

NOTES:

1. Due to the COVID-19 pandemic all upcoming for Regular or Special Council meetings; Governor DeWine's directive for meetings and social distancing will strictly be enforced.
2. The public is encouraged to email comments related to agenda items or general communications to the Clerk of Council, Michelle Blazak, email address mblazak@cityofbrookpark.com by 4:30 p.m. the day of said meeting. All emails received will be shared with all elected officials and either read at said meeting or attached to the minutes' journal.

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON SEPTEMBER 1, 2020**

The meeting was called to order by Council President Vecchio at 7:00 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, Finance Director Cingle and Engineer Piatak.

FINANCE COMMITTEE – CHAIRMAN, SCOTT:

1. AN ORDINANCE RETAINING AND EMPLOYING THE LAW FIRM OF ZASHIN & RICH, TO ACT AS CO-COUNSEL WITH THE LAW DIRECTOR IN LABOR RELATIONS AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated Council per previous discussions this is the firm Council wanted to hire and requested moving to the Council agenda immediately following so the city can move forward.

Mr. Scott stated in research the legislation before Council this evening is the carbon-copy of the legislation passed on February 6, 2018 except for the name changes of the law firm and lawyer; basically the only change is instead of using Mansour-Gavin law firm with lawyer James Budzik. The city will now be using the law firm of Zashin & Rich using lawyer Johnathon Downes basically don't know what happened and why that email but if this was a problem today don't understand why it wasn't a problem in February, 2018.

Mr. Salvatore stated to Mrs. Horvath the legislation Councilman Scott is referring to that law firm was picked by the administration, correct?

Mrs. Horvath responded yes, Mansour-Gavin with consultation with both the law

Finance Committee - Chairman, Scott: cont.

and finance departments.

Mr. Salvatore continued the law firm of Zashin & Rich being looked at tonight whose choice is this one?

Mrs. Horvath responded again, my understanding is there was some suggestions and collaborations between finance, law and administration and after looking at the situation Zashin & Rich was chosen.

Mr. Salvatore commented looking back over the years and including the lawsuit you referred to the administration has the right to pick the law firm for negotiations for wages, correct?

Mrs. Horvath responded yes, that is correct. Council needs to fund it but the administration picks their firm for negotiations.

Mr. Salvatore stated briefly looking at your opinion the statement on behalf of City Council is really not necessary, correct? Council could ever appoint special counsel to assist the committee created in section 153.18 to negotiate wage contracts for the city employees.

Mrs. Horvath responded under that particular section of the city ordinances that is correct but there is another section that speaks to the appointment of co-counsel, section 131.12, and, of course, there would be co-counsel for a variety of reasons. Usually always for labor issues because the city always has labor issues and have appointed co-counsel in the past to assist the city with airport litigation and other issues.

Mr. Salvatore interjected the specific nature of this speaks specifically to contracts for employee negotiations.

Mrs. Horvath responded that is correct and the appointment of this firm serving as co-counsel would not only help the Mayor with negotiations but would also help the law department with litigation, court appearances, court before served, mediation, arbitration and those types of issues.

Mr. Salvatore stated briefly looking at the lawsuit of 2002 and only the law director has the right to go before served or am I reading that wrong.

Mrs. Horvath responded no, that is correct and that is one of the reasons why someone would be designated as co-counsel with the law department. The law department is still there with the assistance of co-counsel.

Finance committee - Chairman, Scott: cont.

Mr. Salvatore continued will the city have two co-counsels for the same issue, or is the city eliminating the other law firm and acquiring the assistance of this law firm.

Mrs. Horvath responded speaking for the law department, the other firm is still co-counsel in two (2) cases the city has pending. The one case is within maybe five (5) days of being finalized and resolved. The second case is set for mediation on September 8th so from the law department's viewpoint. Those items need to be finished out and will defer to the Mayor as far as how the first firm is being handled.

Mr. Salvatore asked Mrs. Horvath if Council does not take action by passing legislation to hire this firm that doesn't prohibit the Mayor or Law Department to still move forward and acquiring the services of this firm, correct?

Mrs. Horvath responded the issue would be the city would hit a wall when reaching the amount of \$50,000.00. Obviously, the city can acquire professional services but the limitation would be at that amount. It just seems prudent to go ahead and have Council appropriate through approving co-counsel so the city doesn't have any problems in the process. This particular legislation is important because the city has a date coming up in September regarding to needing representation.

Mr. Salvatore stated to Mayor Gammella this law firm Council is looking at this evening is this your choice; the firm you are replacing to assist with finishing off what has been started.

Mayor Gammella responded why would you ask me that, you know that's not the fact. The fact is I was very happy with the law firm the city had (Mansour-Gavin) and brought Council a contract from the firefighters'. You thought I was too easy on the firefighters' along with the firm represented and you wanted a change, this is the change.

Mr. Salvatore interjected Mr. Chairman, I don't think I ever asked you to change anything.

Mayor Gammella interjected okay Rick, hope the rest of Council heard that.

Mr. Salvatore commented I hope they did too, because I'd like to know the meeting that took place at.

Mr. Troyer stated have a question for the Mayor because he is privy to the hiring and firing of legal counsel as far as negotiations. Are you planning on keeping the current law firm in place with the additional (law firm) if (this legislation is) passed, what are your intentions?

Finance committee - Chairman, Scott: cont.

Mayor Gammella responded again, the majority Members of Council wanted a change in this being flexible I can see where this was going we agreed to do that. As far as, the other law firm the city will keep them on because they are working on some cases as well. Down the road, we'll see how this goes but again this legislation needs to be passed so that this individual gets paid.

Mr. Orcutt stated with this piece (of legislation) there was discussion and know there was some issues with a vast majority of Council. I can't speak for what I witnessed this evening and know for a fact that, my colleague, did not have an opinion negatively about the current law firm the city has in place. The reason why we're here, Mayor, is a lot to do with what you had done with negotiations and that's the fact. So I do back all my colleagues in the fact that they are taking action but when this discussion did happen I don't solely put this on Mansour-Gavin (law firm) at all. This evening if there is a majority of Council that passes this legislation I will support through suspension but will not be voting for (adoption) of this legislation.

Mr. Mencini stated when going through negotiations it can be tough especially in the current situation. I see some other communities are settling contracts with their safety forces. Any guidance is good as long as it is affordable for the city, at this time, and I will be moving ahead with this, like many other things it's time to start moving ahead, some of the questions I had were answered financially and legally.

Motion by Mr. Scott, supported by Mr. Poindexter, to place on the Council agenda immediately following under letter M - First Reading.

Mr. Troyer - Point of Order.

Mr. Scott - recognized.

Mr. Troyer - That's improper, the Council agenda is already set and know it's not a special meeting but the proper procedure is to move this legislation to the next regularly scheduled Council meeting, since it wasn't posted for tonight's meeting, that's the proper procedure. These pre-Council-Caucus meetings are supposed to discuss what is on the Council agenda, not introducing new legislation. I know it happens from time to time but just saying want to clarify I shouldn't say proper, it's not the normal way of doing things. Shouldn't say it's improper or illegal just saying it's not the way Council should do it.

Mr. Mencini interjected (to Mr. Troyer) thank you for clarifying that.

Finance committee - Chairman, Scott: cont.

Mr. Vecchio commented it may not be the normal but it is fine within the rules.

Mr. Scott commented Council can move anything forward.

The clerk called the roll by Mr. Scott, supported by Mr. Poindexter, to place on the Council agenda immediately following under letter M.

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

NAYS: Troyer, Orcutt. The motion carried with a vote of 5-2.

Mr. Vecchio stated this will appear under M-2 as Ordinance No. 11162-2020.

2. AN ORDINANCE 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 TO RESTORE THE ROOF AND WALLS IN THE NATATORIUM AND DECLARING AN EMERGENCY.
Introduced by Mayor Gammella.

Mr. Vecchio stated there is new legislation being introduced at the Council meeting immediately following, this legislation should be read in committee for disposal.

Mr. Troyer stated by reading the legislation there is reasons that this needs to be put back in committee.

Motion by Mr. Troyer, supported by Mr. Mencini, to place back in committee.

Mr. Poindexter stated to Mayor Gammella is there anything in this that would prevent Council from being in committee; with the new legislation that would clean up some of the issues that could be addressed later.

Mayor Gammella thanked Mr. Poindexter and commented would like to have this read in committee and introduce new legislation that covers the same topic; there was a consensus to move forward with a new piece of legislation.

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

NAYS: None. The motion carried.

LEGISLATIVE COMMITTEE – CHAIRMAN, MENCINI;

1. AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; PUBLISHING THE ENACTMENT OF SUCH NEW MATTER; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio.

Mr. Vecchio stated this is annual housecleaning for the update of the codified ordinances for publication purposes.

Motion by Mr. Scott, supported by Mr. Orcutt, to place on the Council agenda immediately following under letter M - First Reading.

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

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

Mr. Vecchio stated that will appear under letter M-3 as Ordinance No. 11163-2020.

2. A RESOLUTION RECOGNIZING THE MONTH OF SEPTEMBER AS PROSTATE CANCER AWARENESS MONTH IN THE CITY OF BROOK PARK, OHIO, AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio, C/W and Mayor Gammella.

Mr. Vecchio stated in February, 2020 I was contacted by Linda Hoetger who in 2013 embarked on a mission to bring awareness to this dreaded and often time deadly disease. Ms. Hoetger has worked along state representatives in a bi-partisan fashion to have ZERO The End of Prostate Cancer license plates available. The funds from these license plates would stay in the State of Ohio to provide free patient navigations services and free transportation for prostate cancer patients to doctor's appointments. Many people are affected by many different types of cancer and this Council takes a big part in the October as Breast Cancer Awareness Month and just trying to help out 2,000 Councilmembers' from all over the country that are on board with this. If Council passes this legislation it will be sent to Ms. Hoetger who keeps a Google-map of all locales throughout the country who have participated in this. The color for prostate cancer is light blue and maybe Council can wear light blue during meetings for support.

Mr. Troyer stated since it is September and I'm not sure why this legislation took so long to be brought out of committee but, in this situation, will vote to place on the Council agenda immediately following under letter M.

Legislative Committee - Chairman, Mencini: cont.

Mr. Mencini commented Council was on summer recess and didn't get on last week agenda.

Motion by Mr. Troyer, supported by Mrs. Schmuck, to place on the Council agenda immediately following under letter M.

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

Mr. Vecchio stated this will appear under letter M-4 as Resolution No. 15-2020.

Mr. Troyer commented this legislation was placed in committee at the April 21, 2020 Council meeting.

SERVICE COMMITTEE - CHAIRMAN, SALVATORE:

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, FOR A WEDO AND WENGLER BASIN FEASIBILITY STUDY AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated the NEORS is coming on September 15th to provide a comprehensive view and by having this legislation it will correspond with the plan that the sewer district wants to see the city do and the plan the city wants to do; there may be a larger project in the works for the future.

Mr. Troyer agreed that this is a little premature and would like to hear from Ward 3 Councilman, Orcutt, and possibly putting this on first reading for the September 15, 2020 Council agenda, would be appropriate.

Mr. Orcutt responded to Mr. Troyer about wanting to hear from me about flooding relief I'm going to support it. Whatever the city engineer, Mayor and NEORS comes up.

Motion by Mr. Mencini, supported by Mr. Orcutt, to place on the September 15th Council agenda under letter M.

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

Mr. Mencini commented about Mr. Troyer's comment regarding the Prostate Cancer legislation being put in committee in April. I also have a piece of legislation in committee for a sports coach that passed recently away and both (pieces) were before the COVID and summer recess. I didn't think that comment was called for

and will rebut every single comment I get. We can't meet in the chambers so I can't have the coach's family and friends at a meeting.

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

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

Council President Vecchio declared this meeting adjourned at 7:33 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *October 6, 2020*

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

2,640 words