

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 OCTOBER 6, 2020**

The meeting was called to order by Council President Vecchio at 7:08 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.

Mr. Vecchio stated Mayor Gammella will not be in attendance, excused.

DISCUSSION:

1. COUNCIL REOPENING

Mr. Vecchio stated this was put on the agenda to go over a few things, obviously, there has been a recent uptake with some of the schools opening; Berea School District opened this week. What I believe is the best course of action as a Council and the safety of everyone is to continue with remote meetings, keep an eye on the data provided by the State of Ohio's Governor office. My suggestion is Council, from this body, on or before December 1, 2020 which the governor's mandate is effective until is that Council comes forward together to come up with a plan for a safe reopening of the (Council) Chambers. Rules and items will need to be put together and think this is needed to make sure everyone is on the same page.

Mr. Mencini stated to Mr. Vecchio appreciate you bringing this forward, I have stated in the beginning Council had no choice with the stated closed and shut down. A lot of things have opened i.e. as stated the schools, school boards, other Councils' going back to work. The Board of Zoning has met in the chambers the past four months with over ten people in attendance with social distancing in

Discussion: cont.

place. It is Council's job and won't say that I strongly feel that Council should go back but my concern is as stated December 1, 2020 with the governor's mandate. What if this pandemic goes on as it is right now is Council looking at January 1st or July 1st and believe a lot of people expect Council to get back in the chambers, it's our job! Many people are leaving their homes everyday as have seen Councilmembers out a lot. When saying safe I'm not sure what you mean by 'safe' the recreation center is open and have been there three or four days a week. There have been other meetings in the chambers i.e. committee meetings and wanted to express my feelings on this issue.

Mr. Poindexter stated feels the same way as Mr. Mencini, students are going back to school and would rather put myself in harm's way instead of my children. At least in some capacity the Council chambers should be open, residents should have the ability to speak to Council of their concerns. Currently, Council is not receiving a lot of emails from people because, quite frankly, it's different sending through email than speaking in person at the microphone. In full support of opening back up and understand there are Councilmembers who might be more vulnerable to the symptoms of COVID-19 and respect their leaning in not coming back to Council (chambers). If they had to do remote would support 100% but Council needs to have a presence in Council chambers. I have had recreation committee meetings, Technology meetings and have met with Mayor, other city officials and other groups in the chambers. The recreation center is open for business and Council should be open for business too.

Mr. Scott stated I gave a dissertation last time about this subject and have not changed my opinion from the first time this issue was discussed. Council is getting business done, Council is working and discussing matters. The audience participation is working with residents sending in emails that are being read at Council meetings. My opinion has not changed and I will not be going into Council chambers until there has been some positive discussion by the governor to open the doors.

Mr. Orcutt stated I stand with the same opinion I've had for the last few months, believe we need to work as a team and will enter the chambers when all of us feel comfortable. I, too, like Councilmembers Poindexter and Mencini have attended two Planning Commission meetings (in Council chambers) practicing social distancing. One of the concerns and had a resident say the chambers is not being cleaned in-between the meetings, bringing up a very good point. Basically, my main concern has been for the whole time, Council President, have made recommendations for Executive Session and for residents to be able to come and speak, that's my main concern with all of this. As Mr. Scott said, Council is conducting business via Zoom and do this for work on a daily basis, as well. The biggest issue for me is giving the microphone back to the residents. To Mr.

Discussion: cont.

Vecchio where are you with some of the recommendations that Council made for giving the microphone back to the residents?

Mr. Vecchio responded looking at a few things, there is the capabilities of utilizing the microphone, if people feel comfortable, within the Council chambers via hybrid format. That would take some training of individuals in order to be able to do so. Also, could be operated remotely in the current Zoom format for those that are not comfortable. I can say that I'm sure that there's a bit of apprehension on people's sides of going in (the chambers) because as you eluded too; cleaning is not taking place between meetings. As some of our fellow Councilmembers have said they are out and about amongst the public, their job or whatever the case may be. We don't know whether there are contagions, or not, along with anybody else that is in the chambers; those are some of the things that have to be addressed. First and foremost, making sure that residents are safe coming in and that all CDC and Governmental Guidelines are being followed and practiced. How does Council do that is some of the issues currently. Is there someone policing that, lack of a better term, there are a whole host of items that need to take place. I've compiled a list of those items depending on which way Council wants to move forward with this matter.

Mr. Orcutt continued wanted to say that Council has had several months to work on this and do have a Technology committee and think there are a lot of opportunities that can be done. To make this comfortable and safe and giving the opportunity to the residents. There have been a few suggestions and I made one of residents doing this in person with a screen and camera (in the chambers) for residents to speak. Mr. Salvatore made another suggestion for residents to call in and that's my major concern with this currently.

Mr. Troyer stated Council has known for a while how I stood on this and do want to go back and think it's what is best for the whole city. I do realize there are some members who are reluctant or do not want or can't go back to those types of meetings. The first point is audience participation is not proper, not right and it's not working and it hasn't. Even in our Resolution it says that we do more than we're doing. My home stretch is getting audience participation back in real time, meaning the resident can be listening to the meeting and decide, at the last minute, to call in or chime in to be able to speak on what was talked about. Especially we're doing a lot of stuff that isn't kosher in my opinion of having stuff on the Caucus Prior to agenda and passing at the Council meeting that evening. Where the residents don't get to our discussions because it's not out there and don't get to think or talk to Council after the discussion; it goes right to the Council (meeting) and becomes law. What I want to see is real-time audience participation and until Council gets that I will always vote to go back into Council chambers, if it were to come to a vote. That would force the now Council President to come up

Discussion: cont.

with ways to make that happen, where people can (attend) the Zoom meeting or call into the meeting. Currently, it's about real-time audience participation and would like to make a motion now for Council to require the Council President to make real-time audience participation available to the residents, that's my motion looking for a second.

Mr. Poindexter supported.

Mr. Vecchio commented before accepting that motion of moving forward, I will let all Councilmembers' speak.

Mr. Salvatore stated due to having this on last week's (Caucus) agenda and don't know why it's back on this agenda so quickly. It was mentioned to me, earlier this week, that the Mayor wanted to have this discussed and he's not in attendance. Not quite sure why this is being discussed and Mr. Vecchio and I have already had a nice healthy conversation on how to get audience participation back. Think Council will see a sample this evening with Southwest CEO being in attendance at the Council meeting. Mr. Vecchio and I had conversations, at length, and think that Council goes ahead with the experiment. I don't think this is about worrying about one or two Councilmembers that may be at risk it's also the residents coming into these meetings. Council has the responsibility to protect the integrity of the residents' safety as well. If Council moves into the chambers we go as a group or continue meetings where audience participation makes sense so residents can come into these meetings to voice their opinion, conduct their feelings live then Council should do that and think we have the tools to experiment with that next week or at least, for sure, two weeks. Don't think a motion is required to tell the Council President what to do, think the Council President should just do this because Council has been talking about it. I'm all for that and think one step at a time and all the organizations I belong to are meeting via Zoom, even real estate classes are being done via Zoom. Nobody is ready to jump in let's get back to normal because nobody knows what normal is. We say what happened to the President of the United States that affected 11 people with the Coronavirus at one meeting and it's my understanding that the people were not social distancing properly or had masks. This virus can happen to everybody and is serious.

Mr. Vecchio stated Mr. Salvatore is correct, we did speak about having the representative from Southwest General as our first trial; along with the presentation from the Regional Sewer District. In order to assure that Council can work this accordingly so it does not become chaotic. There are, as I've spoken about, a couple of different ways to do this. I would like to try them to see which they work and next week would like to have a resident that wants to be a part of the meeting by sending the invitation to come to the meeting with their face on

Discussion: cont.

screen. We have to have people with those abilities and will be tough to sort out who will be calling in or who has the capabilities to get on the livestream. I have no issue either way or who is going to send in what they want to speak about via a letter (email). There are three possible ways of doing this and will be trying one this evening with the possibility of a third.

Mr. Troyer reiterated his motion requiring the Council President to set up whatever needs to be set up to have real-time audience participation at meetings.

Mr. Poindexter stated will second motion after speaking. I hear what is being said with the phone in idea and that works great when guests are pre-planned or pre-determined. There will be no way to screen the phone calls in real-time as the calls come in while running the meeting. The Council President would have to screen calls and direct them into the proper (waiting) room. At the last meeting I volunteered to go into Council chambers to allow people to come in and switch the cameras but haven't heard anything in return about that option. I think people should be able to come and face Council and Council should be facing the residents. We are behind computer screens and residents are on the phone and know some members of Council had issues with time restrictions and things like that. Imagine the length of time that the questions and comments are going to go on when people are on the phone. Where if they are in person and get to their point and move on, like normal when in Council chambers. Having said that I think that Council should be in the Council chambers, at least, at a minimum capacity where people can speak at the microphone. Having said that I will second the motion of Mr. Troyer.

Motion by Mr. Troyer, supported by Mr. Poindexter, requiring the Council President to set up whatever needs to be set up to have real-time audience participation at meetings.

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

Mr. Vecchio commented I will try and figure something out and hopefully with some help from Councilmembers or what will see what can be done.

Mr. Mencini commented more than happy to help with that.

2. OPERATION OF HOTEL AND MOTEL WITHIN THE CITY OF BROOK PARK
(Councilman Orcutt)

Mr. Orcutt stated the reason I asked for this to be placed on the agenda under discussion is something that needs to be made public. I want to take Council down a timeline here of when this issue of hotels in the area first came to my attention.

Discussion: cont.

Fairly early in 2018, I attended a Neighborhood Watch meeting with the Mayor and few other Councilmembers. At that meeting, it was brought up to myself and the Mayor that there were issues in and around surrounding hotels in our area where they were bringing in people that were causing issues for the neighborhood. There are several hotels in the area and in our region, as well, and believe this has become a problem not just for our community but the surrounding communities, as well. Some of the things brought to our attention, as city leaders, were hard to hear coming from the residents. Moving forward after that meeting, and we all thought that maybe the hotel would get some special attention. The issues that were surrounding the hotel with things of crime, bringing attention to police and fire; some of these issues went into the neighborhoods. Obviously not all the hotels are adjacent to neighborhoods but do bring issues as well where they are depending on the city's safety forces. As a courtesy to the community the Neighborhood Watch hosted another meeting with the guest speaker being (former) Police Chief Foster with invites to City Council and Mayor. The Mayor, myself, Councilmembers Salvatore and Scott were in attendance and it was about long-term stay, it was about some people being released from jail that were sex offenders, all those issues came up and a lot of stories from the residents were brought to that meeting. Some of them were really hard to listen to and when we left that meeting we thought that something was going to be done. From that time until the recent couple of weeks I've been taking phone calls on a weekly basis of issues related to Brook Park hotels. Bringing those issues up to the Mayor, him and I did have some differences on that and since that discussion between the Mayor and I publicly last month. The police and fire and attention at certain hotels in this city have increased and something that I think is out of hand. I think it's something that needs to be addressed as a community. Would like to thank Councilmember Salvatore for working hard with me about putting a piece of legislation together as well as Law Director Horvath for working with us in trying to put something together. This is going to be a piece of legislation that we have to be very, very careful with but is something that is needed to be implemented and brought forward. It's something that can help our residents which is number one to make sure that we provide a safe environment for the residents, customers, workers and business owners of those hotels. By doing the pro-active work behind the scenes the last few weeks I think will be a true test if we can get this through. To help the community and cut down on a lot of riff-raff that's been happening especially in the neighborhoods of Doris, Robert and Wengler Drives. This was brought up for discussion at this meeting because I've heard my constituents' voices and it's a real problem in this city. We have heard from Mr. Wolf, auxiliary police officer, who has come to the microphone several times providing examples. I believe it's time to have a discussion about this and think it's something Council, Mayor's office and Law Director all work together on providing something that is going to be able to protect residents and provide a healthier community for all.

Discussion: cont.

Mr. Mencini stated looking out my front window 250' away are the three hotels. This definitely affects Ward 3 and think Mr. Orcutt has covered this and done as much as possible. I would like the Mayor to be in on this discussion because this is big and the law director makes a good point of somewhat being careful i.e. lawsuits and things of sorts. My concern is I want businesses to come to Brook Park, the environment has changed for businesses, obviously, with the pandemic on how they do business. I don't want (new) businesses to see that Brook Park has this and the residents are doing this so (new) businesses may not come to Brook Park. That is a great thoroughfare and good place to put a business right off I-71, 480, Ohio Turnpike, Hopkins Airport going west. The City of Middleburg Heights has nuisance legislation for the hotels in their city that is in committee for tweaking and done right. If the city wants the thriving community and thoroughfare on Snow Road where a lot of the city's businesses are we need to be smart and strategic about this. I would like to have the Mayor here and have the owners of Brookgate at another meeting to ask what is being done to bring fill up the shopping center (storefronts) besides people moving out; this is important to this community for the future.

Mr. Poindexter thanked Mr. Orcutt for bringing this forward it's definitely important and a nuisance to the residents in that area. A few questions what type of special attention would you like to see the city bring to that area around the hotel? Do you have any suggestions, or the Neighborhood Watch or residents came up with? It's one thing to recognize a problem but it's another thing to recognize solutions as to what can be done.

Mr. Orcutt responded great question and I'm going to be very careful on my answer because myself, Mr. Salvatore and law director are working on legislation. Basically, what I would like to have for a solution is accountability to these business owners. They may not live in the area and may live in another city, state and country. Also, how these owners run their business and how it affects the community these owners need to be accountable for that. Of course, this has to be done properly and have to make sure we are very careful with how this is done. It's really not a problem with the spotlight being on Brook Park, it seems that this has been a little bit of an issue in our region and something I've been very vocal about only because the residents have been very vocal about this. I think that other communities are actually following suit with Brook Park, this is something happening in other cities. There are some solutions and would like to speak with you another time of current ideas. Just want to make sure they are cleared through the law department so nothing is done to jeopardize the city.

Mr. Poindexter continued I can appreciate that and want to see the residents have their area safe and definitely want to help in any way.

Discussion: cont.

Mr. Troyer stated I have a neighboring city's recently introduced legislation entitled 'Hotel-Motel Security' and some parts of the legislation read no owner of a hotel-motel shall maintain a nuisance location. Nuisance definitions are non-compliance with federal, state or city municipal codes; hopefully Brook Park can do better on this. This is happening in Mr. Orcutt's area and guess you would be more of the expert on what needs to be done or fixed of what the problems are. There was also an issue in the City of Bedford that was different it was for nuisance properties rather than hotels-motels. Can't wait to see (the legislation) and don't think it's an end all be all but hopefully will put a dent in some of the issues over there.

The clerk clarified that per the Middleburg Hts. Clerk of Council that legislation was never introduced to Council, it was discussed at a safety committee meeting and put in the safety committee.

Mr. Salvatore stated there is still a lot research needed on this and as stated this problem is a lot broader than on Snow Road, there are samples coming in from another city and state. The full intent of what is trying to be accomplished is to bring a rough draft for Council to work together that makes sense and falls within the laws of the State of Ohio and City of Brook and accomplishes what we want it to accomplish. Glad that Mr. Orcutt brought this to the table to get the ball rolling and now may roll a little faster. Hopefully, Councilmembers will have ideas once the rough draft is presented and co-sponsor if Council likes what they see.

Mr. Mencini stated this hotel situation like some of the city's other problems didn't happen yesterday, they have been kind of mingling for a long time. This council is pretty good about putting a stop to things or, at least, trying to put a stop to some of the city's major issues that have been going for quite a long time. The Middleburg Hts. committee legislation did appear on cleveland.com and went national.

Mr. Orcutt concluded with a few things, one thing I did leave out from the introduction of this discussion was a thank you to Mr. Mencini for showing up at the rally we had for the residents that were worked up about this issue. Also, want to thank Council, ahead of time, I know this is something that can be accomplished and want to stress to the residents, as well. This isn't about one particular hotel this is about the hotels operating in the city. There are some that are not adjacent to neighborhoods i.e. Brookpark Road and the operation has to be sufficient for the business owners on Brookpark Road. My final statement is I want to let the residents know your voices have been heard and your elected officials are here and will be working on something to make these businesses accountable. It didn't seem like that but in the last month that any progress would be made but want to assure the people that even though there have been some hurdles with this I'm going to continue on as the Ward 3 Councilman and get this done for you.

Discussion: cont.

Mr. Troyer stated want to say one thing while this is being done keep in the back of your mind this has to be constitutional and that's what we need to look at most. To make sure this is constitutional so whatever we have sticks and works.

Motion by Mr. Mencini, supported by Mr. Salvatore, that item number two was discussed.

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

Mr. Vecchio brought Southwest CEO, Mr. Young, out of the waiting room for the legislative committee segment.

LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. A RESOLUTION HONORING SOUTHWEST GENERAL HEALTH CENTER CELEBRATION OF THEIR 100 YEARS OF CARING, COMPASSION AND HEALING AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore, C/W and Mayor Gammella.

Mr. Salvatore asked Council to add to this evening's Council agenda for passage. To Mr. Young you're in a tough spot for 100 years and are doing a fantastic job at the hospital in light of the pandemic. The first 'Whereas' of this legislation reads The community hospital was founded in 1920 in response to the devastating Post World War 1 flu epidemic and 100 years later this country is in another flu epidemic. Can't say enough things about what you're doing at the center, have been around quite a while at the hospital. Not only as a trustee but also a patient and you've done a phenomenal job with everyone; met with four or five CEO's and you're at the top of the list.

Mr. Young expressed thank you, much appreciated, and thank you to everyone for the support provided to the hospital. It's been a very challenging time and a different world for all of us. We're doing the best as possible and truly appreciate all the support provided by all of you and the people of the community. It's been wonderful and we will get through this (pandemic) together.

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

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

Mr. Mencini stated this will appear under M-2 as Resolution No. 17-2020.

Legislative committee - Chairman, Mencini: cont.

2. A RESOLUTION DESIGNATING THE MONTH OF OCTOBER, 2020 AS BREAST CANCER AWARENESS MONTH IN THE CITY OF BROOK PARK, OHIO, AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore, C/ **CALL: AYES:** Poindexter, Schmuck, Scott, Orcutt, Troyer, Mencini, Salvatore

NAYS: None. The motion carried.

Mr. Vecchio stated this will appear under M-3 as Resolution No. 18-2020.

PLANNING COMMITTEE - CHAIRMAN, ORCUTT:

1. REQUEST FOR A CONDITIONAL USE PERMIT AT 16701 BROOKPARK ROAD 'ALL ENGINEERING CORPORATION' LOCATED IN THE U7-B DISTRICT TO OPERATE A THIRD-PARTY AUTOMOTIVE/LIGHT TRUCK MAINTENANCE FACILITY. **Received from Planning Commission on September 16, 2020 with outlined conditions:**

Mr. Salvatore asked would the conditions for approval be included in the legislation?

Mr. Orcutt responded absolutely, for the record the additional conditions the Planning commission added was 1) subleasing will be prohibited, 2) black ornamental fencing should be installed along the frontage to be uniform with other businesses on Brookpark Road, 3) long-term and/or dis-repaired vehicles must be stored in rear of property, 4) at a minimum one parking space per vehicle on the lot and one for every employee is required.

Mr. Poindexter asked if the conditional use permit for All Engineering Corporation? The reason for asking is on the rendering it says MPT Service; is that the same company?

Mr. Orcutt responded what the conditional use permit will do is transfer from each company that leases from All Equipment and has to be automotive company. The current company they're looking to bring in will have that conditional use permit. Let's say this company leaves after a year or two another company comes in the city will honor that conditional use permit as long as it is a same business mechanical shop.

Mr. Poindexter continued it's still All Equipment and letting other companies use the property.

Mr. Orcutt concurred and stated the conditional use permit will be for the business owner and will only transfer as long as it's the same type of business. Example given by Building Commissioner Hurst is if someone wanted to open up a gym or

Planning Committee – Chairman, Orcutt: cont.

something like that, the conditional use permit would be null and void.

Mr. Troyer asked normally with a conditional use permit it's for that company for one time and if were to change would have to come back to the city. According to this situation that's different to where the city is giving the conditional use permit to the owner of the property; not the actual tenant that is allowed to have this type of business there continually. My concern with that is with all the property around that area if someone wanted to develop all that property and needs to acquire that business. My question is who owns the property around this building and is that a problem or not?

Mr. Orcutt responded the same owner is for all the land around All-Equipment.

Mr. Troyer continued in the future, it would behoove the owner to sell after the tenant leaves. The owner of the property wouldn't want to continue to rent to an automotive repair business when the owner could sell or develop the whole area. So Council knows this is not normal for the city to give this type of conditional use permit but in my opinion is a good use and way to do this.

Mr. Orcutt stated that was a good point brought up and that was brought up at the planning commission meeting and basically what will happen is. Let's say someone leases that building for two or three years and then a new business owner comes in doing the same work. The city still has to inspect through the building department and fire department; there will be checks and balances as this transfers.

Mr. Vecchio stated to Mr. Orcutt, just a point of reference would you explain to the residents the location of where this is located; obviously, it's not in the primary automobile repair location on Brookpark Road.

Mr. Orcutt stated this is located on the south side of Brookpark Road between Henry Ford Boulevard and Smith Road, closer to Henry Ford Boulevard. All Equipment is the huge crane company is located on south side of Brookpark Road and this location is adjacent to that property.

Motion by Mr. Poindexter, supported by Mr. Mencini, to have the proper legislation drafted and placed on the next meeting.

Mr. Orcutt commented if prepared in time that would be October 13th Caucus.

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

CAUCUS PRIOR TO

OCTOBER 6, 2020

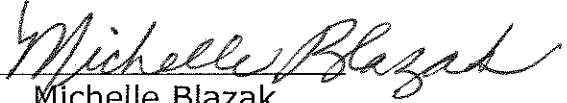
There being no further business to come before this meeting a **motion** by Mr. Mencini, supported by Mr. Salvatore, to adjourn.

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

NAYS: None. The motion carried.

Council President Vecchio declared this meeting adjourned at 8:09 p.m.

RESPECTFULLY SUBMITTED



Michelle Blazak
Clerk of Council

APPROVED



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

5,300 words