

**SPECIAL COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK
HELD ON AUGUST 11, 2020 IMMEDIATELY
FOLLOWING THE SPECIAL CAUCUS MEETING.**

The meeting was called to order by Council President Vecchio at 6:43 p.m., who read the meeting notice. The clerk called the roll and the following Members of Council answered:

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

Also in attendance were Mayor Gammella, Law Director Horvath, Finance Director Cingle, Recreation Director Elliott and Service Director Gardner.

REMARKS FROM THE AUDIENCE ON SUBJECT MATTER ON THIS AGENDA ONLY:

1. Correspondence received from Brook Park resident, Joan Markusic of 13911 Bellbrook Drive received per email on August 5, 2020. Mr. Vecchio read the correspondence that is attached to these minutes.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

Mr. Vecchio stated as everyone is aware the Mayor can present legislation but can't move forward. A motion would be needed to keep the list of legislation on First Reading or place in committee.

1. ORDINANCE NO. 11160-2020, AMENDING ORDINANCE NO. 11144-2020, THE APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Motion by Mr. Troyer, supported by Mr. Mencini, to place item number one on tonight's agenda for Council action.

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

Mr. Troyer stated to Law Director Horvath this is a fine-line because the actual ordinances are not attached to this agenda but were on the (Special) Caucus agenda (prior).

Mr. Vecchio commented an Addendum was done with the legislation attached.

Mr. Troyer stated when?

Mr. Vecchio responded last evening.

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

Mr. Troyer commented if I don't get it, it wasn't done. Did anyone get it?

Mr. Vecchio responded no, they were at the posting locations and website.

Mrs. Horvath stated I believe this was appropriately posted and certainly under Rule No. 14 Council can add to an agenda.

Mayor Gammella commented we've been running this city very lean and need the appropriations to continue to run the city very lean and ask Council for suspension to pass this legislation.

Mr. Poindexter stated to Mayor Gammella looking at the appropriations noticed there is no appropriation for any of the potential projects listed. That obviously would be something that has to come back before Council to get appropriated, correct?

Mayor Gammella responded more than likely, yes.

Mr. Cingle gave a list of proposed changes to the appropriations, starting on page one - General Fund. Hitting the high points recreation had many refunds this year than in previous years, unfortunately; so the Recreation Center Refund line item was increased by \$8,000 up to \$8,500. With no Home Days (celebration) and Safety Town were removed from the appropriations passed by Council earlier this year. The Safety building is for overtime, repair and maintenance and the contract with (City of) Strongsville for dispatch (services). Street cleaning is for one job that will not be filled so the appropriations have been reduced. General Government Lands and Buildings as everyone knows city crews are watering flowers on Snow Road incurring some overtime for that land item. The total General Fund appropriations is being reduced by \$93,300.00. Special Recreation is for more refunds than in previous years with a lot of programs being cancelled we are moving \$20,000.00 from Miscellaneous Expenses into the refund line item. Water Park not being open this year so there is an adjustment to the appropriations to show that. Law Enforcement fund and Federal Forfeiture fund those appropriations are being increased due to the body cameras (police department) that Council approved to purchase earlier this year. Finalizing page one the Cares Act fund that Council passed legislation earlier this year for the Corona(Virus) relief fund with the city receiving \$458,374.39 from the federal government. Those dollars are being appropriated but is unknown how they will be spent at this time. Those dollars are highly restrictive and am working with the Mayor on how to spend those dollars and still hopeful that a significant portion can be utilized for salaries and benefits for individuals in the safety forces and service department.

Questions - page one:

Mr. Scott stated to Mr. Cingle \$4,200.00 is being paid for General Government Lands and Buildings for what?

Mr. Cingle responded that is for watering of the flowers on Snow Road; it is my understanding that the flowers are being watered twice a day for seven days a week.

Mr. Scott asked is overtime being paid for that?

Mr. Cingle responded in some cases, yes, overtime is being generated.

Mr. Vecchio asked Mr. Cingle how many personnel does that include to do that?

Mr. Cingle responded two personnel one hour a day.

Mr. Salvatore stated to Mr. Cingle the \$485,000.00 coming in for the Cares Act is that an accurate number? Is there a list of items that can be used out of that fund?

Mr. Cingle responded the Office of Budget and Management just released some guidance a few days ago on how the monies can be spent. I know there is a strong push from the Mayors' and Management Association about reducing some of the restrictions that are present with this funding. Again, the hope is to be able to utilize the monies for safety personnel wages and also service department personnel wages. The federal government needs to make that decision, currently, unless and the employee is actually working on a COVID related matter those salary and benefit dollars cannot be expensed through this relief package.

Mr. Salvatore continued one could assume that money could be used for professional cleaning and sanitizing as it relates to COVID-19, is that correct?

Mr. Cingle responded if it is related to a COVID matter then yes it could; i.e. hand sanitizer, wipes and things of that sort.

Mr. Salvatore asked could that money be used for additional equipment?

Mr. Cingle responded yes the moonbeam equipment the city purchased will be accounted through the relief fund; if purchased for a COVID related matter then that money should be eligible for federal reimbursement.

Mr. Salvatore asked if there is a plan to start looking to doing some of those things?

Mayor Gammella responded yes.

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

Mr. Scott asked Mr. Cingle on that Cares Act those monies have to be spent and then (the city) gets reimbursed, correct?

Mr. Cingle responded no, the city has received the monies and have to utilize those monies. Whatever is not used or if anything left over then would be paid back to the county, am hearing there may be another round of relief monies. By the end of the year the accounting has to be complete and submitted to the Office of Budget and Mangement (OBM) for the State of Ohio; the city has a short window to utilize these dollars.

Mr. Mencini clarified the final number for the waterpark due to not being open?

Mr. Cingle responded to date, if Council approves this legislation, \$3,659.50 would be appropriated for the waterpark i.e. utility costs and some minor repairs.

Mr. Mencini continued with street cleaning not exactly sure maybe the sweeper what exactly was that?

Mr. Cingle responded that fund had a person budgeted that will not be replaced so there is a reduction of the appropriation.

Mr. Mencini commented with the Cares Act monies have to be spent because if not goes back to the county and then to the state; agree anything with the COVID-19.

Mr. Cingle continued with page two of the appropriations would like to start with the Mayor for any comments on capital, before going through the majority of line items.

Mayor Gammella commented to Mr. Cingle to continue.

Mr. Cingle stated the first one is Council in the amount of \$22,000.00 for audio-visual equipment to livestream. Legislation was passed a few years ago to purchase the equipment but the vendor didn't bill the city in full with \$19,364.00 that wasn't expended to the vendor. The purchase order was closed and this year the vendor looked at their records seeing that the city wasn't billed for the remaining balance of the contract. The vendor had to be paid to fulfill the contract so monies had to be re-appropriated. Also, there has been miscellaneous equipment that Council purchased so I rounded off the number to \$22,000. The Recreation Center the proposal is for building improvements increasing the appropriation from \$13,400.00 to \$41,000.00 mainly for the gym flooring in the amount of \$37,500.00 to refurbish the gym floor along with some other miscellaneous items i.e. televisions, wall mounts, audio-streaming for televisions and minor building repairs. Also, the \$6,000.00 right below so the total increase to the recreation center capital budget by \$47,000.00. Parks

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

and Playgrounds the \$7000.00 under professional services is to pay for the rendering of the proposed municipal campus improvements. Under Land-Building improvements \$150,000.00 from the \$195,000.00 is for the waterpark repairs, (legislation) on the tonight's agenda. Then \$33,000.00 is for municipal campus improvements and the balance is mainly the Kennedy baseball field for the dugout-ballfield improvements.

Mr. Troyer clarified with Mr. Cingle the \$33,000.00 is for the campus are there any more particulars on that?

Mr. Cingle responded I'll let the Mayor answer that, when going through this the Mayor asked to put \$40,000.00 in the budget for municipal campus improvements; of which \$7,000.00 would be spent for professional services for the design (of the campus).

Mayor Gammella commented the monies are needed to keep the building running, there are a lot of things that have to be done and that's not a lot of money for a building that size.

Mr. Cingle continued with the police department \$55,000.00 was allocated for both the police and fire departments totaling \$110,000.00; for miscellaneous items that might be needed before the end of the year. Both departments have expended some dollars already such as the police department has in their (budget) a portion of the body camera money along with Tasers, bullet-proof vests and some chairs. In the fire department there was \$25,000.00 for significant repairs for fire trucks, purchase of phones and radio headsets. So some dollars for them to spend as needed before the end of the year. In the Sanitation line-item the \$138,520.55 proposed increase is for the two leases for the automated rubbish packers and the rubbish rear-loader that are still outstanding. In the Pre-Construction, Maintenance and Repair line item is for a hydraulic motor in the amount of \$5,700.00. The Sewers and Drains line item Professional Services of \$8,900.00 is for the Elmdale (Street) Project that Council approved earlier this year and will be reimbursed by the sewer district. Then moving down the \$30,000.00 in the Construction contracts is also for the Elmdale repair and will be reimbursed by the sewer district. Going to line item #551 - Land Building Improvements the proposed \$63,000.00 is for the Sylvia Drive pump station and the equipment line item is mainly made of the Vactor lease \$52,507.00 along with a proposal of \$30,000.00 for Muffin Monsters and \$10,000.00 for Dialers. In the Snow Removal line item, the \$40,000.00 is for the salt dome and in equipment of \$35,000.00 the majority of that is for the annual purchase of plow-blades, roughly in the area of approximately \$25,000.00 appropriated this year. The Office of Aging line equipment item in the amount of \$89,000.00 is for the senior bus.

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

Mr. Vecchio with the salt dome is that for a new dome or roof on existing dome?

Mayor Gammella responded pretty sure it's just for the roof on the existing dome, that needs to be done to be EPA (Environmental Protection Agency) compliant; obviously, there will be some patchwork on the dome to bring up to standards.

Mr. Cingle continued with the Ditch Cleaning fund earlier this year Council approved Ordinance No. 11141-2020 for the CSX Ditch Cleaning project; those monies listed will be reimbursable by the sewer district, but dollars are being appropriated to account for that project.

Mr. Salvatore stated with the \$55,000.00 for police and \$55,000.00 for fire departments is that to get those departments through the end of the year? Or are those monies 'earmarked' for an expenditure already?

Mr. Cingle responded the majority of the monies will be to get the departments through the end of the year for the police department to purchase Tasers, body-worn cameras and bullet-proof vests. The fire department has some significant repairs to the fire trucks in the dollar amount of approximately \$25,000.00, as well as the purchase of phone and radio headset with the balance will be for miscellaneous items needed with subject of approval by the Mayor through the end of the year.

Mr. Salvatore continued out of that \$110,000.00 how much is left over currently for future purchases?

Mr. Cingle responded from what is being seen right now the ballpark figure the police would have approximately \$15,000.00 and fire would have approximately \$16,300.00.

Mr. Mencini stated to Mr. Cingle with the \$8,000.00 the city gets from the sewer district for the Elmdale project what will be done with those monies?

Mr. Cingle responded those dollars will go back in the Capital Improvement fund.

Mr. Mencini continued with \$7,000.00 for Parks & Playgrounds will some of those dollars go to the architect?

Mr. Cingle responded yes, that's where those monies will go, that was the purchase requisition in the amount of \$7,000.00 for the design of the campus.

Mr. Mencini commented the Mayor is absolutely correct with the salt dome.

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

Mr. Orcutt stated to Mayor Gammella for the ditch cleaning program, line item #553 - Construction contracts. Was wondering if you would elaborate on where those monies will be spent?

Mayor Gammella responded the intent is having Regional Sewer personnel come in and give Council a report and at that point figure out what to do with the ditches.

Mr. Orcutt continued when speaking about having sewer personnel come in I know there are plans for your flooding relief program for this September, is that when Council will see them?

Mayor Gammella responded yes, and what I'll do is we will have them come to a meeting with Council's concurrence to give a full report and questions asked.

Mr. Orcutt commented that is an important increase and the highest priority in Ward 3 currently. Also, have a question about the Sylvia Drive pump station investment in the amount of \$63,000.00, assume to relieve flooding. Was wondering if you would elaborate if that is for sanitary or storm (sewers).

Mayor Gammella responded cannot elaborate all I know is they have to be maintained like the stations on Hummel and Fry Roads, have to be maintained. That is the highest priority because if those don't work the city and residents have big problems.

Mr. Orcutt stated the \$63,000.00 is that for replacement of pumps and upgrade them, like was done on Fry and Hummel Roads.

Mayor Gammella responded whatever needs to be done is what the city will do, I can't answer that question because I'm not an expert on that field.

Mr. Gardner responded yes, that is to change two pumps in that station and refurbish everything that goes with them.

Mr. Troyer stated to Mr. Cingle what is your preference adopting tonight or at the August 25th meeting?

Mr. Cingle responded there has been some dialogue whether the meeting can take place and if it takes place whether or not legislation can be brought forward. As long as there is no conflicting issue that the legality of this meeting can be challenged that is Council's preference.

Mr. Salvatore commented feeling comfortable to moving this legislation to a regularly scheduled meeting for August. If Council is going to move on it based on

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

the meetings that were already called, this meeting was called to place items on first reading. If Council is going to try and pass it the legislation should, at least, receive first reading at a minimum if Council desires to pass in the next couple of days.

Mr. Scott concurred.

Motion by Mr. Scott, supported by Mr. Mencini, to place on first reading.

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

NAYS: None. The motion carried.

Mr. Troyer commented before moving Council did put (appropriation legislation) on first reading, motion not necessary since Council moved it to have first reading, my opinion. Don't see any reason to prolong and think (the legislation) should be suspended and adopted or moved to the August 25th meeting, two days won't make a difference.

Mr. Vecchio stated to Mr. Troyer you are correct, but wanted to reassure with the vote that (the legislation) had first reading because that seemed to be the consensus.

Motion by Mr. Troyer to rescind last vote dies for a lack of second.

Motion by Mr. Troyer, supported by Mr. Poindexter, to put item number two under discussion and giving first reading on tonight's agenda under letter M.

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

NAYS: None. The motion carried.

2. ORDINANCE NO. 11155-2020, AUTHORIZING THE CITY OF BROOK PARK'S PARTICIPATION IN THE ODOT COOPERATIVE PURCHASING PROGRAM FOR THE PURCHASE OF A 2020-21 FORD ELDORADO E450 PASSENGER/WHEELCHAIR BUS WITH TRADE-IN OF A 2008 E450, 6.8 GAS ENGINE, FROM MYERS EQUIPMENT CORP. AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated with this COVID situation the quicker Council acts on this and get the order in the better off the city will be.

Mr. Salvatore reiterated giving first reading and go through the process.

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

Mr. Troyer stated there is an issue with the way this legislation reads 'with the trade-in of one 2008 E-450, 6.8 gas engine, that sounds like the city is trading in a gas engine.

Motion by Mr. Troyer, supported by Mr. Poindexter, to amend the title by inserting the word 'with' between E-450 and 6.8.

Mr. Salvatore asked Mrs. Horvath when drafting this legislation was it drafted for a specific reason that way. Is Council possibly amending something that shouldn't be amended?

Mrs. Horvath responded when the law department drafted this legislation it was not foreseen of being an issue. Councilman Troyer's concern is it may look like there is an additional gas engine that's being traded in, speaking with him briefly on Friday. The motion to amend is fine if it clarifies and indicates that there is not a separate gas engine being traded in.

Mr. Salvatore stated the 2008 E-450, 6.8 engine clarifies there is engine in the (located) in the bus.

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

Mr. Vecchio assigned Ordinance No. 11155-2020 has had its first reading as amended.

3. ORDINANCE NO. 11156-2020, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE SPECIFICATIONS AND FURTHER AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT WITH THE LOWEST AND/OR BEST BIDDER FOR REPAIR AND RECONDITION OF THE CITY'S WATER PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Motion by Mr. Troyer, supported by Mr. Poindexter, for discussion under letter M and take Council action if necessary.

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

NAYS: None. The motion carried.

Mayor Gammella stated the waterpark is in bad shape and needs to be repaired the sooner the better before the winter season approaches, hopefully this COVID situation will be behind all of us so the waterpark will be used next year.

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

Mr. Mencini commented not sure if the waterpark is in bad shape do know it has a bad leak for a long time i.e. losing water and chlorine.

Mr. Elliott stated to answer Mr. Mencini's question, the waterpark is in need of a lot of repair beyond a leak. Over the last few months' city crews have worked with pool professionals to assist and investigate all the problems the city is dealing with. To give an idea the waterpark is in great need of sandblasting, grinding, caulking and repainting of the pool itself. The tower and slide needs to be reconditioned, resurfaced being a safety hazard and repainted. There is some pressure testing of the lines that needs to be done and the one unknown factor, at this time, until the pressure testing is done, within the next week or so, will determine not only where the leaks are but give a cost. The filtration system needs sand replacement with significant labor with that. Some of the features out there are not operating as they should be; so there will be repairs and also repainting that will be needed. There are four pads under a number of the features in the pool that have deteriorated and need to be replaced. There are a number of things that have to be done and have spoken to all of Council who was very cooperative and concerned, much appreciated. Service Director Gardner and Engineer Piatak and went over all of these items for the waterpark. Whatever work that can get completed this year will help the staff with the opening in June, 2021. These repairs will not be band aids nor minor repairs they will be permanent repairs. For years the service department personnel have done an excellent job each and every it's just when one thing happens and then another thing happens. The service director and I have identified so many items that have to be addressed and with information gathered the city will get ready to go with the specifications for the children to have a great summer next year.

Mr. Poindexter stated to Mr. Elliott are the anticipated costs for repair of the waterpark incurring on this project represented in the appropriations?

Mr. Elliott responded yes, speaking with Finance Director Cingle the proposed cost is \$150,000.00 that is included in the capital budget appropriations this evening. The only issue is the city is not certain until the pressure test gets done what the cost will be; to be safe it's between \$150,000.00 to \$200,000.00.

Mr. Poindexter stated there is a potential of coming back to Council for more appropriations?

Mr. Elliott responded potentially.

Mr. Poindexter commented in favor of keeping up the amenities and think we have

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

let far too much deteriorate and would like to see stop things like that happening and keep things nice. Any usable thing will break and this is another thing that has broken and am in favor of repairing it. However, an amendment might be needed to remove the verbiage 'entering into a contract' would like to see the bids prior to entering into a contract.

Mr. Elliott stated with all due respect, understand the concerns with potentially reviewing the bids and would ask consideration of delaying this more and losing time. I believe between the city engineer, service director and myself, we are certainly qualified to prepare the specifications; understand the waterpark better than anyone else and with all respect your consideration of expediting this project.

Mr. Troyer stated this appears to be some of the same problems as the roof and walls do at the recreation center. There has to be a number before entering into a contract. To Mr. Elliott, is it true that this waterpark has been leaking for a few years and (city crews) are doing what they can to refill it?

Mr. Elliott responded yes, it has been leaking. The leak this past year was so significant that the board of health representative stated that with the city and said it must be repaired before reopening. Some of the information shared is everything necessary to help resolve the problem. I can tell you the number is \$200,000.00 but for me to sit here and tell you that if a pressure test is done. There might be something that may be for substantial, not hiding, trying to be very straight-forward to make Council aware. I don't want Council to be surprised and want to be forthcoming when saying that. We believe the pressure testing will be done within the next week or so and will have a more accurate figure, \$200.00.00 is the number.

Mr. Troyer continued to quote you a bit with all due respect when this was discussed over a week ago you assured me that last week that this pressure test would be done and we would know how bad these leaks are and an idea of what the cost would be to fix them. I imparted to you that I cannot vote for something unless Council knows what needs to be fixed and some kind of guarantee that it would be fixed properly. Now sitting here, over a week later of having that information Council still doesn't have it and a number is being thrown out that I don't think you possibly know, with all due respect. Because you don't know where its' leaking, therefore, don't know what it would cost. How do I for basically writing a blank check for any cost for this waterpark. At that time, I imparted to you some kind of guarantee since I've been hearing this has been leaking for so long that it's going to be fixed and fixed right with some type of warranty. I don't know how I can vote for this even though I want it fixed, it should be fixed and should have been fixed a long time ago and we need it. I'm torn here but can't pass legislation that not all the facts are present; there is too many unknowns. Still thinking about it and it needs

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

to be amended but I just have a problem with this because my understanding in talking with you that Council would have that information and a better idea.

Mr. Elliott stated to Mr. Troyer, the company that was supposed to come to the city there was a personal issue and they were unable to make it, it was unexpected. Out of respect for that company I told them that's fine and to get here as soon as you can. Speaking with them today they have given me within the next week and that's the best I can work with.

Mr. Vecchio asked Mr. Elliott if there is a projected timeframe for completion of repairs?

Mr. Elliott responded there are certain things, as long as we can get the bid moving as quickly as possible, there are some parts and pieces that can be done this fall. Then still have time to complete the others next year. This fall is very important to get some of the work done and the calendar says it can be done. The four or five different pool professionals we spoke with and there is time to do some of those things, it's just a matter this was the last piece. Being as straight-forward as I can with you I will have that number but some work can be done this fall and still have time to complete in 2021.

Mr. Orcutt stated to Mr. Elliott thank you for the phone call and explanation. Doing the hydrostatic pressure test and basically after that is done the determination will be made where it's broken and how much that cost is. I think it's essential for the community to be able to say here's the waterpark that looks nice at the corner of Holland and Engle Roads, important part of the community. Prior to the budget discussed earlier this evening I said I won't support anything, at a past meeting, without flooding relief and the city is doing those things. After our phone call I talked to my colleagues about this matter and it seems to have general consensus of wanting to see these numbers, especially in tight times. My question is if Council amended this legislation that you have to come back to us. How quickly do you think you could have those numbers to Council?

Mr. Elliott responded I have all the numbers excepts for the amount for the testing.

Mr. Salvatore stated I was under the impression that the pressure testing was going to be done before this meeting and am anxious to see exactly what the discovered damage is with the pressure testing. Having several pools in my lifetime, a pressure test can be done to find out it is something simple (to fix); sometimes pressure testing creates other problems someplace else. In favor of getting the testing done but would also like to see an itemized list, item by item, of costs to make a determination on what to move ahead with at this time and what would fall under the category of preventative maintenance of day to day operations. Some of

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

these things that can be looked at you don't need Council to fix them but a major undertaking should come before Council i.e. \$50,000.00, \$60,000.00, \$70,000.00 or \$100,000.00. Some of these things can be fixed as we go along and don't think the waterpark isn't going to be utilized anytime soon, down the rest of this year and early next year.

Mr. Elliott responded to Mr. Salvatore, I can provide all those numbers to Council, again, the only reason I don't have the pressure testing figure tonight is the company wasn't able to come to the city for reasons beyond their control. Mr. Salvatore stated I understand that situations arise all I'm saying is that I would have been better prepared to deal with this tonight by having those numbers.

Mr. Vecchio - Point of information, from everything I understood don't we need to have a complete estimate in order to be able to go out for bids for an RFP (Request for Proposal)? Without the pressure test, to see where it's at, the city doesn't have a complete estimate, correct?

Mr. Poindexter commented the scope of the work is needed.

Mr. Cingle responded, I agree with Mr. Poindexter the scope of work is needed along with an estimate in the bid specifications. When the bids come in and are ten-percent higher than the estimate then the project has to go out for rebid; an estimate is needed in the bid specification before going out to be advertised.

Mr. Vecchio commented so not having the pressure test results a complete (bid package) can't be put together.

Mr. Mencini stated to Mr. Elliott, so you're aware through the finance department I did a ten-year analysis, like the indoor pool when closed. From 2010 to 2019 I just want to bring up three things because I thought they would be higher. One was for repair and maintenance in the amount of \$65,000.00, miscellaneous \$56,000.00 and utilities \$104,000.00. Obviously, with the utilities I would imagine that a huge part was for water. I think getting some quotes would be good and agree that a lot of my colleagues would be satisfied and we can move ahead. Mr. Salvatore made a good point with the COVID that probably covers a lot of discussion tonight on certain things. We don't know if the waterpark will be open next year, we hope, and would have liked to see it open this year. I thought those numbers would be a bit higher the number one item is the (pressure test) for the waterpark.

Motion by Mr. Troyer, to place in Recreation committee and brought out for the August 25, 2020 Caucus Prior to agenda died for a lack of second.

Mayor Gammella suggested place under First Reading.

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

Mr. Vecchio assigned Ordinance No. 11154-2020.

Motion by Mr. Poindexter, supported by Mr. Mencini, to take an eight-minute recess and reconvene at 9:00 p.m.

ROLL CALL: AYES: Poindexter, Mencini, Salvatore, Scott, Schmuck, Orcutt, Troyer
NAYS: None. The motion carried at 8:52 p.m.

4. ORDINANCE NO. 11157-2020, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PFUND SUPERIOR SALES COMPANY, INC., FOR THE PURCHASE OF A FORD E-450 LIFELINE TYPE III AMBULANCE MODEL 'SUPERLINER' AN DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated obviously the city needs an ambulance and there is a six-month timeframe to get this ambulance.

Mr. Orcutt stated to Mayor Gammella if this is six-months out does that mean when the city will receive the ambulance?

Mayor Gammella, yes, that's when the city will receive and commented with COVID I think the earlier the city gets on the list the better off the city will be.

Mr. Salvatore stated all the items should be placed on first reading because that's the way the agenda was called for.

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

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

Mr. Vecchio stated Ordinance No. 11155-2020 has had its first reading.

5. ORDINANCE NO. 11158-2020, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BEST EQUIPMENT COMPANY, INC. FOR THE PURCHASE OF TWO NEW 2020 MACK/LABRIE 37-YARD AUTOMATED SIDE LOADER TRUCKS AND TRADE-IN OF TWO OF THE CITY'S OLDEST AUTOMATED TRUCKS AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Motion by Mr. Troyer, supported by Mr. Poindexter, to keep on letter M for discussion and action if necessary.

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

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

Mr. Gardner stated this is to replace two of the city's oldest rubbish trucks that are in the ten-year range and due to be changed out in seven years. The bodies are totally worn out and the trucks are being welded and sealed to keep them going currently. The new trucks are 15-months out so the older trucks life-span will be pushed out by the time the new trucks are available.

Mr. Vecchio clarified to Mr. Gardner the city won't see the new trucks until the end of 2021?

Mr. Gardner concurred and mentioned that's feasible.

Mr. Mencini asked Mr. Gardner to elaborate especially on the back-end loaders. I thought when we talked about this before I thought the trucks would be a little sooner.

Mr. Gardner responded these trucks are not back-end loaders, these are side loaders automated trucks.

Mr. Mencini concurred with being side-loaders.

Mr. Gardner responded would have been sooner if this would have been done in March but didn't get to do it. Moving forward these trucks are delayed by a 12 to 15-month period to build.

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

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

NAYS: Salvatore, Scott, Orcutt. Suspension failed with a vote of 4-3.

Mr. Vecchio stated Ordinance No. 11158-2020 has had its first reading.

6. ORDINANCE NO. 11159-2020, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE SALE OF A VACANT SINGLE-FAMILY LOT, PERMANENT PARCEL NO. 344- 18-022 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella. **(6016 Stark Drive)**

Motion by Mr. Mencini, supported by Mrs. Schmuck, to keep under letter M for first reading and discussion.

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

NAYS: None. The motion carried.

Mayor Gammella stated the interested parties want to build a house on the parcel in the close range of \$200,000.00. This lot has been a nuisance to the area and am in

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

full support. These vacant lots cost the city approximately \$2,000.00 a year to maintain. The city received this lot for free and am getting an amount of \$17,000.00.

Mr. Orcutt stated this lot has been a bit of an issue in Ward 3 and an eyesore. The actual lot the way it was left once the county demolished the former home has caused flooding in backyards. The resident in that neighborhood would like to see this developed and do have concerns with the residents on the adjacent properties. Have talked to the potential landowner, if this moves forward, and he's looking to build something suitable on that lot and fit on that lot appropriately. Of course, the interested party will have to work with the building department to get the proper variances needed. Think this would be a very good situation for the people in the neighborhood of Fayette and Stark.

Mr. Salvatore stated as everyone knows I'm not a big advocate in selling city-owned property. However, in this particular case, I have had an opportunity to discuss this at length with the interested party as well as conversation with the Ward Councilman. It is really Council's job to establish a procedure of how to dispose of property going forward, that hasn't been done. Someone comes in and makes an offer and if Council doesn't like the offer we try to get it up but there isn't really anything in place. After this particular transaction I really hope that Council would be able to sit down and come up with a plan, moving forward, that makes sense and gets the city the most dollars. I think we can get more but also want to protect the integrity of this particular transaction because the interested party has put in a lot of work on trying to acquire this property. I think it would be Council's responsibility to also put a clause in the agreement that if the interested party doesn't obtain the necessary variance(s) required to build on this lot than the party doesn't have to go through with the purchase. Think there should be a 'Whereas' included that it would be contingent upon the interested party receiving the necessary variance for the square-footage of that lot.

Mayor Gammella commented to Mr. Salvatore don't forget Economic Development Commissioner Adams who did a lot of work on this along with Mr. Orcutt. Both Mr. Adams and Mr. Orcutt have been in contact with the interested party and did the best on price and think it's a good project.

Mr. Orcutt stated to confirm with what Mr. Salvatore said the interested party getting the variance is probably the most necessary item with this deal. If the city has law stating the interested party can't build on the lot and needs a variance the city does have to protect that interested party. Because if the interested party is purchasing for thousands of dollars and it's not buildable then maybe the lot is only worth \$100.00.00.

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

Mrs. Horvath stated to Councilman Orcutt, I will speak with Mr. Adams and see if there isn't some way to make sure that those terms are included in whatever contract drawn between the city and interested party. That would be a little stronger than the 'Whereas' clause but Council can certainly do a 'Whereas' clause indicating that provision should be in the contract. Will check with Mr. Adams to see if there is an ability to do that.

Mr. Mencini concurred with Mayor Gammella on this; Economic Development Commissioner Adams, Mr. Orcutt as well as Mayor Gammella. I talked to the interested party who is very anxious to get moving on this and it's good to see any development in Brook Park. To think that sometimes we have to look at costs absolutely but we've given properties away for \$1.00 not too long ago. My point on this let's move this forward and get the interested party in here. To Mr. Orcutt good job and it's wonderful that someone wants to come to our city as well as the residents that want to stay here.

Mr. Salvatore stated he would comfortable if that contingent was placed of the interested party obtaining the necessary variance from the zoning board. So it's clear and no mistake about it and as far as the permanent parcel Mr. Mencini referred to that was totally unbuildable due to the size of the variance that would have been necessary was enormous, compared to the variance the interested party is seeking.

Mr. Mencini interjected wrong, wrong.

Mr. Salvatore commented don't know what wrong means. I can show you so you can see it.

Mr. Mencini responded no, you don't need to.

Mr. Troyer stated my concern on selling a piece of property is not so much who is buying it; although the city's building department and Planning and Zoning control what gets built on a parcel. My concern is the city getting the most dollar(s) for the buck. The city has an asset and have to make sure the city is getting the most for that asset. I don't care if the city received the parcel for free or if someone paid the city to take it; this is an asset that this city has and my job is to watch out for the city's assets. To make sure if the city sells something the city gets the most for it, that's what I'm looking to do. That is my concern on this, there is no information with this and usually have the county's appraisal for tax purposes. Something else this doesn't have is closing costs who is paying the closing costs? Is this \$17,000.00 minus (-) all the closing costs or half, which would be more normal. I have issues with this and it doesn't matter who is or who isn't buying the parcel, per say, it just matters that the city is getting what it is worth. Again, will reiterate the

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

city's residential properties should be on the MLS (Multiple Listing Service) it's the same but opposite as sending something out to bid. If this is on the MLS the city we will know the city is getting the best deal. One more thing, if the clause is inserted in here, the interested party purchases the lot and find out months down the road that it's unbuildable. It's off the market for all that time? There are realtors on Council and it being the end of the season and think the fall is usually a big time for houses in general. I need to know the city is getting the best dollars and who is paying the closing costs and what are they?

Mr. Vecchio stated he also spoke with the interested party and know the family and welcome the development of new property or existing brownfields in our city. Because what this does for everybody in building a new home increases all of our property values. One of the things looking around and talk about some of the blight throughout the region; the City of Cleveland alone. Brook Park is the first outer-ring suburb and don't want to have that keep encroaching over. We would rather have some growth residentially with new people coming into the city and attracting from other cities. I also agree that these potential residents' and/or purchasers should be held harmless if they cannot obtain the proper permits in order to build. There has to be a fail-safe for the interested parties also and some things that Council needs to look at. We keep talking about using the Mayor's own words is 'Brook Park is a city on the move' well, we have to be progressive in those thoughts and help the people who want to come in. I agree all across the board with everybody with some of the fail-safes and things we need to do.

Mr. Mencini agrees with both Mr. Vecchio's and Mayor Gammella's statements. Those houses on the west end one of the things that kept coming up and didn't take them is because we were afraid that possibly they could become rental properties. Coming in in 2014 there were over 400 foreclosures in Brook Park and knocking on doors weren't sure if they we hoarders, homeowner or renter or if anybody was living there. My point on this is build if you ever want to become a progressive city and move ahead, you have to build. Absolutely, it has to be done the right way and people are telling me build, get people in here; these people want to come to Brook Park.

Mr. Poindexter asked if anyone has the physical address for this parcel, not in the ordinance. The permanent parcel doesn't do me any good, I want to see it personally.

Mr. Orcutt clarified to Mr. Poindexter the open lot on Stark Drive?

Mr. Poindexter yes, what is the address?

Mr. Orcutt continued you want to know where the open lot is on Stark Drive?

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

Mr. Poindexter responded no, I know where that is I would think that... Every time Council has sold property by Ordinance the physical address was listed. Would like to have for my personal information. Why that is being found there was a dwelling on the parcel before as stated in the first 'Whereas'. What would be the issue of the interested party building on a lot that was already built on before.

Mr. Vecchio stated to Mr. Poindexter for your point of information, 6016 Stark Drive.

Mr. Poindexter continued what would the hindrance be? Is the interested party going to build a mansion or go edge to edge on the lot?

Mr. Orcutt responded that's a fantastic question and possibly Councilman Salvatore or Mayor Gammella can answer that, since they were probably part of this at that time. Sometime, possibly 20-years ago or so, there was some changes made where the lot had to be under 6,000 square feet, don't hold me to that. I think this lot being 50' x 120' feet is too small to build a home without the variance. That's why the interested party must go to the Board of Zoning Appeals (BZA) to get the variance but can't to the BZA without having ownership of the property.

Mr. Salvatore commented the square footage for each lot did change over the years; in fact, it's different it's different in different neighborhoods. That particular lot is 6,000 square feet and believe it needs 6,278 square footage to build on. I don't see it being a problem but it is a procedure that must take place.

Mr. Troyer stated would still like the question answered of who is paying the closing costs.

Mayor Gammella responded I will contact Mr. Adams tomorrow but believe the buyer is paying the closing costs, but will confirm with Mr. Troyer.

Mr. Troyer thanked Mayor Gammella and commented that would change things a bit.

Mr. Salvatore commented in every transaction the buyer has closing costs and the seller also has their closing costs. Am sure that's how this will be set up otherwise it would have been indicated in the legislation.

Mayor Gammella reiterated Mr. Adams will be contacted and will reach out to Mr. Troyer.

Mr. Troyer thanked Mayor Gammella and stated don't want to take anything verbal, everything has to be in writing for me.

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

Mayor Gammella stated understood, Councilman.

Mr. Troyer commented been lied to far too many times.

Mayor Gammella commented Councilman, I can tell you I've never lied to you.

Mr. Vecchio stated Ordinance No. 11159-2020 has had its First Reading.

7. AN ORDINANCE AUTHORIZING THE CONSULTING ENGINEER TO PREPARE A LOT SPLIT AND CONSOLIDATION PLAT FOR THE BROOK PARK ENGINEER TO PREPARE A LOT SPLIT AND CONSOLIDATION PLAT FOR THE BROOK PARK MUNICIPAL CAMPUS AND DECLARING AN EMERGENCY.

Introduced by Mayor Gammella.

Mr. Vecchio asked for a motion to be removed due to being taken care at the Special Caucus meeting prior.

Motion by Mr. Salvatore, supported by Mr. Schmuck, to remove from the agenda.

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

NAYS: The motion carried.

8. ORDINANCE NO. 11154-2020, AUTHORIZING THE CONSULTING ENGINEER TO PREPARE A LOT SPLIT AND CONSOLIDATION PLAT FOR THE BROOK PARK MUNICIPAL ENGINEER TO PREPARE A LOT SPLIT AND CONSOLIDATION PLAT FOR THE BROOK PARK MUNICIPAL CAMPUS AND DECLARING AN EMERGENCY.

Introduced by Mayor Gammella.

Mr. Vecchio stated Ordinance No. 11154-2020, has had its First Reading.

Miscellaneous comments:

Mr. Troyer mentioned will do his best to attend tomorrow night's meeting but may have a work conflict.

Mayor Gammella stated the Signal Service legislation was supposed to appear on this agenda.

Mr. Troyer responded to Mayor Gammella I took that legislation off due to conversations with Finance Director Cingle who informed me it wasn't as important as amending the 2019 legislation. The information requested was not included and have received and the Signal Service legislation will appear on the August 25th Caucus Prior to agenda.

Mr. Troyer asked Mrs. Horvath if legislation is being processed amending the 2019

Miscellaneous comments: cont.

Signal Service legislation.

Mrs. Horvath stated obviously, there are additional costs for the 2019 Signal Service legislation that needs to be addressed along with 2020 legislation, the department is aware of that.

Mr. Troyer clarified with Mrs. Horvath that legislation is being drafted.

Mrs. Horvath concurred.

Mayor Gammella commented longtime Brook Park resident, long term city treasurer and Brook Park Boosters, very involved, Tom Jakwerth, passed away recently.

Moment of silence given in Mr. Jakwerth's memory.

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

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

NAYS: None.

Mr. Vecchio declared this meeting adjourned at 11:00 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *October 6, 2020*
as amended

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

8,314 words

