

Note: Due to inclement weather and internet issues for Zoom meeting held on December 1, 2020, City Council decided unanimously to move the items on the Council agenda to December 8, 2020.

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, DECEMBER 8, 2020**

The meeting was called to order by Council President Vecchio at 8:37 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, Engineer Piatak, Recreation Director Elliott and Service Director Garner.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior to meeting held on November 4, 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.

2. Regular Council meeting held on November 4, 2020.

Motion by Mr. Poindexter, supported by Mrs. Schmuck, to approve as printed.

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

NAYS: None. The motion carried.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee - Chairwoman, Schmuck

Mrs. Schmuck reported Aviation & Environmental committee has no report.

Finance Committee - Chairman, Scott

Mr. Scott reported the Finance committee has one item on tonight's agenda. The Board of Control met earlier today, properly masked and social distanced, with seven items on the agenda. The three largest Berea City School District 1st payment for two school buildings amount being \$245,622.00; second largest Westside Roofing Company, Inc. for repair of the salt dome in the amount of \$49,615.00 and the third largest is combined invoices for BJAAM for the vacant building project located at 6286 Engle Road. The first invoice is dated August 24, 2020 is in the amount of \$12,230.00 and the second invoice is dated October 28, 2020 in the amount of \$12,236.00.

Legislative Committee - Chairman, Mencini

Mr. Mencini reported Legislative committee has one piece of legislation on tonight's agenda.

Parks & Recreation Committee - Chairman, Poindexter

Mr. Poindexter reported the Parks & Recreation committee has one Resolution in committee and once the gathering restrictions are lifted that piece will be brought

out of committee. This past Sunday Brook Park had the tree-lighting ceremony followed by fireworks display. Very well organized with all social distancing protocols being followed with people viewing from their own vehicles. This coming Saturday Santa Claus, Mrs. Claus and other special guests will be touring the city. Basketball practices started on December 1st with Coronavirus restrictions; the schools are not allowing teams use school facilities, so recreation center courts are being used leaving little room for open gym times. There have been discussions about using Brook Park Memorial and Brookview Elementary school courts but to date nothing is known.

Planning Committee - Chairman, Orcutt

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

Safety Committee - Chairman Troyer

Mr. Troyer reported Safety committee has nothing in committee on tonight's agenda.

Service Committee - Chairman, Salvatore

Mr. Salvatore reported the Service committee has nothing on tonight's agenda and complimented the entire service department personnel for continuing to do a great job.

Board of Zoning Appeals - Chairman, Mencini

Mr. Mencini commented service department personnel did a great job with last Tuesday's winter storm. The Board of Zoning met last night, Monday December 7th, approving one request for a variance to move a fence line structure at 5378 West 150th Street.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center - Trustee, Orcutt

Mr. Orcutt reported the next board meeting will be Wednesday, December 9th and will have a full report at next Council meeting.

Berea Board of Education Representative, Mencini

Mr. Mencini reported for the week of November 30 - December 4, 2020 there were student-wise seven positive and staff-wise seven positive and five quarantined. Schools have been on remote learning from November 20th through December 22nd with a forthcoming decision of what will be done come January, 2021. There will be a virtual coffee conversation with Superintendent Wheeler on Tuesday, December 15th at 2:30 p.m. on Facebook live; visit the Berea City Schools website. Winter sports have been on hiatus and will restart on December 14th but plans could change day-by-day. Winter spirit week is December 14th through 18th with Monday being pajama day, Tuesday flannel day, Wednesday character day, Thursday red & green day and Friday ugly sweater day. My conversation with Superintendent Wheeler went very well, the decision made by her and the school board are not easy and one item stressed to me is how hard COVID-19 has been on the students, parents, grandparents, teachers and administration. One comment she made caught me off-guard is probably the easiest decision was in

Reports of Special Committees:**Berea Board of Education Representative, Mencini: cont.**

March when the Ohio Governor DeWine shut everything down, one decision schools are going remote. My response was yes because now this is day-by-day or week-by-week there was some burnout with some teachers Ms. Wheeler's assistant superintendent had to fill in a bit. This is not an easy and the schools are trying to do the best they can.

Technology and Innovation Council Representative - Poindexter

Mr. Poindexter reported the Technology committee met on December 2nd via Zoom with discussions of the municipal WIFI item that is moving closer to being presented to Council for consideration. The committee has all the information to bring a library partnership forward but still have some outstanding questions from WOW Internet. The committee reached out to Google fiber for possibility of using their technologies infrastructure and response received is that Google fiber is focusing on the cities they currently have services running and being installed in, door has been left open for future inquiry and outreach. The committee still has many items that have continuing discussions and researched. The committee is working very hard to bring Brook Park into the future and would like to commend the committee members for their hard work and dedication to the city; Tom Dufour, James Presley and Holly Klingler.

REPORTS OF BOARDS AND COMMISSIONS:**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:****REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Gammella reported the Christmas fireworks went well with the social distancing event and everyone remaining in their cars; kudos to Recreation Department staff for the outstanding job done. Kudos to my assistant, Tony D'Amico, County Councilman Dale Miller and County Council Executive Armond Budish for the grant money the city received in the amount of \$64,130.00. Most of those monies will be going into the recreation center for sprucing up during COVID-19 as well as the Ohio Cares Act funding the city received and won't cost any money. This Saturday Santa will be touring the city will have CodeRed notifying residents', drop your letters in the red mailbox located outside the recreation center and continue to give to Audrey's Food Bank there is a box for donations inside the recreation center.

Questions

Mr. Salvatore asked Mayor Gammella for an update on the police lateral transfer?

Mayor Gammella responded those discussions are on the table, that has gone from a non-issue to an issue; still in negotiations and that is being discussed.

Reports and Communications from the Mayor: Questions: cont.

Mr. Salvatore asked if there are any openings in police, fire or service departments?

Mayor Gammella responded a new firefighter has recently been hired but currently the answer is no running a tight ship as the city possibly can. There have been no layoffs anywhere in the and trying to keep people working, appreciate all employees for doing their job during this pandemic.

Mr. Salvatore continued looking at the \$1.2 million-dollars from the relief fund that has been approved for payroll and think if someone were to be hired this would be the ideal time, especially in the fire, police and service departments. Those employees are putting out a ton of work and probably overworked with COVID-19 and infected with the virus forcing those employees to be out of work and vacations. Think a good hard look should be taken to put on a few people in fire and police departments.

Mr. Mencini concurred with Mr. Salvatore with the monies received the safety forces and service department are stretched. Was told that a few people at the service department tested positive, not sure if true, but with bulk week coming up and if there is another winter storm like last Tuesday, the service department crews are in major trouble. Understand watching the budget but don't want to get stretched too thin. Receiving phone calls with motorists blowing through stop signs on Sylvania, Delores and Holland Roads; don't see the small signs informing motorists that cross traffic does not stop. Wanted to thank Mr. D'Amico for going above and beyond with some issues i.e. dumpsters in front of Brook Park Memorial.

Mr. Troyer thanked Mayor Gammella for the speed monitor indicators that would be placed on posts?

Mayor Gammella responded yes, that is what the grant monies are for.

Mr. Troyer continued appreciate that and look forward that coming through the safety committee to get that done. Would like to address the issues with the senior snow-plowing program and will schedule a meeting next week. Also, service crews did a great job during the recent winter storm but there were a few street snow plowing issues.

Mr. Orcutt thanked Mayor Gammella for the report and concurred with both Councilmembers Salvatore and Mencini about staffing issues that has been talked about since 2018 and thinks the city needs to increase staffing, especially in the service department. With the feasibility study it was reported in November the engineer received it and under review. Have you received that study from the engineer to date?

Reports and Communications from the Mayor: Questions: cont.

Mayor Gammella clarified the retention basin study?

Mr. Orcutt concurred.

Mayor Gammella responded no, have not but have discussed this with the engineer. There are few different items being looked at, quite frankly, a few ideas surprised me but nothing will be done without Council's input.

Mr. Poindexter asked has there been any progress on the natatorium roof and walls? Have any specifications been received on that project?

Mayor Gammella responded no, hasn't even been advertised putting that together with the law department, on the list to get done by the end of the year.

Mr. Poindexter continued with the adjustment of the appropriation ordinance hoping there would be consideration of adding a small amount to match-funds for the Cooper Foundation. For whatever donations the foundation receives for playground equipment the city could include \$15,000.00 in the budget to match funds and give incentive.

Mayor Gammella responded that can be discussed.

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS, AND OTHER PUBLIC OFFICIALS:****Recreation Director Elliott**

Mr. Elliott thanked for the mention of Christmas activities this past weekend and thanked all the residents that came out and supported the festivities. This weekend Santa will be touring the city and the red mailbox is out front and have seen children dropping of quite a few letters that are making their way to the North Pole. Wednesday, December 9th from 12:00 p.m. to 8:00 p.m. a public hearing will be held required by the application process of the supplemental grant to view the central park renderings, reason for the long time is to allow for attendees to walk through with social distancing.

Law Director Horvath

Mrs. Horvath reported the courts are starting to slow down due to the holiday season and COVID-19, look forward to giving a full report in January, 2021 on legal matters.

Service Director Garner

Mr. Garner reported the recent storm was not a big deal it was a lot of snow in a short time and will be dealing with the damage from snow and ice from tree limbs and such for quite some time, residents can put those items on the tree lawn. One chipper truck will be going around and chipping limbs and cleaning up safety issues for the next several weeks, call the service department to be put on the schedule

Reports and communications from departments, commissions and other public officials:

Service Director Garner: cont.

for pickup. Bulk pickup is next week on residents regularly scheduled rubbish day.

Engineer Piatak

Mr. Piatak reported a grant application was submitted last Friday to the Cuyahoga County Department of Public Works for some concrete repairs on Holland Road, between Eastland and CSX railroad crossing, the city submitted an application unsuccessfully last year. Notice was received earlier this week that the sewer district contractors will be inspecting and testing sewers on Snow Road. The split plat of Brookpark Memorial is completed along with the Mylar signed and submitted to the county for recording. With the Wedo-Wengler basin study would like to coordinate schedules with the Mayor to go over and discuss some of the findings of that study.

Finance Director Cingle

Mr. Cingle reported as the department works through the 2020 final appropriations any questions please contact. Two pieces are being introduced this evening; one being for the advancement of property tax revenues and also to increase the amount due to Signal Service for repairs to traffic signals.

Questions:

Mr. Salvatore asked Mr. Piatak to take a look at Holland Road between the railroad tracks and Michael Drive, complaints have been received about rough road and also the tracks.

Mr. Piatak responded will take a look tomorrow or Thursday morning, familiar with the area and know the asphalt is rutted severely on the west side of the tracks.

Mr. Salvatore asked Mr. Elliott is there an update on Kennedy baseball field will it be ready for usage this year?

Mr. Elliott responded the baseball field will be ready to go for the season, in November the warning track was completed, red-top dressing was put on the infield and put in the batter-box pads.

Mr. Salvatore thanked Mr. Garner for the response on the recent storm bringing down branches. Quite a few trees have severe damage and think those trees may have to come down. Is there a plan in place to remove those trees?

Mr. Garner responded crews will be working on that, the first phase is to make safety for the streets, sidewalks and trees are being noted if they need to come down it will be later this winter or early spring.

Mr. Salvatore asked any chance of taking some of them down sooner some are

Reports and communications from departments, commissions and other public officials: Questions: cont.

pretty bad.

Mr. Garner responded anything that is a safety issue will be taken down.

Mr. Troyer asked Law Director Horvath anything new with the airport litigation case.

Mrs. Horvath responded nothing new nor do I suspect hearing anything through the end of December.

Mr. Troyer asked Mr. Garner generally speaking wouldn't all streets and side streets be plowed prior to the recreation center parking lot?

Mr. Garner responded not necessarily because of the timeframe with the recreation center opening at a certain time and crews would get that done.

Mr. Troyer continued let me be more specific would the recreation center parking lot be plowed at for example 11:00 p.m. before the side streets were done.

Mr. Garner responded very well could be it's in a route; so when the route is looked into yes.

Mr. Troyer stated crews would plow the recreation center parking lot prior to side streets being done.

Mr. Garner responded depending on what route crews are in and finish the areas in that route; mains and secondary's when plow drivers are available, yes.

Mr. Troyer asked Mr. Piatak with the sewer testing on Snow Road is that both sanitary and storm?

Mr. Piatak responded believe the district was televising the sanitary.

Mr. Troyer continued with Mr. Piatak on the Wedo Park study that will be available to the Mayor by the end of the week?

Mr. Piatak responded no, I wanted to go over the report with Mayor to discuss some findings before finalized.

Mr. Troyer stated to Mr. Piatak a few weeks ago you mentioned the study being done and you just had to go over it; you're saying that still needs to be done.

Reports and communications from departments, commissions and other public officials: Questions: cont.

Mr. Piatak responded yes.

Mr. Vecchio asked Mr. Garner the plow routes are those not setup similar to police car zones, each having their own zone?

Mr. Garner responded yes, there are eight main routes, eight residential routes and the main trucks run the main streets i.e. Route 237, Snow Road, Brookpark Road, West 130th Street, Smith Roads have their own routes. In effect there are nine different routes.

OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):

Verbal Approval:

1. Annual payment to BoxCast - \$2,400.00

Motion by Mr. Poindexter, supported by Mr. Scott, to verbally approve BoxCast.

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

NAYS: None. The motion carried.

New Legislation:

An Ordinance amending Ordinance No. 11160-2020, the Appropriation Ordinance for the City of Brook Park and declaring an emergency. Introduced by Mayor Gammella. Placed in Finance committee.

A Resolution requesting the Cuyahoga County fiscal officer to advance tax revenues from the proceeds of tax levies pursuant to section 321.34 of the Ohio revised code and declaring an emergency. Introduced by Mayor Gammella. Placed in finance committee.

A Resolution strongly opposing Senate bill 352 and house bill 754, legislation proposing the repeal of section 29 of house bill 754, legislation proposing the repeal of section 29 of house bill 197, which would result in a myriad of unintended consequences through Ohio's entire municipal income tax system, cause a substantial loss of revenue that will impede the ability of municipalities to provide for the health, safety and welfare of municipalities to provide for the health, safety and welfare of municipal residents and businesses and thereby jeopardize the future economic growth of the State of Ohio and declaring an emergency. Introduced by Council as a Whole and Mayor Gammella. Placed in Legislative committee.

Mr. Troyer that's the piece that was moved from the Caucus Prior to meeting, correct?

Mr. Troyer responded yes, it is for me to introduce under emergency for Council to move to letter M on tonight's Council agenda.

Mr. Vecchio stated Council moved forward from the Caucus Prior meeting, doesn't need to appear under J.

Mr. Troyer stated has to be introduced at a Council meeting under J and Council votes to move to letter M.

Mr. Vecchio stated if you choose to do it that way that's find.

Mr. Troyer commented that is what the Charter reads.

Mr. Vecchio commented Council made a motion out of Caucus Prior to move forward with the amendments which would have put the legislation to letter M for First Reading.

Mr. Troyer stated objectively that's the way I wanted to do it so this argument wouldn't occur and wanted to introduce it. It's not an official piece until it's introduced and right now am introducing it's an official piece. Council can now vote to put in committee or under letter M.

Mr. Salvatore stated Point of Order.

Mr. Vecchio recognized.

Mr. Salvatore by Council-matic action it was already placed from Council by unanimous vote. If it will be done this way then it should be removed from this agenda and placed back on, it's already there. If Councilman Troyer wants to do it this way that's fine but it's perfectly normal to introduce something from the floor, it is already there by a vote of Council.

Mr. Troyer stated it's under letter J so Council must vote to move from letter J to letter M.

Mr. Salvatore stated it's not being introduced from the floor it's already there. If introducing from the floor remove from the agenda and start over.

Mr. Poindexter commented Council's motion from the Caucus Prior was to place under letter J.

Mr. Troyer stated for introduction.

Mr. Poindexter stated it's introduced and the motion should be to move to letter M, nothing should have to be removed.

Mr. Troyer concurred and stated trying to get along and do it right.

Mr. Vecchio stated it was assigned to committee by me just now, has a committee assignment. Now since the legislation was moved to letter J by Council-matic action this is Resolution No. 22-2020, title read in entirety.

Motion by Mr. Troyer, supported by Mr. Orcutt, to move to letter M under First Reading.

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

New Legislation:

An Ordinance authorizing the Mayor to issue and advertise for request for proposals for the listing marketing sale of commercial brokerage of land in the city of Brook Park and declaring an emergency. Introduced by Mayor Gammella. Placed in Finance committee. (Cedar Point Road).

An Ordinance authorizing the Mayor to issue and advertise for request for proposals for the listing marketing sale of commercial brokerage of land in the City of Brook Park and declaring an emergency. Introduced by Mayor Gammella. Placed in Finance committee. (Aerospace Parkway). Placed in Finance committee.

Amending Section 153.01(d) of the Brook Park codified ordinances entitled 'vacations' and declaring an emergency. Introduced by Mayor Gammella. Placed in legislative committee.

An Ordinance amending certain sections of Chapter 1361 of the codified ordinances entitled 'Property & Maintenance Code' and declaring an emergency. Introduced by Mayor Gammella. Placed in legislative committee.

A Resolution to issue a moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable any business that engages in Hookah use, also called Shisha and Nargile water pipe establishments known as bars or lounges for a period not to exceed twelve months from the effective date of this resolution, in order to allow the city administration, Council and the Brook Park Planning Commission to review applicable Ohio statutes, criminal codes and the Brook Park Zoning Code relative to such use and declaring an emergency. Introduced by Mayor Gammella. Placed in Legislative committee.

New Legislation: cont.

An Ordinance authorizing the Mayor to enter into a change order and the City of Brook Park for additional maintenance and repair work to our traffic signals incurred under Ordinance 11.162-2019. Introduced by Mayor Gammella. Placed in Safety committee.

A Resolution supporting and authorizing the submission of an application to the Cuyahoga County Department of Development for the 2021 Cuyahoga County Community development supplemental grant program to provide financial assistance for improvements to the Brook Park central park and authorizing the Mayor to accept any awarded grant funds and file all documents and execute all agreements necessary to receive any awarded grant funds and declaring an emergency. Introduced by Mayor Gammella. Placed in Recreation committee.

Correspondence

Correspondence from Brook Park resident, Ralph Lohn, was read into the record and on file in the Council office.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:****INTRODUCTION OF ORDINANCES AND RESOLUTIONS: FIRST READING:**

1. ORDINANCE NO. 11175-2020, TO PROVIDE FOR THE TEMPORARY APPROPRIATIONS OF THE CITY OF BROOK PARK, STATE OF OHIO, FOR THE THREE MONTHS ENDING ON MARCH 31, 2021 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Troyer stated would prefer having a small roads program to start early next year or in the spring on this budget. The engineer states every year that it is hard to get items done because by the time Council passes the final budget and capital improvements and the bidding process it's going into fall season and have a hard time getting these projects done. Reiterated having a small roads program with this budget with capital included for roads.

Mr. Mencini agreed with Mr. Troyer and speaking with the Mayor and finance director, should be quicker with some of these items, hopefully with next year's budget some roads need to get done along with other things that need to be looked at also.

Mr. Orcutt concurred with colleagues about the roads but am going towards flooding relief, Ward 3 needs it.

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

Mr. Vecchio commented this is the temporary budget getting the city through March.

Mr. Vecchio stated Ordinance No. 11175-2020 has had its first reading.

2. RESOLUTION NO. 21-2020, STRONGLY OPPOSING SENATE BILL 352 AND HOUSE BILL 754, LEGISLATION PROPOSING THE REPEAL OF SECTION 29 OF HOUSE BILL 754, LEGISLATION PROPOSING THE REPEAL OF SECTION 29 OF HOUSE BILL 197, WHICH WOULD RESULT IN A MYRIAD OF UNINTENDED CONSEQUENCES THROUGH OHIO'S ENTIRE MUNICIPAL INCOME TAX SYSTEM, CAUSE A SUBSTANTIAL LOSS OF REVENUE THAT WILL IMPEDE THE ABILITY OF MUNICIPALITIES TO PROVIDE FOR THE HEALTH, SAFETY AND WELFARE OF MUNICIPALITIES TO PROVIDE FOR THE HEALTH, SAFETY AND WELFARE OF MUNICIPAL RESIDENTS AND BUSINESSES AND THEREBY JEAPORDIZE THE FUTURE ECONOMIC GROWTH OF THE STATE OF OHIO AND DECLARING AN EMERGENCY. Introduced by Council as a Whole and Mayor Gammella.

Mr. Salvatore requested the 'Whereas' be read to be on the safe side due to being posted on the Caucus Prior to agenda and not the Council agenda.

The clerk read the 'Whereas' and two sections into the record.

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

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

Motion by Mr. Mencini, supported by Mrs. Schmuck, to adopt.

ROLL CALL: AYES: Mencini, Schmuck, Scott, Orcutt, Troyer, Poindexter, Salvatore
NAYS: None. Resolution No. 21-2020, has passed under Suspension of the rules as amended. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 11173-2020, AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH DRIVEOHIO AND DECLARING AN EMERGENCY. Introduced by Councilman Poindexter.

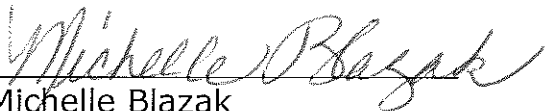
Mr. Vecchio stated Ordinance No. 11173-2020 has had its Second Reading.

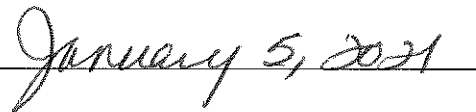
THIRD READING OF ORDINANCES AND RESOLUTIONS:

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

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

Council President Vecchio declared this meeting adjourned at 9:42 p.m.

RESPECTFULLY SUBMITTED 
Michelle Blazak
Clerk of Council

APPROVED 

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

4,397 words

