

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, OCTOBER 13, 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 and Finance Director Cingle.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Caucus Meeting held on June 9, 2020.

Motion by Mr. Mencini, supported by Mr. Poindexter, to approve as printed.

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

2. Regular Caucus meeting held on September 8, 2020.

Motion by Mr. Poindexter, supported by Mr. Mencini, to approve as printed.

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

Mr. Troyer stated to the residents' the minutes are not verbatim, they are a synopsis of what was said; if residents' want actual verbatim listen to the meeting.

DISCUSSION:

1. THE COOPER FOUNDATION (Councilman Poindexter)

In attendance: Mr. Craig Cooper - Founder - 13918 Franklyn Blvd.

Mr. Cooper stated nice seeing everyone again, this time in a little different capacity. All of you know my love for sustainability and energy that I spoke to most of you last year about. My wife and I started the Cooper foundation in 2015 and my daughter is 15 and a sophomore at Berea-Midpark High School. She is autistic and considered non-verbal, can't hold a conversation and must be prompted to do certain things. Starting this foundation in 2015 and over the past five and a half years we've raised about \$80,000.00 to help children of Northeast Ohio. Why I'm here this evening and talking to Mr. Poindexter, Mayor Gammella and Recreation Director Elliott about the proposal to place ADA (American Disabilities Act) compliant playground equipment in city playgrounds. I've allocated approximately \$5,000.00 out of the foundation general fund to put two ADA swing sets for children in wheelchairs; with Council's approval look for the right areas and/or parks in the city. In the presentation provided spots have been picked for open areas to try to get something like this pushed through. As far as funding and things like that the foundation would fundraise and do an online campaign starting before the end of this month and run through the middle of May, 2021. The funds raised from that in addition to the funds already allocated would then be put

Discussion: cont.

forth to put these apparatuses Council deems. Also, installation and things of that nature would have to be talked about once getting to that point. The Cooper foundation is looking for from the city is marketing, word of mouth, possibly any employees wanting to get involved i.e. payroll deduction and things like that for donation. All donations are tax deductible because the Cooper foundation is a 501 C-m 3 in the State of Ohio. For the foundation we are very good at the \$3,000.00 to \$5,000.00 yard-play and don't raise a \$1 million-dollars a year or would be my full-time job. The foundation is very good at helping children and have helped children get I-Pads so they can actually speak in their classes, talk to teachers and caregivers. The foundation is good at trying to provide for camps for wheelchair accessibility nothing that is \$10,000.00 or \$15,000.00 a pop; we're good at that \$3,000.00 to \$5,000.00 market range. Some equipment is as high as \$32,000.00 installed and have taken the course of going with the smaller amount. The swing sets, themselves, are a win for the Cooper foundation. If the foundation gets two swing sets in two parks in the city that is a lot for the foundation. Would also like to use this as a pilot program that would allow us to go to the cities of Middleburg Heights, Berea, Strongsville and so forth. I have one special needs daughter and also have a typical daughter and when taking them to the playground the special needs parent has to hold onto the special needs child and let the typical child play in the playground. If the city goes this route and offers this for that family because there is nothing for them to do. Some children are higher functioning and may be able to use the swing set or merry-go-round but if that child is towards severe it's not as easy.

Mr. Salvatore thanked Mr. Cooper for bringing this forward it's an excellent program. With your experience do you find it better to put one piece of equipment in several locations or develop a whole section specific for special needs children?

Mr. Cooper responded probably five years-ago there was a lady in Rocky River who was trying to raise \$2 million-dollars to have this elaborate, nice playground for special needs children to include talking trees and interactive tools for these children. The woman raised approximately \$100,000.00 so now that project is on hold indefinitely. I'm a big fan of the \$3,000.00 to \$5,000.00 yards as stated. If one is done then funds can be raised for the next year to do another one, in five years maybe it would be five parks. One thing I did not mention before is when I spoke with Mr. Elliott we talked about also the grants for a partnership between the city and the foundation that would help the decision makers for the funding of this. Then maybe there could be three or four pieces of equipment depending on what grants could be obtained.

Mr. Salvatore asked with any of your projects are you partnering with any cities where they opt to put in money to match the hard work you're doing?

Mr. Cooper responded this would be a pilot program and hoping Brook Park jumps on

Discussion: cont.

board with me to be used as an example when meeting with other City Councils.

Mr. Salvatore commented good place to start and would support the city helping to get this program off the ground and help in the fundraising efforts.

Mr. Poindexter thanked Mr. Cooper for coming and saw the presentation before and happy with it then and still excited about it now. To Council, Mr. Cooper is a long-time Brook Park resident with a special needs daughter and this idea isn't anything new but I think the concept Mr. Cooper is new. The concept is fundraising through the Cooper foundation and believe another resident, Jack Thomas, brought forward ideas several years ago, as well as the Council President. This is a way to pay for them without using city coffer monies. In full support with partnering with the Cooper foundation and we're not held to any limit whatever Mr. Cooper can raise, whatever the city can afford can be put in. All Mr. Cooper needs is a spot to place the equipment and help facilitate the construction whether by using service department personnel or contracting out; being determined by how much work is being done.

Mr. Mencini stated to Mr. Cooper good to see you, know you're active in the community and always have been along with your parents. I have a niece that lives in Brook Park that is a special needs child, it's a lot of work. It's good that you're looking out for them and maybe something the city should have done long ago. A few things I want to ask knowing that Mr. Poindexter mentioned Mr. Thomas bringing something forward as well as Nora Bricker did something like this with a group a while back and the equipment was very expensive.

Mr. Cooper responded it's a matter of (monies) raised currently the two swing sets are \$2,500.00 a piece with one swing being for a child with limited mobility but parents may be able to sit them and strap them in. The other swing would be for a child or senior can wheel themselves in, the weight limits are well over 700 pounds apiece. If \$20,000.00 can be raised in five months it depends on what equipment is picked, expensive from the normal everyday person sure. You're not going to have \$2,500.00 to get something but with the foundation's help and me hitting every business in Brook Park because it's a tax deductible donation and businesses have monies allotted in their general fund for donations.

Mr. Mencini continued good job bringing this forward and hope to see this in time at most of the city's main playgrounds, thank you for coming.

Mr. Orcutt welcomed Mr. Cooper and thanked him for the presentation and time discussing this the other week, appreciate everything you've done. This program looks to be simple and those two swings is something affordable and the city can

Discussion: cont.

move right away with. Would like to see them implemented as soon as possible with Mayor Gammella and yourself. With the fundraising I think speaking for all Council colleagues we would all join in, this is a win-win for everyone in Brook Park and especially for the special needs children.

Mr. Scott thanked Mr. Cooper for coming, one question maybe through Mr. Poindexter or yourself. Is there a way to maybe contact Baldwin-Wallace working with them to have something put on our web site, to increase the notoriety and footprint?

Mr. Cooper responded that is absolutely possible and being a BW graduate those students would do a great job. What the foundation would do is put a link to our website that would lead them to our website and donate from there; the foundation already has that set up and have other vendors we work through. One vendor is in Boulder, Colorado and for every pair of shoes purchased from him ten-percent (10%) of the proceeds go to the foundation. The foundation is familiar with that and would usually be once a link is put their people can be told to go to the city's website or coopfoundation.com and donate accordingly.

Mr. Scott mentioned to Mr. Cooper to possibly touch base with the Mayor and his liaisons with BW to get this moving.

Mr. Troyer stated I've known about the Cooper foundation for quite a long time, working with your mother on the Beautification & Pride committee, decorating that float many times together for Home Days. The only I want to specify and make clear this is all inclusive in itself because it will have the abled and handicapped in the same equipment.

Mr. Cooper responded basically there are two ways to go about this. If you split it up and have let's say for example the swing set. If you have them in the safe park and let's say a typical child versus a special needs child if there split. I'd like to have them both because going back to what I said earlier about having a typical child and special needs child you want to be able to let them do their own thing. Now, if we can talk to the manufacturer and say can I put a wheelchair accessible swing next to a normal swing maybe that is something that could be done. Or maybe we could retrofit some of the parks with that and save some of the costs of the actual structure by just purchasing the apparatus.

Mr. Troyer continued I think the best way would be all inclusive, which is what Mr. Thomas and other people were looking to do. To have the able-bodied child and special needs child playing side by side, instead of one child over on this piece of equipment and the other child at a different piece of equipment. This depends on where we want to put the equipment and if done in an existing playground it would

Discussion: cont.

be redundant to have the same piece. But, if we're going to find an out of the way new place for this then we would want both styles; my preference would be to have the children play on the same piece. Thank you for doing this and will assist with any help I can.

Mayor Gammella thanked Council for the support and have talked with Mr. Cooper and think this is an excellent idea. Once this gets moving it will be put on the website and perhaps a little fundraiser in the city.

Mr. Vecchio thanked Mr. Cooper and stated I also have some older special needs family members and could benefit of being included. Have worked with special needs with autistic spectrum diagnosis across the board from non-verbal to verbal but having motor difficulties; this is just a phenomenal idea. A few questions have you worked alongside or even the ability to work with the Christopher Reeves for grant monies?

Mr. Cooper responded the foundation does raise funds for other charities that go along with our mission. The ability to hit other foundations with a letter to ask for additional help I would not be opposed to that; something is readily done in the charity community.

Mr. Vecchio asked is there any thought, obviously the first is the swing set which is the lowest of cost to start up. But, putting in some sensory equipment because we all know the autism spectrum is wide-ranging. I think some of the sensory items is readily available at a reasonable cost.

Mr. Cooper responded I have and from the three to five year-olds, preschool ages, you are absolutely right there being many items out there that they can be used i.e. hand-eye coordination or texture; autism children are big on texture. Those items are available and as stated before if we're sitting here in five or six months with \$30,000.00 or \$40,000.00 it might be a whole different story. I go back to if this can be done on the smallest level to start and somebody can take advantage of that wherever it may be in the city. I just want that parent to be able to go to the park with something to do for her special needs child, instead of one parent staying home and the other parent going to the park. To Mr. Troyer's point children should be playing in harmony together but at the same time I think mistakes in the past were having a \$100,000.00 idea instead of a \$2,000.00 idea.

Mr. Vecchio continued you've done the research and that's greatly appreciated, you have my full support and will walk shoulder to shoulder with you to do this.

Mr. Poindexter stated in the presentation there are a few examples of different apparatus and costs associated with those; I'm sure that's not the full host of equipment available.

Discussion: cont.

Mr. Cooper concurred and mentioned there is way more equipment than that and as stated I wasn't going for the top of the line I was trying to be economical. Coming to Council with \$100,000.00 ideas is not a good idea.

Mr. Poindexter continued it seems everyone is in agreement and it's a good idea and think everyone is on board allowing the Cooper foundation to start fundraising. My question is would legislation be required for Mr. Cooper to move forward with fundraising or just verbal approval?

Mayor Gammella mentioned for Council to pass a resolution supporting this for Mr. Cooper to use when going to the various businesses; that the city is supporting this effort that would be a good thing.

Mr. Salvatore concurred.

Mrs. Schmuck thanked Mr. Cooper for bringing this forward and love the idea of bringing the special need families out into the community, so important. It's unfortunate that many times they are stuck in their homes so thank you for thinking of not only the children but family opportunities to come back out to the community.

Motion by Mr. Poindexter, supported by Mrs. Schmuck, to have legislation drafted for the Cooper foundation efforts.

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

Mr. Vecchio thanked Mr. Cooper for his presentation and stated you have Council's full unwavering support as well as the administration.

Mr. Cooper mentioned absolutely appreciate it, know this is a good town and good place to start. Thank you very much and look forward to giving good information and writing some grants with Mr. Elliott.

Mr. Troyer stated there is an issue with Legislative committee item number one (1) Council's motion on September 8th was to place under discussion; that should be number two (2) on tonight's agenda.

Mr. Vecchio stated the legislation will be discussed out of the committee so either way there is discussion on it, I don't think is an issue.

Mr. Troyer continued it is what Council voted for and desired and was the direction of Council that it be put under discussion and that's where it should be.

Mr. Vecchio - let's see if Council to pull from Legislative committee and move forward

Discussion: cont.

under discussion as item number two (2).

Mr. Troyer stated Council already did that.

Mr. Vecchio interjected where it's currently placed on the agenda or stay in the agenda in the current path, Council will make the decision.

Mr. Troyer continued so we're just not going. How did it get there and not be in the right place under discussion which was the direction of Council? This has happened many times before.

Mr. Vecchio interjected it may have been misunderstood with the direction, it's very possible considering the fact that multiple of times we have Members of Council speaking over one another or have a broken dialogue going on. Mistakes unfortunately do happen and if it is a mistake...

Mr. Troyer interjected with all due respect, Mr. Chairman. It's right in the minutes and the same type of thing happened a few weeks ago with the feasibility study was supposed to appear on the September 15th agenda and wasn't there. Then all of a sudden it ended up on the September 22nd agenda and Council didn't put it there. I mean I don't know what is going on but when Council says something should be a certain way it should be that way, that's the way it's supposed to be. Especially when Council voted on it by a majority that's where it should be.

Mr. Mencini stated I'm fine either way it's coming out of my committee but when things like this happen. Council gets agendas on Friday so there is ample time to maybe get this corrected. Let's work together on this to get it taken care of it's a Caucus meeting.

Mr. Vecchio asked for a show of hands to move to Discussion item number two (2). Both Mr. Poindexter and Troyer raised their hands.

Mr. Salvatore stated what is the direction of this piece of legislation will it be dealt with this evening or be placed back in committee? If this legislation is going back in committee, I don't see any need to make a big deal about it. Put it wherever you want and put back in committee, if Council is not going to discuss this it doesn't matter where it comes out of.

Mr. Vecchio stated I understand and this legislation is going back in committee because there is additional information the law department is seeking.

Mr. Salvatore stated Legislative committee chairman Mr. Mencini could make that motion move from item number one under legislative committee to discussion, to put back in committee.; Council is done and would take about 35 seconds.

Discussion: cont.

Mr. Mencini clarified Mr. Salvatore is asking for the legislation to be read under discussion and the Council President wants Council to take a vote. To put under discussion item number two (2) or leave in legislative committee.

Mr. Vecchio concurred.

Mr. Mencini commented didn't hear the outcome of the vote.

Mr. Vecchio stated two people, Mr. Troyer and Poindexter were in favor, nobody else.

Mr. Mencini commented Mr. Vecchio explained why it's going back to committee and will take that vote when Council gets to the legislative committee, let's move on.

FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO PROVIDE COVID-19 GRANT ASSISTANCE TO BROOK PARK SMALL BUSINESS OWNERS AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio.

Mr. Vecchio stated the Coronavirus pandemic has brought forward some pain to local small businesses, not to mention residents; from cutbacks and reductions of dollars coming in. The Cares Act brought forth by the federal government has allocated funds to cities all across the United States, Tribal nations, Puerto Rico and so forth. The dollars allocated can be used in support of small businesses along with items that are needed for cities to combat this COVID-19 outbreak. My proposal, by bringing this forward, to assist some of the city's small businesses that are locally owned and operated, that have suffered some financial losses. This was written generically and would like the support of the Members of Council and have spoken with the Mayor. I came up with some ideas and would like Council's input as to their support. Currently, with grants to the small businesses not to exceed \$5,000.00 and basically asking for a \$100,000.00 allocation out of the Cares Act Fund.

Mr. Mencini stated to Mr. Vecchio like this piece and would like to go to the law director. I brought out the Cares Act out a few months ago and as stated this comes out of the Cares Act and want to make sure the city isn't doing something that is already there for the city. Council passed the Heroes Act pushing the legislative body in Columbus support.

Mrs. Horvath stated as far as I know the city doesn't have anything that would duplicate this or be redundant. My only concern and briefly talked with Council

Finance committee - Chairman, Scott: cont.

President Vecchio is in section one (1) where the criteria is set out for whatever the grant is. I would want to be very careful about those terms and the framing

Finance committee - Chairman, Scott:

of who qualifies for the grant. I'm sure by the time this piece has been discussed that would be something determined. The finance director may also have some very important input with regard to some of the criteria and statistics.

Mr. Mencini continued that Council President Vecchio will explain some of the areas i.e. brick and mortar was one of the terms used. Businesses can use the help right now, a lot of people need help and anything the city can do to help them like this legislation would be good.

Mr. Salvatore stated the concept behind this legislation is a good idea, my only concern is how we pick who gets the grants. What's the criteria that should be laid out. In section 1 it states the Mayor and Economic Development Commissioner will be providing that. I think Council needs to have some safeguard maybe a small committee of sort to review the applications. Would really want to insure that no other COVID monies have gone into some of these businesses and we're taking monies that could be used for the city in some other areas, as it supposed to be. Want to make sure that money is being put in the wrong direction for the wrong reason. I wanted to add that I've been working on a piece of legislation that would help the residents' out by putting money aside. Many residents' are having trouble paying their bills and would like to see some monies set aside for that and have this committee in place to look at some of these issues and reach out and help city residents'.

Mr. Poindexter stated I have some concerns with this legislation. The Cares Act provided money for businesses and don't know why Brook Park businesses wouldn't be entitled to collect some of that money, not against doing this. To Mr. Cingle is this money available and the city has been incurring some expenses related to COVID-19 that monies were supposed to be used for. Do you see the city having available to provide these grants?

Mr. Cingle responded a couple of points in advance of answering Mr. Poindexter's questions. Let me start with the city only has until November 20th to award any grants; November 20th is the cutoff for funds to be encumbered, which is five weeks. When looking at the legislation my first question was are these grants going to be eligible to be paid to individuals that own rental properties in the community. Also, when looking at the legislation I believe it should have language that any grantee would be in compliance with all laws applicable to the community such as timely filing income tax returns, all income tax owed is currently paid, no building violations, etc. The other item looked at would be if these grantees are paying payroll taxes to the City of Brook Park. Looking at tax information on city businesses earlier the city has 96 companies that file with the City of Brook Park that have ten (10) employees or less. The

Finance committee - Chairman, Scott: cont.

city has 874 residents' that either have a Schedule C or E, Schedule E being a rental property in the community. I don't know if this legislation would pertain to both Schedule C income being business income and then also rental income. I also think there should probably be an application created, guidelines that are created but with such a short window I don't know if we can get this off the ground and have all the grants awarded by November 20th.

Mr. Poindexter continued the other item that would have to be figured out is to what end the grants will be awarded. Will they be for employee retention or just a bolster of the bottom line of business. What are the grants for i.e. business development or such? I have some concerns and think we can get through them but as Mr. Cingle eluded to the deadline is fast approaching.

Mr. Salvatore stated to Mr. Cingle you used the date of November 20th. Are you speaking of being able to provide any grants based on this year's budget or the actual usage of through the special fund?

Mr. Cingle responded the city would have to award the grants, encumber the funds by November 20th to be in compliance with the Coronavirus deadlines. The funds would be encumbered no later than November 20th and all payments would have to be made by December 30th; monies have to be encumbered by November 20th and paid out no later than December 30th according to the Coronavirus guidelines.

Mr. Salvatore continued I'm assuming that deadline also implies to any monies the city may use for the same fund, correct?

Mr. Cingle concurred.

Mr. Vecchio stated so everybody is aware also, earlier in the year the City of Berea did something very similar. They allocated some money that was in their general fund and were able to reimburse out of the Cares Act fund when returned to the city. The City of Berea has an online application process and some other things that Council can look at and maybe speak with other peers from other cities for a little guidance. In some conversations with Councilmembers' Scott, Salvatore, Mencini, Orcutt and Mayor Gammella we all agree that provisions that need to be put in place. As Mr. Cingle eluded to with some of the provisions through questions Council is now aware that the city has 96 companies with ten (10) employees or less. I feel if a company has previously received Cares Act funding they would be exempt from this. This would be for brick & mortar companies that pay rent or have a mortgage on a building, not their home. Not to slate anyone that is a business owner out of their home but they have a separate area they report to in the City of Brook Park with ten employees or less.

Finance committee - Chairman, Scott: cont.

Mr. Scott eluded to an idea in conversation of making this \$500.00 per employee up to the maximum of ten (10) employees putting this at \$5,000.00. Mr. Orcutt mirrored that and Mr. Salvatore about money for the residents'; additional appropriation to them out of this to help our own. Whether there is ten (10) businesses apply for this or 100 businesses apply for this. There has to be some criteria to implore the city's economic development department and Mr. Salvatore's suggestion of a committee, to review these applications and get this moving forward. Using some terminology from Mr. Poindexter there are people hurting across the board businesses and residents alike and think it behooves Council not to act upon this in an expeditious manner to get something going.

Mr. Troyer stated to Mrs. Horvath with concerns of conflict of interest with this. Things were mentioned that are not written in the legislation and since I run my business out of my home. Even though my business does not operate in the city as far as charging anyone in the city but I do have my office here. Would this be a conflict for me and need to know that before recusing myself of continuing.

Mrs. Vecchio stated this would be for a business that has ten (10) employees. If you have employees under you that's what this would be for, not a sole proprietorship.

Mr. Troyer mentioned the legislation reads ten (10) or fewer.

Mr. Vecchio responded correct, you are the owner and employee making you exempt.

Mrs. Horvath stated to Mr. Troyer I would think ten (10) or less would mean you must have at least (1) employee. If you are the employee and sole proprietor, I would tend to agree this would be something you would not be eligible for.

Mr. Troyer clarified to Mrs. Horvath, your opinion is there no conflict of interest with me discussing this.

Mrs. Horvath continued I don't want to ask you questions about your business but would assume that if you have no employees or independent contractors that work for you, you should be fine because you would be barred from these loans.

Mr. Mencini commented that's why you have a committee.

Mr. Troyer continued I'm trying to figure out where it says I'm barred, the legislation reads ten (10) or fewer, fewer is also zero (0).

Finance committee - Chairman, Scott: cont.

Mrs. Horvath stated that was one of my concerns with section one but there is a time element to this which needs to be placed before Council. Meaning section one isn't perfect with all the t's crossed and i's dotted. This is still before Council and think it's Council's intent there be one employee. If you don't then I'm doubtful there would be a conflict of interest if you don't have any employees, don't think you need to recuse yourself.

Mr. Orcutt stated I think the intent of this legislation and we do need to look out for our businesses to make sure they are thriving and they recover during this tough time. Mr. Poindexter did ask a question that I had, that was an important one, if this would be redundant if someone already received money. I think the answer was they would not be able to receive that money. Mr. Cingle chimed in on this to make sure this happens and will say from all the discussion. It seems that Council has a lot of things to do in a little bit of time to make this happen.

Mayor Gammella stated speaking with Mr. Vecchio about this he is correct the City of Berea does but there is an application process. Also, speaking with both the law and finance directors an application process would be a must. There is also items from the City of Lakewood that will be looked at. After looking at the information if the city can help our businesses, we will. Currently, time is short and there are needs in the city as well.

Mr. Salvatore stated to Mr. Cingle the November 20th deadline is for the first waive of that money or for all monies received and still coming?

Mr. Cingle responded all monies that have been received and that are in the process of being collected. The city is getting another payment on Thursday, October 15th in the amount of \$662,409.00. All that money received totaling \$1,349,970.00 has to be spent or encumbered by November 20th with all proceeds needing to be spent by December 30th.

Mr. Salvatore asked Mr. Cingle can't some of those monies be encumbered for this purpose? Or does the money actually have to be given to somebody?

Mr. Cingle responded the city would need to know who to encumber it to.

Mr. Salvatore continued it can't be encumbered to an ordinance based on applications?

Mr. Cingle responded no.

Mr. Scott stated the City of Berea had an emergency low grant fund. Is it possible to allocate \$100,000.00 for that fund? Council is appropriating money

Finance committee - Chairman, Scott: cont.

for that would that not be considered money set aside and accounted for. The city has until December 30th to declare how much money is to be returned or allocated.

Mr. Cingle responded the Cares Act fund was created the monies that are received for the Cares Act are recorded in Fund 281; with COVID related expenditures being expensed out of fund 281. Any money that is going to be spent needs to be either have been spent or encumbered by November 20th; then the city has until December 30th to make payment; so there is a very short of time.

Mr. Vecchio stated for a point of clarification, the payment must be made by December 30th but the services don't have to be rendered within 90 days after, if I'm reading the Cares Act correctly.

Mr. Cingle responded I just received today the deadline from the Cuyahoga County Budget Commission that states 'December 30, 2020 final date to incur eligible CRF (COVID Relief Funds) costs. Grant covered period extends from 3-1-2020 to 12-30-2020. Then February 10, 2021 is the final closeout with financial report due to OBM (Office & Budget Management) covering grant liquidations and activities that occur\ed between 1-1-2021 and 1-31-2021.

Mr. Vecchio continued looking at page 2 of section 5001 of the Cares Act last paragraph and may be me not understanding. The section states the recipient enters into a contract requiring the delivery of goods or performance of services by December 30, 2020. The failure of entering a complete delivery or services by December 30, 2020 will not affect the ability of the recipient to use payments from the fund to cover the cost of such good or services if the delay is due to circumstances beyond the recipients control.

Mr. Cingle asked when was that guidance?

Mr. Vecchio responded September 2nd.

Mr. Cingle continued not sure if there have been any revisions to it.

Mr. Vecchio interjected this is the latest one from the Treasury department website.

Mr. Cingle continued payment must be made by December 30th but can receive the goods or services up through January 1, 2021.

Mr. Vecchio stated the city has until the 20th to encumber these expenses of November and pay out by the end of the year. In order to use these funds or the funds go back to the federal government, I'm not one to give back the funds.

Finance committee - Chairman, Scott: cont.

Mr. Cingle concurred.

Mrs. Schmuck agreed.

Mr. Scott continued speaking with City of Berea city personnel about their grant program that is called the Berea Relief Grant Program. The City of Berea was giving \$2,000.00 to a business and spoke with the City of Berea's Economic Development director. Brook Park's economic development commissioner can contact the City of Berea's economic development director for assistance with setting up the website available. The City of Berea has four (4) specifications to be eligible that is included in the city's grant application. 1)the business must be located in the City of Berea; 2) business must be retail, personal services or food service establishment; 3) business must have been negatively impacted by COVID-19 and the business must have been ordered by the State of Ohio to close or have its operations limited. I'm sure our city's economic development commissioner could work with the City of Berea's economic development director to possibly get this setup. Speaking with the City of Berea's economic development director of they came up with \$2,000.00 and he felt the proposal of \$500.00 per employee up to ten (10) employees would be more fair distribution of the monies. If this moves forward I would like to make an amendment to add that in there. This can't be moved forward small businesses have been here for the city so let's be there for them and help the people out. I'm sure there the city has enough time to get this moving forward, make changes and can't be voted on until next week.

Mr. Salvatore asked Mr. Scott if there was any indication of how many applications?

Mr. Scott responded they did not limit to ten only and think there were possibly 183 applications, don't' hold me to that.

Mr. Salvatore asked did all 183 applications qualify within the guidelines?

Mr. Scott responded yes and all followed the application and felt the city's plan of \$500.00 per employee would be more of an err of distribution of the monies. Instead of giving money to one business with two employees \$5000.00 and another business with ten employees \$5,000.00.

Mr. Salvatore stated to Mr. Cingle the money must be spent by the end of the year. How would that apply if the city enters into a contract with a professional cleaning contractor for the rest of 2020 and into 2021? Could the city go month to month on a contract if so deemed?

Finance committee - Chairman, Scott: cont.

Mr. Cingle responded the city would not to enter into any type of contract for services that are going to last more than one month into 2021. The city won't be able to receive cleaning services in June, 2021 and have used Cares money to pay for those services.

Mr. Salvatore asked the cutoff even for professional cleaning would be what date?

Mr. Cingle responded will have to look at the guidance and make a call down to OBM but I would say at the earliest would be the end of the year; the monies have to be spent by December 30, 2020. If there is an extenuating circumstance and don't think cleaning would be an extenuating circumstance. I would say the city couldn't make any payments in 2021 for cleaning services unless that vendor would come back and say they didn't have the adequate cleaning supplies. There would have to be some extending circumstance rendering them not being able to perform the service by the end of the year; the city can't prepay for services into next year using Cares money.

Mr. Salvatore commented just curious on how the city could have some continuous effect of cleaning on some kind of schedule coming from that fund.

Mr. Mencini stated this is October 13th and this is Cares money and there's been talk about helping individuals and need to move now if there is going to do anything. First the city needs to find out if that business or individual was impacted by COVID-19 and then find out if there is going to be a committee or what if that business or individual is already receiving funds because what this legislation is for being impacted by COVID-19; November 20th and December 30th are going to be here soon.

Mr. Vecchio reiterated a thought much like the City of Berea offered their legislation one caveat would be that this is for retail establishments within the city. With the hardest hit impacts whether restaurants or small stores that are independently owned. Going back to Mr. Cingle stating the city has 96 businesses with ten employees or less just for clarification. If every one of them were to have received an eligibility of a \$5,000.00 grant that would be \$480,000.00 paid to those businesses; leaving a total of \$869,970.00 still unused. There is a lot of money, there is a lot of needs as the Mayor stated there a lot of things in the city that can be done with this money. I personally implore Council and the Administration to work together and hammer this out since we're all in agreement don't want to give monies back to the federal government; when this is a blessing for everyone that needs some help.

Mrs. Schmuck stated all for investing into our city businesses and would not like seeing this money not hit the deadline. All for obtaining the City of Berea's

Finance committee - Chairman, Scott: cont.

guideline to review and see what our city can achieve that as soon as possible, in order to meet whatever needs to be met for the deadline.

Mr. Poindexter commented on Mr. Vecchio's comments the legislation states not to exceed \$100,000.00. Are you suggesting the city go up to the full \$100,000.00?

Mr. Vecchio responded if the 96 businesses were all eligible based on the criteria. Looking at the way it's set out, discussed and including what the Mayor said this would be for retail establishments; the same way the City of Berea did.

Mr. Poindexter continued my other question how would it be determined that the businesses were negatively impacted by COVID-19? Would the city go off year-to-date revenues from the prior year? What the businesses projections were for 2020 and where the projections actually are? Those are some of the things to be determined for the businesses to prove they were negatively impacted by COVID-19. Sure that there are some parameters the city could come up with to gauge that and something that should be considered when drafting the amendments.

Mr. Troyer stated in reading the legislation again, the way it's written there is a conflict and at this time will recuse myself.

Mr. Scott suggested an amendment section 1 add 'such grants shall be for \$500.00 per employee not to exceed ten (10) employees'.

Mr. Poindexter commented add to number two (2).

Mr. Salvatore stated with the \$500.00 per employee is that based on that money going to each employee or business.

Mr. Scott interjected businesses based on the number of employees; \$500.00 per employee per business, does not go to the employee.

Motion by Mr. Scott, supported by Mr. Poindexter, to amend number two (2) or add a number four (4) to insert 'such grants shall be for \$500.00 per employee not to exceed ten employees'.

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

Mr. Vecchio suggested an amendment 'if a business has received any other COVID related funds from the Cares Act they are ineligible for this grant.

Mr. Scott suggested placing that in the application.

Finance committee - Chairman, Scott: cont.

Mr. Vecchio preferred to have in legislation so it's solid, Mr. Poindexter and Mrs. Schmuck concurred.

Mr. Salvatore agreed with the amendment and suggested adding a line that anyone eligible has to pass certain guidelines that have not been developed. Should have the guidelines ready from the Mayor's get office to be attached to the legislation. I think the guidelines are very important as to who is eligible and how they obtain this grant.

Mr. Poindexter wanted to make Council aware the city's administration or economic development commissioner may be bombarded with applications once passed. We have to make sure they have time to review all the applications if all 93 businesses go forward.

Mr. Vecchio commented as stated the application process the City of Berea uses is online and Mr. Salvatore eluded with Mr. Cooper about imploring BW college to put on the website. The city may want to get with BW students to format what the application process is and make an online auto-fillable pdf format to submit to the economic development commissioner for a review as stated a committee.

Mr. Salvatore suggested that this gets done within the next day or so and call a special meeting to get this moving forward. So the administration has time to lay this out and also have the other piece of legislation that deals with the residents to put on that special meeting.

Mr. Vecchio commented there is time for this to move to next Tuesday if everything can be worked out.

Motion by Mr. Mencini, supported by Mrs. Schmuck, to place on the October 20, 2020 Caucus Prior to agenda.

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

NAYS: None. The motion carried.

Mr. Scott asked if this is all formulated before next Tuesday to provide to everyone for their review.

Mr. Vecchio requested an appointment with Mayor Gammella and Economic Development Commissioner Adams as soon as possible to hash-out some of this and have ideas from Councilmembers.

LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. AN ORDINANCE ENACTING SECTION 509.16 OF THE GENERAL OFFENSES CODE OF THE CITY OF BROOK PARK ENTITLED 'PEDESTRIAN OR VEHICLE INTERFERENCE; ATM PRIVACY' AND DECLARING AN EMERGENCY.

Introduced by Council President Vecchio. **Note:** Moved by **motion** from the September 8, 2020 Caucus meeting.

Mr. Vecchio asked Council to place back in committee due to new items that have popped up.

Mr. Poindexter commented would like to have legislation read in committee due to some items in the legislation are unresolvable. Also, think there are some constitutionality issues as well as some other serious issues. To get the desired outcome of this would require a new piece of legislation.

Mr. Troyer expressed having problems with this legislation from the start and think this should be looked at from a different angle. With the adjustment of the city's current laws being a better way of doing this; everyone already knows I don't like the first section.

Mr. Orcutt stated sounds like Councilmembers Poindexter and Troyer have some issues with this legislation. Possibly, both of them could work with Council President Vecchio on a piece of legislation to tidy this up.

Mr. Salvatore stated as one Councilman, I feel anybody that introduces legislation and wants put back in committee for further research, out of professional courtesy that should be extended.

Mr. Scott commented let Law Director Horvath do her and give an opinion; her opinion may come up that this is unconstitutional.

Motion by Mr. Salvatore, supported by Mr. Scott, to place back in committee.

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

NAYS: None. The motion carried.

Mr. Vecchio asked Councilmembers Troyer and Poindexter if they would like to get together and discuss your concerns and see if there is anything else we can work on with this legislation.

2. AN ORDINANCE EXEMPTING RETAIL ESTABLISHMENTS IN THE CITY OF BROOK PARK FROM CUYAHOGA COUNTY'S DISPOSABLE BAG BAN, CHAPTER 1304 OF THE CUYAHOGA COUNTY CODE AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer.

Legislative committee - Chairman, Mencini: cont.

Mr. Troyer stated thought this piece of legislation was excellent at the time and still think so but it's kind a moot point currently. Not only with COVID-19 the ban has been put on hold and the State of Ohio is working on something to absolve cities of Home Rule and stop the county from enforcing this ban. I'm good with whatever Council wants to do with this legislation. If Council wants could be brought back as recycling for plastic bags and no longer pushing this; Audrey's Outreach is dealing with the plastic bags available. I had two issues with this where Audrey's Outreach would get bags to run the pantry and the other issue was Home Rule; none of those is an issue at this time.

Motion by Mr. Salvatore, supported by Mr. Poindexter, to have read in committee.
ROLL CALL: AYES: Salvatore, Poindexter, Mencini, Troyer, Orcutt, Schmuck, Scott
NAYS: None. The motion carried.

PLANNING COMMITTEE - CHAIRMAN, ORCUTT:

1. A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO OPERATE A THIRD PARTY AUTOMOTIVE/LIGHT TRUCK MAINTENANCE FACILITY LOCATED AT 16701 BROOKPARK ROAD IN THE U7-B DISTRICT AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

Motion by Mr. Troyer, supported by Mrs. Schmuck, to place on the October 20, 2020 Council meeting.

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

SAFETY COMMITTEE - CHAIRMAN, TROYER:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH AMBULANCE MEDICAL BILLING (AMB) AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Troyer stated Council received earlier today via email the current agreement. Section two (2) needs to be amended to read what fund these monies are coming from.

Mr. Salvatore stated to Mayor Gammella glancing at the agreement for 2017 this is the same company that the city has used in the past, correct?

Mayor Gammella responded yes, that's correct and the police and fire departments are very happy with this company.

Mr. Poindexter stated glancing at the agreement right before the meeting, to Mayor Gammella. Will there be new equipment involved with this agreement due to monies set aside for equipment?

Safety committee - Chairman, Troyer: cont.

Mayor Gammella responded not sure of new equipment, the departments may get new computers that the company pays for, that is one of the good things about this company.

Mr. Poindexter commented think there were five (5) computers and \$22,000.00 worth of equipment plus training.

Motion by Mr. Poindexter, supported by Mr. Mencini, to amend section 2 to insert General Fund 100 to read money needed for aforesaid transaction shall be paid from General fund 100, theretofore, appropriated for aforesaid purposes.

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

Motion by Mr. Poindexter, supported by Mrs. Schmuck, to place on the October 20, 2020 Caucus Prior to agenda.

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

SERVICE COMMITTEE - CHAIRMAN, SALVATORE:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH NORTH SHORE PUMP & EQUIPMENT COMPANY, WITHOUT PUBLIC BIDDING, FOR THE PURCHASE AND INSTALLATION OF TWO GRUNDFOS DRY SUBMERSIBLE PUMPS, AND THE REMOVAL OF EXISTING PUMPS AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated the pumps need to be replaced by the concession and ball fields on Sylvia Drive.

Mr. Mencini stated to Mr. Cingle, coming out of the Capital fund 429 is there anything with this that Council needs to know about, besides being under \$67,000.00.

Mr. Cingle responded no, Council allocated \$63,000.00 for the Sylvia pump station improvements this came in a little higher to roughly \$67,000.00. There are funds available in that cost-center that could be moved to cover the balance, if approved.

Mrs. Horvath stated there was a typographical error in Section 2, that was forwarded to Council. The correct verbiage should read not to exceed \$66,718.00.

Mr. Troyer commented that he did not receive the email sent but did speak with Mrs. Horvath about the proposed amendment.

Service committee - Chairman, Salvatore: cont.

Motion by Mr. Troyer, by Mrs. Schmuck, to amend section 2 by deleting the words 'shall be' and insert the word exceed.

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

Mr. Troyer asked exactly what are these pumps used for; what will they do?

Mayor Gammella responded the pumps will pump the water to keep out of residents' basements.

Mr. Troyer asked this is one of the tanks?

Mayor Gammella concurred.

Motion by Mr. Mencini, supported by Mrs. Schmuck, to place on the October 20th Council agenda.

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

Miscellaneous comments:

Mr. Poindexter asked Mr. Vecchio if there have been any developments in going back to Council, chambers or guidelines brought forward. Will offer help in anyway deemed necessary to ensure that occurs.

Mr. Vecchio responded the determination to work for everyone is to provide a call-in number to the residents. Currently working on some of the logistics as you and I spoke of the other day. Residents' will be able to call in at the beginning of the Council meeting; need to work out some sort of timeframe for residents' to be put in a waiting room until the audience participation portion of the meeting; residents' would be brought into the meeting with the first person who entered down to the last person to speak.

Mr. Orcutt stated to Mr. Vecchio, on that subject you and I spoke a few hours ago on that matter. With the waiting room, I think is a good idea, and your plan is to implement for the next Council meeting. Something that needs to be done is to place on the agenda to inform the residents' and possibly having the Mayor's office do a Code-Red to alert the residents' of this change to allow for them to speak at the Council 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 8:54 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *November 10, 2020*

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

8,946 words