesday, May 6th.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Gammella hopes everyone is health during this pandemic situation and from everything read and seen it seems this pandemic is going to be around for some time; at least the fall. Mayor Gammella thanked the finance and tax department staff for their outstanding work. The city has a \$3 million-dollar shortfall on projections and is currently in an emergency situation. One out of six people in the State of Ohio are currently out of work and it's not the type of situation that I thought the city would face; certain we will be in a recession shortly. The main thing is stay healthy, keep residents and people in the state safe; think Governor DeWine has done an excellent job. The \$3 million-dollar shortfall is an estimate and have asked the unions to take a pay-freeze this year and want them to work under the current agreement for a year, until the pandemic passes. The administration will also take a pay-freeze with possible furloughs, no raises and all directors' commissions' chiefs and elected officials have been asked to take emergency measures to cut as much as possible. Police and fire will remain fully staffed and think everyone agrees keeping the residents' safe during this pandemic situation is of the utmost importance. There were questions as to why recreation staff was in the recreation center; the recreation director provided to Council an extensive list as to what the staff was doing. As of April 10th all five part-time people have been laid off. I have asked employees for a voluntary layoff meaning giving seniority opportunities for people who want to be laid off, for whatever reason. To date, there are 12 people interested with the deadline date of this coming Friday, May 1st. The finance director has been working with the interested people letting know benefits and actually most of them will be close to what they're currently making with all the federal subsidies and such. Mayor Gammella thanked Southwest General Hospital for their outstanding work with the city as well as the Mayors of Middleburg Heights and Berea. It's been a community effort and thanked all city employees, caregivers and first-line responders and City Council during this tough situation.

Questions to the Mayor:

Mr. Poindexter thanked Mayor Gammella for the letter sent to public employees wished would have received earlier due to phone calls received, caught off guard. My question is if people don't volunteer to be laid off what happens then? Would the administration lay off employees and what is the number of workers expected to be laid off? How many will be on staff after the layoff process is over?

Mayor Gammella responded the reason the letter wasn't sent is I wanted to make sure that was cleared with the union, thought it was important to let the union people first. Mr. Cingle has said this will have to be done in phases because the city doesn't know the end result. The city may be in the same situation next year, hopefully not. With the people who expressed wanting to take the layoff and the cuts the police and fire have made with overtime and things of that nature. Also,

Questions to the Mayor: cont.

the city hall employees, administration staff and part-time people I believe the city will be all right. Does the city have reserves, yes, will have to tap into those reserves somewhat but don't want to tap into them totally because we don't know where the end of this is. It took us along time to build those reserves where they are thankful we have them because a lot of cities don't. The union and city employees are with us on this and really appreciate it.

Mr. Poindexter agrees with not tapping into the reserves that's for dire need and don't think the city is there yet, hopefully that won't happen. If you don't get the volunteer layoff numbers expected would the administration move forward with layoffs from the bottom-up?

Mayor Gammella continued the problem the city is faced with and a good problem to have. The city has run for the past three years cut to the bone so there is not a lot to cut-out. It looks that people will take the voluntary lay-off that want to do it for whatever reason. I think the city will be okay in this first phase; if this gets worse, for example, Ford Motor or NASA doesn't open up until September; not saying they're not then will have to come back to Council. Don't think it will get to that point but would rather be prepared for the worse and hope for the best.

Mr. Poindexter stated to Mr. Gammella on the flip side are you assured there will be enough manpower to continue to maintain the city the way it needs to be maintained after the voluntary layoffs?

Mayor Gammella responded yes, things may get done slower and keep in mind if things get better those people can be called back; the city has that option. If they want to come back and after July 31st those people will have that opportunity and we will re-assess the situation. I was told by a Ford Motor source that they might be done a few more weeks than they thought; we have to be ready for anything and are and need to stay on top of this.

Mr. Salvatore asked Mayor Gammella with the voluntary layoff is 12 the number needed to accomplish your goal?

Mayor Gammella responded no, in phase one I don't need that many but will have to lay off some part-time administration staff, full-time that is more than needed. From there this will go by seniority and there is only one electrician at the garage. Some of these jobs are critical and are trying to take care of employees the best way possible.

Mr. Salvatore continued if 12 isn't needed and you get 15 how do you justify 15 volunteer layoffs?

Questions to the Mayor: cont.

Mayor Gammella responded number one will be the needs of the city to safely operate. Number two would be by seniority and number three would be a case-by-case basis. There is a plan and will sock with the plan and the finance director and I are in agreement on this.

Mr. Salvatore continued is there an update with the dog park?

Mayor Gammella responded I can't lay off people and say the city is going to do a dog park. Middleburg Heights, Mayor Castelli and I have discussed and the dog park has been postponed until later in the year. The city will definitely do a dog park it's just a matter of when; right now isn't the time to do it.

Mr. Mencini stated when saying 12 are taking the layoff is that one specific department or across the board?

Mayor Gammella responded that would be across the board, all departments will be given the opportunity with the exception of police and fire.

Mr. Mencini continued Governor DeWine started opening up a few things and my question is the city ready to start opening, for example, the recreation center?

Mayor Gammella responded absolutely, as you can see with Mr. Elliott's report. When the city closed the recreation center, one of the first cities to close being proactive. We didn't know how soon it would be open so there were still plans for baseball and summer sports. Currently, we're waiting to see when we will reopen and as most people know there aren't a lot of people using the recreation center during the summer months.

Mr. Mencini clarified Mr. Cingle's statement last week that the STOP Program has stopped for a time period or indefinite?

Mayor Gammella concurred the STOP Program has been stopped temporarily due to not being able to get people into court.

Mr. Mencini stated the department is still issuing tickets for violators?

Mayor Gammella concurred.

Mr. Orcutt stated to Mayor Gammella there are reports everyday about COVID-19 how is the city with Personal Protective Equipment (PPE) for city employees?

Mayor Gammella responded the city is good but could be better, the safety forces are fine and people at City Hall is practicing social distancing. Depending on how

Questions to the Mayor: cont.

far this goes the city may need to find another supplier and is has been working on that for the past two weeks.

Mr. Orcutt continued with the safety of employees the first responders with police and fire don't have a choice, especially fire. The department is having to respond and that's their job and we're grateful for that. The restrictions at the service department with employees going into the homes; do we plan on continuing to hold-back on that for the safety of employees?

Mayor Gammella responded currently yes.

Mr. Orcutt commented glad to hear that and support the fact of looking out for service department employees. One last question with the 12 volunteer layoffs is a document being signed that includes the promise of their job back?

Mayor Gammella responded absolutely as well as the date of July 31st but can be extended if the employee wants; definitely they will get their job back.

Mr. Troyer stated to Mayor Gammella will Home Days be cancelled? If too many people take the volunteer layoff, for example, at the service department. Can recreation employees transfer to the service department?

Mayor Gammella responded in answer to the second question there are restrictions but think during this time of emergency everyone will work together, the unions have been excellent with working with us. As far as Home Days it looks may be postponed this year with contracts that need to be signed and if there was Home Days not sure how many people would come. Due to the governor's restriction of only ten people only there is an excellent chance there will be no Home Days for this year.

Mr. Troyer commented that's probably a good decision with social distancing, that kind of event would be hard.

Mr. Vecchio stated to Mayor Gammella it's essential on the financial part of the city to make cutbacks. One question is with firefighter overtime and understand the minimum manning. The city almost hit the \$500,000 for 2019 is there anything the city is going to try to curtail overtime during this time? Obviously, there is less traffic and not having auto accidents and people still need emergency services. Is there a way the city is working with the fire department union to reduce overtime expenditures?

Mayor Gammella responded by court order the city has minimum manning that has to be followed. The way to cut firefighters' overtime is to hire more

Questions to the Mayor: cont.

firefighters'. The city has to use the current firefighters to keep the minimum manning going, that's the issue. Have talked with firefighters about no pay raises, extending the contract and other things for significant cost-savings. Had this pandemic not hit the plan was to hire more firefighters' by getting a grant to pay for hiring of firefighters' for three years; costing the city hardly anything.

Mr. Vecchio continued secondly, the 12 people with the volunteer layoffs from different departments will that be balanced out from the four areas of the city; to make it equal.

Mayor Gammella responded absolutely.

Mr. Vecchio continued with recreation topic earlier and part of that being summer sports; there is the possibility of suspending softball and baseball because of COVID-19. Football starts the end of July and at that point staffing will be needed in order to put together rosters and such. In the interim, is what is the city doing if softball, baseball and summer sports ends up being cancelled. Will refunds be given to people who have pre-paid?

Mayor Gammella responded those monies would be refunded if there are no sports or the people could put it as a credit. The city will be balanced and if not needed won't be there.

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

Mrs. Horvath stated as the city departments try to figure out the facts of the pandemic. The law department is also trying to figure out how this stay-at-home order and various orders are affecting the city from a legal standpoint. All cases have been having telephonic hearings or no actual hearings. One thing the department has been working on is Berea Municipal court cases and Mayor court cases. Currently with Berea Municipal Court cases there we've instituted a program of telephonic pre-trials with Prosecutor Sackett calling attorneys on various cases to get resolved without actual court appearance and also with litigants. This program will also be for Mayor's court with the next docket having approximately 93 people; too many people to have in the community room. Mr. Sackett will be starting to call people to hopefully be able to work out an online payment. Also, the department will institute the staggering of court appearances so everyone is not in the courtroom at the same time. Thanked Mayor Gammella, Clerk of Courts Zingale and magistrates for working with the department to resolve some of these issues.

Mr. Orcutt stated to Mrs. Horvath will the magistrates also be calling people?

Questions to the Law Director Horvath

Mrs. Horvath responded traditionally there has to be some meeting or discussion between the prosecutor and defendant; so this is the step before anything is put into play.

Mr. Orcutt asked Mrs. Horvath if the magistrates are currently on payroll?

Mrs. Horvath responded I would assume yes but that is a question for finance department, will be needed in the future.

Finance Director Cingle

Mr. Cingle responded to Mr. Orcutt's question regarding magistrates being on payroll the answer is yes. With that said and as the Mayor stated over the last week there has been a lot of time spent on conference calls with unions and phone calls with many employees regarding the volunteer layoff. As of right now unless something changed today I'm not aware of 12 firm commitments to take the volunteer layoff, there is considerable interest. The letter of intent went out late this afternoon and follow-up phone calls with Mr. D'Amico and representatives from union local 1099 and 436 and to further clarify another letter will be going out tomorrow morning. The city has asked the employees for a decision by Thursday, April 30th by 12:00 noon. After that time the Mayor will make the decision as to how many are allowed to take the volunteer layoff. What is trying to be done in this round is take advantage of the \$600.00 supplemental payment offered by the federal government in effect through July 31st, not sure if that will be extended. I think this will move in phases and will continue to monitor the income and property tax collections. I want to reiterate my statement from last week with the occasional entrant rule. Where individuals that normally work in Brook Park and are now currently working from home there seems to be some confusion on whether or not the governor has the unilateral ability to amend the rule that was in place through HB 5. My understanding is the Ohio Municipal League is asking for an opinion and to reiterate that will have a crippling effect on the city's budget if these employees are able to ask for refunds from the city, due to not working in the community currently. As information comes forward will continue to keep Council informed and again that will have a tremendous negative impact on the city budget if this continues to move forward. The Mayor and I have been meeting on a daily basis and as information comes forward will be shared with Council.

Questions to the Finance Director

Mr. Orcutt asked Mr. Cingle the operational portion of the budget was passed on March 17, 2020 with the capital portion not passed due to wanting to proceed with caution. My question being are there items that are part of the capital budget that is needed to be passed for payment, for example, the Vector?

Questions to Finance Director Cingle

Mr. Cingle responded the lease components were included in the budget Council approved in March. There have been some expenditures made, one being is the cleaning infra-red light, the city purchased for a little less than \$20,000. A capital budget will be brought forth to Council once we work through the income tax collection numbers, the voluntary buyout and see if the unions will agree to no pay increase.

Mr. Orcutt asked Mr. Cingle for an explanation of the premiums being paid through unemployment for the employees taking the voluntary layoff; how the city pays that?

Mr. Cingle responded unlike for-profit companies that pay premiums into unemployment benefits. The City of Brook Park and public entities pay dollar for dollar. So if an employee receives \$480.00 weekly from unemployment office the City of Brook Park will pay the entire \$480.00.

Mr. Orcutt clarified there will be a cost to the city for these people.

Mr. Cingle concurred and stated the city is saving on the weekly salary, pension costs at 14% of earnings, the city portion to Medicare of 1.45%. That is the benefit and the subtraction is the amount the city will pay to unemployment and also the city won't receive the 2% income tax revenue from wages.

Mr. Orcutt asked how will they be able to monitor, for example, a NASA employee working from home in Westlake. How can that be monitored by giving that income tax to the City of Westlake?

Mr. Cingle responded NASA would continue to withhold Brook Park income tax should they choose and the employee files for a refund with the City of Brook Park. The employer will sign a document stating the employee worked outside of Brook Park for x-number of days. The employee plus employer attests to the days worked outside of Brook Park.

Mr. Orcutt continued that is initiated by the employee and if the rate is lower in their home city most likely they would take advantage of that; this could be worse than what we thought. Thank you and your department for all the hard work.

Mr. Mencini stated (hard to understand) with the income tax the city would take a hit but a city like Cleveland would take a real hit. Is there anything coming back from the state to small businesses, families and so forth. Will the city be getting anything possibly from the state or government down the road to help municipalities?

Questions to Mr. Cingle: cont.

Mr. Cingle responded there are some grant funds available from the federal government and it's my understanding they are highly restrictive, can only be spent on COVID-19 expenditures, for example, hand sanitizer, masks and things of that sort. The Mayors and Managers Association along with the State of Ohio House and Senate are doing their best to see if the restrictions can be lifted or eased; right now there haven't been any changes I'm aware of. The city does get money from the state local government fund and heard earlier today the governor will be outlining budget cuts later this week. As everyone knows the estate tax, the local government monies received have been reduced dramatically so I think we need to proceed with not getting help from either federal or state governments moving forward. We need to get ahead of this as quickly as possible and as stated last week the city is going to start seeing refund requests from the occasional entrant rule that will be seen through income tax collections that will be done in the arrears. Need to plan accordingly and prepare for the worst and hope for the best moving forward, the city needs to get ahead of this running rather than waiting. There will be tough decisions moving forward and will continue to monitor revenue, cash flows and advise Council.

Mr. Troyer asked Mr. Cingle how many recreation center employees volunteered for the layoff?

Mr. Cingle responded won't know that until the deadline date of April 30th by noon. Talked to a few of them but no one to my knowledge has confirmed taking the volunteer layoff.

Mr. Troyer expressed concerns is people working remotely from home are the computers secure? Has the city taken extra measures to be secure as if working from offices?

Mr. Cingle responded yes, there is VPN connections and they are highly secured, firewalls are in place. The city's IT professionals have not shared any concerns to me regarding security.

Mr. Troyer continued this tax issue problem with working from home and asking for the refund is not only a problem in the immediate future for retroactively the last month or so. Or could be in the near future this could prolong and the city may never get those monies back if these people decide to work remotely from home from now on. That is my biggest concern and see the city getting through this year because of the reserves. The only problem I have, at this point, as far as getting through this year is the fact that the pool roof and walls need to be addressed. The money was there and understand the fact that we're trying not to use city reserves.

Questions to Mr. Cingle: cont.

Mr. Cingle responded I wholeheartedly agree with your comment with employees working from home, or a I call the new normal. Using NASA as an example, being the top taxpayer, we don't know how they will be working three, six, 18 or 24 months from now. Are more of them going to be able to work from home maybe not daily but two or three days a week. Once those people are outside of Brook Park for 20 days on that 21st day they're not required to pay Brook Park income tax. That's a huge concern and will hear me talk about it a lot and want to keep it in the forefront that will have a crippling effect on the city's budget moving forward.

Mr. Poindexter stated to Mr. Cingle as that takes hold of people pulling back Brook Park taxes to their home location. Isn't possible or likely that Brook Park residents could potentially do the same thing? Is that something that maybe we should be helping our residents with if NASA employees pull back money from local taxes. Should Brook Park residents do the same thing at their places of employment to kind of offset that?

Mr. Cingle responded yes, Brook Park residents should be advised if working from home more than 20 days they should be paying Brook Park taxes. However, the city will never make up for what will be lost at NASA. Agree that Brook Park residents should be advised accordingly.

Mr. Poindexter stated may not offset all of that but a way to recoup some of those monies.

OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):**MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:****REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:****INTRODUCTION OF ORDINANCES AND RESOLUTIONS: FIRST READING:****SECOND READING OF ORDINANCES AND RESOLUTIONS:****THIRD READING OF ORDINANCES AND RESOLUTIONS:**

Mr. Salvatore complimented Mr. Vecchio on all of his hard work putting these Zoom meetings together, seems to be working pretty good.

Mrs. Schmuck commented agree did a good job.

Mr. Vecchio thanked both and commented this is something that needed to be done, obviously, to keep everyone safe.

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

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

Mr. Vecchio declared this meeting adjourned at 9:39 p.m.

RESPECTFULLY SUBMITTED 
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.

4,616 words