

PLEASE NOTE: Due to technical difficulties on both February 9, 2021 and February 23, 2021 City Council by **motion** moved this meeting to Friday, February 26, 2021 at 5:00 p.m.

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, FEBRUARY 26, 2021**

The continuation meeting of February 23, 2021 was called to order by Council President Vecchio at 5:00 p.m., the clerk called the roll and the following Members of Council answered:

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

Also in attendance were Mayor Gammella, Law Director Horvath, Finance Director Cingle and Economic Development Commissioner Adams.

Mr. Salvatore confirmed that meeting notices were properly posted and media was contacted so there is no question.

Mr. Vecchio responded everything was properly posted as a continuation of Tuesday, Council moved Tuesday's meeting due to technical difficulties by roll call and reconvene at 5:00 p.m. with notifications being sent to the media by the clerk.

Mr. Mencini stated thanked Mayor Gammella for the emergency items that happened during the snowstorm and cold.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Caucus meeting held on November 10, 2020.

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

ROLL CALL: AYES: Poindexter, Mencini, Salvatore, Orcutt, Schmuck, Scott
NAYS: Troyer. The motion carried with a vote of 6-1.

2. Regular Caucus meeting held on January 12, 2021.

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

ROLL CALL: AYES: Poindexter, Schmuck, Scott, Orcutt, Mencini, Salvatore
NAYS: Troyer. The motion carried with a vote of 6-1,

Motion by Mr. Troyer, supported by Mr. Poindexter, to go out of the regular order of business to item three and put item two following.

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

FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT EXTENSION WITH THE FRATERNAL ORDER OF POLICE LODGE NO. 15 (PATROL OFFICERS) AND MEMORANDUM OF AGREEMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Finance committee – Chairman, Scott: cont.

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT EXTENSION WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (CITY OF BROOK PARK POLICE SERGEANTS AND LIEUTENANTS) MEMORANDUM OF AGREEMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Motion by Mr. Troyer, supported by Mr. Orcutt, that items one and two were discussed.

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

NAYS: None. The motion carried.

3. A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE HOUSING COUNCIL ON THE CITY OF BROOK PARK'S COMMUNITY REINVESTMENT AREA (CRA) AGREEMENTS AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated the housing committee met and approved the list by unanimous vote.

Mr. Adams stated there are two new additions to the list from last year, one is for residential \$90,000.00 improvement tax-abatement. The other is for the Brook Park Wash Investments, LLC; Zoom Car Wash for \$1.163,401.00 dollars with both being the abatement to date.

Mr. Troyer asked if any representative from the building department is in attendance?

Mr. Adams responded all of the complete list was approved by the building department as far as being in compliance with city codes.

Mr. Troyer continued that would have been my question that they pass the inspection and would feel better having the department head telling Council, not that it really matters that much but it does. Would be better the department head telling that his staff inspected it and everything was fine personally. I looked at the ones in my ward and they seemed fine with one being a brand new house, which is great I'm good with this.

Mr. Mencini stated being a Council representative to the housing Council we did ask some questions that Mr. Adams answered and know he did his due diligence with the building commissioner. Agree with Mr. Troyer would have been great for the building commissioner to be in attendance. Mr. Mencini asked Mr. Adams for an explanation of what the housing Council does and their purpose, some people misinterpret this a little bit.

Mr. Adams stated the housing Council's purpose as set up under the ORC (Ohio Revised Code) requirements is to review all the community reinvestment act program attendees. In this case the city is now at 16 businesses mixed with residential properties that are

Finance committee – Chairman, Scott: cont.

involved with this. The housing Council reviews making sure they've been inspected and passed; any code violations have been noted and worked out. In this case all these are in substantial position and great condition. The housing Council also reviews the data that I supply is correct and in compliance with state law and Brook Park ordinances.

Motion by Mr. Salvatore, supported by Mr. Orcutt, to place on the next Council agenda.

Mr. Troyer asked if Tuesday's agenda will have to be amended because the agenda is already distributed, or put at a future meeting?

Mr. Vecchio responded Council would have to do an Addendum or move to future meeting all depends if it is time-sensitive.

Mr. Adams responded it is and if possible to be on Tuesday (March 2nd) agenda would greatly help the city with the state recording requirements.

Mr. Salvatore **rescinded** his motion.

Mr. Orcutt **rescinded** his support.

Mr. Troyer commented still has to be posted, the issue is with being posted.

Mr. Scott commented could have an addendum?

Mr. Vecchio concurred.

Mr. Troyer stated again, has to be posted whether on the Caucus or Council doesn't really matter.

Ms. Blazak stated Addendums have never been posted as long as I've been here because it's something being added to the agenda.

Motion by Mr. Salvatore, supported by Mr. Orcutt, to place on the Caucus Prior to agenda under discussion.

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

LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. AN ORDINANCE ENACTING CHAPTER 551 OF THE GENERAL OFFENSES CODE OF THE CITY OF BROOK PARK ENTITLED 'CHRONIC NUISANCE PROPERTY' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated this for stricter enforcement purposes for city ordinances was

Legislative committee – Chairman, Mencini: cont.

by the building commissioner and city prosecutor and think for Council as well when there are maintenance issues the city needs to make sure those issues can get resolved, this will allow them to do that.

Mr. Orcutt stated to Mr. Mencini I think you made a good point with the building commissioner being in attendance and thanked the Mayor for explanation of the ordinance. Would like to have the building commissioner give Council his opinion and explanation on how this ordinance will work for his department.

Mr. Troyer concurred with Mr. Orcutt and stated have some issues with this but will wait for someone to explain how this will work because I think the city may be crossing some fine lines that we don't want to cross. Would like someone to come forward and tell me how this is going to work because the way I'm reading it not happy with it. Know we have to do something with these issues but, again, how will this be enforced, how will it actually work, Mayor can answer or wait for the head of the building department, either way.

Mr. Mencini stated as with the few ordinances of mine in legislative tonight and would like to thank Council and residents for calling me with pros and cons. Received a lot of good compliments and a few that are not in favor but gave good suggestions. Sometimes people will watch a meeting and only see the headlines not seeing the underlying items and judge the headline. Sometimes, there may be a little more reason for or there is a lot more to it but won't beat that up all night.

Mayor Gammella stated I'm trying to trying to help Council do their job and this would help the building commissioner and prosecutor expedite properties that are unsightly. If you notice these are chronic nuisances if Council wants to wait until next Tuesday and have the building commissioner that's fine.

Mr. Mencini commented don't think we're saying Council is against what is being brought forward but would like get a clear explanation, exactly what it is, why and have questions. As Councilmembers we get a lot of phone calls and this way Council can talk to the building commissioner and makes it little easier for the public to understand.

Mr. Poindexter stated I like this piece and as Council knows a lot of times the same calls are received over and over about the same house whether it be drug activity, disrepair or disobeying animal ordinances. Think this will help Council do our jobs with people who are a continuous nuisance to their neighbors. Do respect colleagues opinions and want to ask questions but don't want to move forward on this tonight, but am in support.

Mr. Scott asked if another Addendum needs to be added for Tuesday.

Mr. Vecchio commented Council if you're going to have the building commissioner and

Legislative Committee - Chairman, Mencini: cont.

possibly a lengthy discussion my suggestion would be put this on the March 9th Caucus agenda.

Motion by Mr. Poindexter, supported by Mr. Orcutt, to place the legislation on the March 9th Caucus agenda.

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

2. AN ORDINANCE AMENDING SECTION 351.13 OF THE BROOK PARK CODIFIED ORDINANCES AND DECLARING AN EMERGENCY. **(Parking of Commercial Vehicles)**. Introduced by Councilman Mencini.

Mr. Mencini stated this legislation is one that has been seen and respect my Council colleagues that have helped me on this piece also the building and law departments and few residents. One of the reasons to run for Council since 2013 is to make Brook Park a better place and a lot of times it's hard to do with making decisions that affect people. Brook Park is a blue-collar town and a lot of people bring vehicles and trailers home some are very good about this and there are some that are not. There are a lot of times Councilmembers hear from unhappy residents about this not looking good and vehicles being rusted. One resident tells me that one neighbor has a few landscaping trucks parked on a concrete driveway on the side of the house, looks very nice, then there is a resident that brings home four or five trucks. The building department can only catch so much and enforcement is a big issue on this. There are ordinances on the books and what I wanted to do is maybe upgrade making it fair for everyone and we're not going to please everybody. We have to have that kind of community and can't have it where anything goes with some yards look like a junk yard and the next houses looking beautiful.

Mr. Troyer commended Councilman Mencini for bringing this forward and have talked about this many times I have one property that is a problem in my ward; there is more than that but one that is a significant problem with these issues. What we don't want is someone basically running an HVAC (Heating, Ventilation and Air Conditioning) out of their house. Or part of one parking many company vehicles in their yard for employees to come and park their personal vehicle on the street and take the work vehicles and then bring them back, stuff like that we don't want. Having a person bring one work truck home I don't see a big problem with that Council can put stipulations on that, actually don't have that now. This legislation does need to be amended but the way this reads is not what we want this is so strict the way I read it. My suggestion would be that this legislation was discussed and get together for wording that we all like to be presented to the law department to be put into an ordinance.

Mr. Scott stated to Mr. Mencini we spoke on this and have received calls on a few medium-sized construction vehicles parked in driveways and was told they are

Legislative committee - Chairman, Mencini: cont.

grandfathered in and didn't know the city had that. Is that an actual item that these trucks are grandfathered in? Don't see how that can happen but I like the piece and have had calls on parked commercial vehicles considered a safety issue with extending onto the driveway apron and blocking the view of the roadway. Suggested placing back in committee for tweaking and don't think a motion it was discussed and defeat it. Think it's a good piece and it is strict, sometimes you have to be strict.

Mr. Poindexter agreed with both Mr. Scott and Troyer on this think it is strict and should be strict for trailers, big trucks and things of that nature; would not like to include vans or pickup trucks with commercial tags, I think that would be going too far. Because people use every day at their job and park in their driveways as a convenience, as Mr. Troyer said they don't have to go back to the shop. Even I sometimes if working for a company that provided a tool truck I will park in my driveway to save time in the morning. Would not like putting that restriction on city residents taking that convenience away if it's an everyday normal type of vehicle like a van or truck. Suggest placing this back in committee to make that exemption for those types of vehicles.

Mr. Mencini stated there is a weight-limit and the reason brought up is it is strict and thought Council could work with it.

Mr. Scott commented there is a 6,000 gross vehicle weight (GVW) limit in this legislation, 6,000 pounds is a good weight allowance.

Mr. Poindexter clarified the way the legislation reads it basically says 6,000 pounds like an and/or so if it's less than 6,000 pounds and meets any of the other requirements it's still in violation of this legislation.

Mr. Mencini stated Council we have to remember it comes down to enforcement also, that's a big thing with many codes, ordinances and rules in the community.

Mr. Orcutt thanked for the time spent on this and think we have very good discussion about this and shared what you wanted to do with this. Agree with not making the motion that this was discussed I think put back in committee and get together as soon as possible to start working on this. Do think this is important and the Mayor and I had a big problem on Smith Road where a gentleman with a moving company had 26' box-trucks parked in the driveway and not being able to get the family vehicle in the driveway, parking across the front lawn. Know there are not a lot of these problems around but when there are these issues think if we have the proper ordinances it will definitely help the police officers and building department.

Mr. Vecchio stated to Mr. Mencini we have spoken on this and continuing to work this piece from current format forward is probably the best solution I see. It definitely does have some great teeth and just needs some fine tuning is necessary. Commend Mr.

Legislative committee - Chairman, Mencini: cont.

Mencini for bringing this forward.

Mr. Mencini commended his colleagues for working with me on this.

Mr. Troyer stated in my opinion this is too far gone, just a few points to make. If you read and understand this if Council were to pass as is whatever remodeling company to remodel a bathroom will take a couple of days. The way this legislation reads now just a van has to come to a house in the morning to drop off materials and tools take that van and park in another city somehow get back to the job work on the job all day then go back to the work vehicle back to the load up the tools and do the same every day, that's how this reads currently. Number three (3) residential properties applies to a semi-trailer so there is a lot...

Mr. Mencini interjected have you ever known in the City of Brook Park what you just stated to be enforced?

Mr. Troyer responded we're talking about this legislation.

Mr. Mencini continued I'm asking you as I stated to Mr. Poindexter...

Mr. Troyer continued I'm talking about this ordinance the amended part is how that reads.

Mr. Mencini continued we can work on that.

Mr. Troyer stated think it's a little worse it's not just a few changes. I have something in mind basically saying except that certain vehicles not exceeding this size would be allowed one per person on the lease or per homeowner; if a husband or wife both work at the same company each can have one but no more than that, no other adults in the family and that kind of thing. If you really read and understand these amendments are not good. Again, this needed to be done and realize this isn't exactly what you wanted Mr. Mencini and I want to get this right so it's all good.

Mr. Scott stated this is the first time this legislation is being discussed, correct?

Mr. Mencini concurred.

Mr. Scott continued again, just for clarification, there was no move to pass this legislation and you were going to make a motion to place back in committee and work on it. Don't know where we were going to pass this legislation if Council puts in committee that's what is for. Put in committee...

Mr. Troyer - Point of clarification.

Legislative committee - Chairman, Mencini: cont.

Mr. Scott - what is it sir?

Mr. Troyer - you're not the chairman.

Mr. Mencini - would like to hear myself, point of clarification.

Mr. Troyer - I never said we were going to pass this.

Mr. Scott - yes, you did sir.

Mr. Troyer - I said if we were going to pass this, was just an example.

With Mr. Scott and Mr. Troyer talking over each other hard to transcribe what is being said.

Mr. Mencini - let's move on, thank you.

Mr. Scott - placing back in committee let's work on it, this is the first time it was brought out and we'll work on it, there's no need to defeat, put in committee and work on it. That's all I have.

Mr. Vecchio - Mr. Scott took a little thunder, just going to say this is a work session. This piece of legislation being proposed is not even active legislation, it's a working, living document right now. Putting into committee and continuing to work on it is what Caucus is about. We're going back and forth and it's really simple with anything like this. If you don't like it, you vote no; if you like you vote yes. To continue bantering back and forth of what your personal feelings are doesn't really matter. It's simple with the legislation it can still be worked on there's no ordinance number associated with this so it's not enacted, it's a working piece continue to work on it. That's all I have.

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

Mr. Troyer - thank you Mr. Chairman, I'm going to vote yes on this that's fine if that's what Council wants to do. Remember this is an amending an active piece of legislation.

ROLL CALL: AYES: Orcutt, Scott, Schmuck, Troyer, Mencini, Poindexter, Salvatore
NAYS: The motion carried.

Mr. Troyer - thanks everyone for telling me something different on the phone.

Legislative committee - Chairman, Mencini: cont.

3. AN ORDINANCE AMENDING SECTION 1366.03(b)2 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'VACANT PROPERTY/BUILDING REGISTRATION' AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini.

Mr. Mencini stated the same with this, I have a good reason for bringing this forward actually many reasons for bringing this forward. Have heard from many of my colleagues and am looking for my colleagues to work with this with me, as with any piece that I would be brought forward. One of the items with this is and did discuss with all of you; after looking at this and obviously this was supposed to be brought forward two weeks ago. Even before that I look at this as being really in my heart is getting on residential, the reason being is and again enforcement lies on this too. If there is a vacant house, vacant property and let's say the door is open, gets broken into or catches fire. Just say the family or landlord lives in Arizona what are you going to do, this has happened to me three weeks ago on Delores, on a Friday around the time of this meeting. A resident called me the next door neighbor has two windows open and it's very cold. Jim, don't know what to do the son is in West Virginia and his buddy won't be here until tomorrow. So I had to go over there thank goodness the window shut pretty easy and were able to handle it that way. There should be a contact person for everybody i.e. police, building departments the city can contact somebody can get there at that point. Whether be an agent or a person they can rely on and say I can help with the problem, sometimes they can't get a hold of the person who owns the home, even if. I put the six-mile radius and a couple of members said 50 miles and think that's a good thought but my thought is that will be 50 more reasons for them to not come. Six miles is not that far and other cities have done this, again, hope this goes back to committee for more work and want my colleagues input on this. Wanted residential in here too because you don't it's going to happen but it does happen. Back during the housing crunch there were many foreclosures and even neighbors didn't know who were living there or who owned them.

Mr. Scott stated I can verify and confirm with you with trying to find property owners, I went through that with two properties last year one with the owner living in Arizona and super hard to get a hold of and the other property owned by the bank. I talked to you about this and like it and think there should be somebody in close proximity to be able to take care of the slamming door hitting against the house, windows open or something broken, the city needs someone to be able to contact and get out there as soon as possible. Six miles as I told you totally agree with you on this one, like it and glad you brought it up. As mentioned, went through this last year and can be a total pain trying to get a hold of these people.

Mr. Poindexter stated let's say that person does live within six miles but go on vacation or working out of town. What is the protocol then?

Mr. Mencini responded most of the time when people go out of town they have family member to take care of the mail, the dog and take care of that ahead of time. This is for

Legislative committee - Chairman, Mencini: cont.

the ones and know you're an at large Councilperson but the ward Councilmembers get once in a while. Don't know the person think it's a renter the landlord is somewhere it's a good question and most of the times with this it's generally covered.

Mr. Poindexter continued we spoke on this and was kind of more in favor of the bigger radius we want people to not be afraid to invest in the community, want people to feel comfortable investing in our community whether they own commercial and may live in Chagrin Falls, Solon or live outside of the six-mile radius and don't want to hinder investment in our city and think the six-mile radius might hinder that. Obviously, big companies or investment companies may have managers in the area that can keep an eye on the property but the little guy wants to invest we want to encourage him too, that's why I suggested the 50-mile radius. If there was an emergency to get here within an hour with a door banging one hour isn't really going to hurt.

Mr. Mencini interjected quick points Councilman, I brought these forward and studied on them and good communities have these. If someone is going to buy a property here we want them here but also want you to take care of your property, that's what the job is of a homeowner, business owner, or any type of landlord.

Mr. Poindexter continued don't disagree with that but as I said a business man lives in Solon and wants to open a shop in Brook Park he may look elsewhere if he has to live within six miles; won't relocate his whole family.

Mr. Mencini interjected it's not live within six-miles, think you don't understand, it's if they go to Arizona or move they have a representative or agent they can get there.

Mr. Poindexter interjected - says right here reside within a six-mile radius of the city limits.

Mr. Mencini commented an agent that will reside. We could put this in committee and work with this as the Council President said this is a work session.

Mr. Poindexter stated just letting you know my thoughts and think expanded radius. I like the piece and think it's definitely well intended just don't want to limit the city to a small radius, want us to pull whatever resources we can from the far reaches of our state if we can.

Mr. Orcutt stated we have discussed this as well and appreciate the time on that and letting me know what your intent was with that.

Mr. Troyer stated again, won't vote to put back in committee only because and again Mr. Mencini another good piece, I don't agree with the six-mile think it should be a larger area. Generally, it's going to be a property matter and that's the only reason I see with

Legislative committee - Chairman, Mencini: cont.

what you had. The reason I won't vote to put this back in committee and the only way to go is to have that it was discussed is because it's not presented properly for amend according to the Charter as to how to amend an existing ordinance. For that reason, will not vote to put back in committee needs to be defeated and rewritten according to the Charter.

Mr. Mencini thanked Mr. Troyer for talking with me on these, giving your opinion and the help with these too.

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

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

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

Mr. Troyer stated Mr. Chairman, very quickly, that's page 13 of the Charter 4.08 #2 third paragraph.

4. 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 KNOWN AS CALLED SHISHA AND NARGILE, A WATERPIPE) 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.

Mayor Gammella stated this speaks for itself and Council this is an issue that is before us and sooner or later will have to be addressed.

Mr. Scott asked is there have been any properties looked at that could cause problems down the road if Council passes this, anybody looking at any properties right now?

Mayor Gammella responded don't know of anyone looking at a property right now who wants to put a Hookah bar in there.

Mrs. Horvath stated my understanding is there was one spot on Smith Road that was looking at doing a Hookah bar and changed their mind. They are looking to put in a spa and a hair salon in that building. It is also my further understanding that I believe permits were issued for this type of business for a building on the corner of Henry Ford Boulevard and Brookpark Road. Since that process has begun and permits issued that business would be grandfathered in. This legislation would not apply to that business would only apply to businesses going forward. The answer to the question is yes, there

Legislative committee - Chairman, Mencini: cont.

were two buildings looked at; one has already received permits and is in progress that would be grandfathered in. The other building the people shifted and changed their minds and looking at other businesses; my understanding there are no other parties looking at doing something like this in the city at the present time.

Mr. Scott commented thought there were some interested parties.

Mr. Poindexter stated to Mrs. Horvath these types of businesses aren't governed by the State of Ohio's 'No Smoking Laws? I didn't know smoking was allowed at all in public buildings.

Mrs. Horvath responded don't think they are public buildings think they are private buildings that are purchased for the use of this particular type of purpose. I know certainly can't smoke in public building but if buying your own building and want to have this type of business, guess it is fairly common in this community to have this type of business.

Mr. Poindexter stated if you have a business and welcoming the public in doesn't that make it a public building; like a bar that's a private business and can't smoke in a bar because of the Ohio codes.

Mrs. Horvath stated that's true but the central point of this business is to engage in this type of conduct. Your point is well taken and will go ahead and see how this affects items with the health department and make sure Council has something before the next time this is scheduled for an agenda.

Mr. Troyer stated have a problem with the 12 months would like to have for six (6) months but think we do need to have some rules and regulations on this type of establishment. Funny this was introduced two months ago and probably could have come up with some rules by then. In the meantime, you could just take whatever rules we have for liquor establishments and what we had for Internet cafes for a little while. It's not that hard to come up with this stuff and take what we have for liquor establishments and Internet cafes take what works i.e. distances and whatever and do this. We should have it and don't have it yet so let's put a moratorium on it but why a year, is my question? Why aren't we getting these things done it needs to go to Planning and we need to get these regulations in place, bring to Council for tweaking and passage. I'm sure everyone here is interested in having some type of regulations on this, okay with passing this tonight and would like to make the motion to change the 12 months to six (6) months.

Motion by Mr. Troyer (see page 15)

Mr. Mencini stated before you go with that motion, Councilman, I would like to say

Legislative committee - Chairman, Mencini: cont.

something, is there anybody else that would like to give their expertise? Councilman Orcutt.

Mr. Orcutt - thank you Mr. Chairman.

Mr. Troyer - Point of Order.

Mr. Mencini recognized.

Mr. Troyer - I made a motion and you have to wait for a second and there was no second then you go to somebody else. A motion is a motion it's not to... **Note:** unable to transcribe with Mr. Mencini and Mr. Troyer talking over one another.

Mr. Mencini - we could do that...

Mr. Troyer - my motion is...

Mr. Mencini - it's kind of, it's Caucus, it's Caucus, it's my meeting and this isn't the Council meeting and I'm going to kind of run it and my committee the kind of the way I want.

Mr. Troyer - you have to run it according to Robert's rules if what you have to do, according to our Charter.

Mr. Mencini - that's fine.

Mr. Vecchio - Council, hang on.

Mr. Mencini - Councilman Orcutt, the floor is yours. Council President we're good, we're good. Councilman Orcutt.

Mr. Orcutt continued thank you very much Mr. Chairman, I just wanted to touch base with Madam Law Director. Whatever you do find out if you could forward that information to me as well because when this subject did come up. I started researching some of it from the state level and some of it wasn't clarified with all the stuff that I did read. Looks like there may be additional permits that they have to apply for to be able to smoke in that type of business and saw that there is a lot of stuff you're probably going to research. If you could just forward that to me as soon as you get that as well, pretty interested in finding out myself on that.

Mr. Mencini asked Mr. Orcutt is that in the form of a question to the law director?

Mr. Orcutt responded just a request for her to share with me as soon as she gets it.

Legislative committee - Chairman, Mencini: cont.

Mrs. Horvath commented I just quickly want to respond and will certainly forward to all of Council. Also wanted to note too in one of the 'Whereas' there is a consideration of COVID-19 and the nature of this particular business. We're still in the midst of the pandemic and I think that is a factor with regard to the moratorium. I will certainly send everyone my findings and information to all of Council and will also copy the Mayor's office.

Mr. Vecchio stated to Mr. Mencini, looking through think it's a great piece the only think I'm not aware of but research as sitting here. Is that you must be over the age of 18 or 21 with the new laws and think that should be added to the legislation; to make sure the age is appropriate. Obviously, there may be times when police officers are called to convene on those places having someone in there underage.

Mr. Poindexter - Point of clarification.

Mr. Mencini recognized.

Mr. Poindexter asked is the Council President suggesting an age be put in the moratorium or in the regulations when those are drafted?

Mr. Mencini and Mr. Scott concurred regulations.

Mr. Vecchio commented I would say regulations and both if need be, whichever way you're going so everything is there and ready to go. You're going to use this to stave it off why not make it full-proof to that piece, at that point don't think it would hurt.

Mr. Scott stated with the law director's research she may come up with permitting and things like that. It may be a state regulation so Council wouldn't have to add to ours if it's a state regulation, ORC.

Mrs. Horvath responded certainly if it's in the state code it probably wouldn't be needed to be added but could if we wish. We may be able to tweak our legislation to perhaps a little stricter or clarify it and that's an important point because. In addition, to COVID-19 we're all concerned with young people and the effect of smoking and different problems that can create. Whatever the state has we would need to go with and there is a possibility of being a little stricter.

Mr. Vecchio stated it's not so much that but in that point and the reason I say this is because the law director pointed out that the city has some applications for these establishments already that would be grandfathered. So that legislative portion of that needs to be worked upon to be put on the books so Council and the city are covered.

Mr. Mencini stated Councilman Troyer has a **motion** by Mr. Troyer, supported by Mr. Poindexter, not to exceed six months.

ROLL CALL: AYES: Troyer, Poindexter,

NAYS: Mencini, Orcutt, Schmuck, Scott

ABSTAIN: Salvatore. The motion failed with a vote of 2-4 and 1 abstention.

Mr. Mencini stated to Mayor Gammella like this piece and have spoken before on this and do agree with colleague Mr. Troyer in the aspect that we have to move on these a little bit sooner. Don't want to be that city having one on each corner and think with businesses we can do better. Thought the law director did make one good point when basically she said not yet because there is one proprietor that told me he's looking and it's almost in the heart of our city. I don't get shook up too much but with that one is this where we're going and what we need? The other thing I'd like to bring up is when the finance director was asked what does the city make on these that will not rock the boat and believe we have to strive to do better.

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

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

NAYS: Scott, Orcutt

ABSTENTION: The motion carried with a vote of 4-2 and 1 abstention.

Mr. Vecchio - Point of clarification.

Mr. Mencini recognized.

Mr. Vecchio - the next Council agenda is that March 2nd or March 16th, Mr. Troyer?

Mr. Troyer - March 2nd.

Mr. Vecchio - so you would like this as an Addendum?

Mr. Troyer - yes, it needs to be passed.

Mr. Mencini - okay.

Mr. Salvatore - Mr. Chairman.

Mr. Mencini - go ahead Councilman Salvatore.

Mr. Salvatore - my question would be through the chair to Councilman Troyer. You objected to the other piece going on an agenda not prepared but this one you make the motion to do the same thing you objected to. How are we going to get this to the March 2nd agenda?

Legislative committee - Chairman, Mencini: cont.

Mr. Troyer - we're going to have to post an Addendum. I'm not the one, we knew we were going to have this meeting and I'm not the one that posted Tuesday's meeting before we had this meeting. So whatever we have to do to post it and get it on that meeting we should do, even if have to call a special meeting.

Mr. Salvatore - thank you Mr. Chairman.

Mr. Mencini - thank you Mr. Salvatore, I'm going to come back to you Council President in a minute, we'll be all done with the legislative. Mr. Mencini stated the moratorium engaging in hookah use will be on the next Council agenda. Do I have a date on that Ms. Blazak?

Ms. Blazak - my understanding is March 2nd, we're going to do an Addendum and have it posted.

Mr. Mencini - okay, you're understanding is well taken, Council President that's all we have with the legislative, back to you.

Mr. Salvatore - I would just like to know why we're going to use two separate procedures. That's why it seems like we don't get anything done when going into different directions. Two different methods are being used for the same meeting to accomplish the same thing. Why don't we just do both pieces the same way?

Mr. Vecchio - that would be my suggestion also, unfortunately, Council, you guys, just voted to put this piece on the Council agenda for Tuesday night. That's why I wanted clarification as to what is was that was being asked. My suggestion as the chairman is because this is going to go to the next Council agenda and what are rules are with our postings. Your Council rules state that the time in which an agenda must be posted fully states. There is nothing in there that says anything about a provision because we have a meeting moved; our Tuesday agenda is already made and put out. Nobody said anything about any items and moved forward. Now Council the correct procedure was the initial one going on the Caucus Prior to that was done with the previous piece of legislation. Now we've come to a complete circle in wanting to put this on the Council agenda which I believe that Council agenda should be the 16th, not the 2nd.

Mr. Salvatore - the motion was the next Council meeting it's not eligible for the 2nd then it must be moved to the 16th.

Mr. Vecchio - as I look at it, as the chairman I and Council in this case; as the chairman and as the administrator of this office I am putting this on for the 16th. This will be on March 16th because that is the next Council agenda.

Mr. Poindexter - you are out of bounds there; you can't do that.

Mr. Troyer - Point of order. You can't state, you can't change what Council voted.

Mr. Vecchio - Hold on.

Mr. Poindexter - we voted already, we already voted.

Mr. Vecchio - Council voted to go to the next Council agenda.

Mr. Poindexter - 3-2.

Mr. Troyer - we clarified that it was Tuesday's meeting.

Mr. Salvatore - I didn't get into this dialogue to create any friction amongst Members of Council. If you would once you make the decision where it's going to go please let me know. Because there are other things that have to be done.

Mr. Poindexter - this isn't a debate, Council made that decision we voted on it.

Mr. Salvatore - when you get the floor, Mr. Poindexter, you can respond but right now.

Mr. Vecchio - Mr. Poindexter, Mr. Poindexter, I will ask you to mute until it is your time and your hand is raised to speak. Mr. Troyer you will wait until next. Mr. Salvatore continue.

Mr. Salvatore - all I wanted to do is bring it to the attention of everyone to make sure we're doing the same thing over and over again the right way. That's all I'm trying to accomplish I'm not trying to get into a debate he said-she said. What method are we going to use? We should be using the same method every time so for a Point of Clarification I want to get that area cleaned up. Thank you Mr. Chairman. Go ahead Mr. Poindexter.

Mr. Vecchio - Tom.

Mr. Troyer - Thank you Mr. Council President. As I kind of eluded a bit earlier the way to fix this is for Council now to vote to have a special meeting on the 2nd following the presently Council meeting. Have a second Council meeting for the 2nd and place the two items one that was placed on Caucus on the 2nd and one that was placed on the regular Council meeting on the 2nd, place those two items in that special Council meeting. That would be my motion.

Mr. Vecchio - Tom, weighing in, that motion really doesn't make much sense because an item has been put on the Caucus Prior to which is fine because it's a discussion item. It's a discussion item that no legislative action is going to take place on unless it's moved forward to Council; where everything takes place. Now we have taken, you've wanted a

piece now which circumvents that initial one to go directly to a legislative action, you've asked for it to go for action. Which the next Council meeting that is scheduled because the other one was already scheduled the agendas are done. The agendas are complete for Tuesday that meeting is already set; the next Council meeting would be the 16th. To keep it legislatively correct.

Mr. Poindexter - Point of clarification.

Mr. Vecchio - Brian, what's your point.

Mr. Poindexter - at the beginning of this meeting when Councilman Salvatore made a motion to place on the next Council agenda meeting, the 2nd, you didn't tell him then that he couldn't do that. You were...

Mr. Vecchio - he put it to the Caucus Prior to.

Mr. Poindexter - you were perfectly comfortable. No he rescinded his motion we can go back in the tape and can look. He rescinded his motion he voluntarily rescinded his motion to place.

Note: unable to transcribe due to Mr. Vecchio and Mr. Poindexter talking over each other.

Mr. Mencini - gentlemen, gentlemen.

Mr. Poindexter - I got the floor, give me my time.

Mr. Vecchio - you're asking me a question; I'm answering your question.

Mr. Poindexter - I'm not done asking my question you can respond when I'm done.

Mr. Vecchio - Brian, Brian.

Mr. Poindexter - No, time out it's my point of clarification. He rescinded his motion and then he made another motion to put on the Caucus Prior to which also that agenda has already been set. So that's already in violation of the same rule you're trying to impose on us.

Mr. Vecchio - are you complete and let me respond?

Mr. Poindexter - yes, go ahead.

Mr. Vecchio - thank you, he made a motion that wasn't even accepted, was never even accepted, so that motion was never even heard. Now, the motion after that was to place

amongst your guy's discussion on the Caucus Prior to with an Addendum. The Caucus Prior to is what - a work session. It is a work session so the pieces therefore work in the Addendum. No legislative action has been taken on that piece, at all, other than let's move it to another work session. Just like we moved this meeting from Tuesday night it's the same scenario which, in this case, was the correct scenario.

Ms. Blazak - I just want to point out that on page 3 of the Council rules - rule no. 5 - Standing Committee, seventh paragraph, reads 'the agenda for a regular and committee of the whole meeting shall be prepared by the President of Council and each member of the committee of the whole shall have a copy of the agenda at least 72 hours, in advance, in his mailbox in the Council office. That is why the agendas were prepared today.

Mr. Vecchio - so therefore laying that back it is for Tuesday's meeting the agendas are set, for Tuesday's meeting.

Mr. Orcutt - I don't think anyone here has any ill-intentions for this argument about where it's got to be. There was a vote that they wanted it on the next Council meeting and I think what we do just to straighten this all out. I think we go to our law director to exactly for a good ruling of how we can move forward and actually conduct some business this evening and place this where it needs to be. If it's something where we need to go back and vote on what just happened and make sure we change it to the proper date, then we do that. But, I would like to hear something from the law director just we can start moving forward and again I don't say that where I think anybody has any ill-intentions. I think we're having to deal with this because we had technical difficulties with our meeting. If I could through the chair to go to Madam, Law Director for an opinion on what is going on at this point.

Mrs. Horvath - through the chair to Councilman Orcutt, I would say that we should follow past practice should be continued. Councilman Salvatore is 100% correct we shouldn't have two different paths where we're treating two things differently. To me it makes sense that it goes on something that is not an agenda where it would have some kind of Councilmatic action. You took one piece and you moved it from a Caucus to a Caucus Prior to there could be an Addendum with regard to that. It's my understanding that Addendum due to past practice does not need to be posted. I don't see why you don't take this same piece and treat it the same way as the former piece, that makes sense to me. Also, gentleman and I know you think this is very important but I would remind all of you that you asked the law department for some research in this and you are setting a standard where tomorrow and Sunday the law department is closed; so you're giving the law department two days to produce this research which you want to have and consider for March 2nd. From a practical manner, in addition to following past practice, I would say that what you should do is follow the rules as you have previously done and both practically and from a standpoint from what you've done in the past. Either put it on the 16th or put it on the Caucus Prior and would defer to the clerk to see whether that seems to be something that makes sense and, in fact, past practice.

Ms. Blazak - past practice, to me, usually the next Council agenda would be whatever the next Council agenda would be. In this incidence it would be March 16th because that is the next Council agenda. That's past practice for as long as I've been the clerk or the Assistant Clerk.

Mr. Scott- that's why I voted no.

Mr. Troyer - thank you Mr. Council President.

Mr. Orcutt - did I lose the floor?

Mr. Vecchio - I thought you were done Ed, I'm sorry, you still have the floor.

Mr. Orcutt - with everything that was just said and why I voted no too was because I was trying to give the law department some time. Would there be a reconsideration from Council as a Whole that we can allow additional time to the law director and move this to the 16th, would everyone concur that maybe that's the best thing we need to do, leave it with that.

Mr. Vecchio - Tom.

Mr. Troyer - give me a moment, thank you Mr. Council President.

Mr. Vecchio - you still need a moment I can go to Brian.

Mr. Troyer - go to Brian.

Mr. Vecchio - Brian.

Mr. Poindexter - A couple of quick questions through the chair to the Council clerk, Michelle. Earlier in the meeting you said that it has been past practice that we have an Addendum for the Council meetings.

Ms. Blazak - correct.

Mr. Poindexter - so we have in past had Addendums on Council meetings.

Ms. Blazak - for the Caucus Prior to not for the Council meeting, no. Council has to move everything to the Council meeting. I just can't put something on the Council agenda.

Mr. Poindexter - okay, I'll concede that. My second point was to the law director's statements. It was my understanding that research that we asked you to do about the state law in regards to smoking. Would be one of the items researched during the moratorium, not before we passed the moratorium. So I didn't think we needed that to

vote on a moratorium I just thought that would be one of the items that we would need during the moratorium; before allowing these businesses to take hold. So there is no urgency, I mean, the way the resolution is written you have up to a year to get that information, that's all I have.

Mr. Vecchio - Tom, I'm going to let Carol respond to his questions.

Mrs. Horvath - thank you based on Councilman Vecchio's age and including that I felt that this was something you would want for the next meeting. Certainly, based on the fact that you seem to want to move forward with this I thought you would want all of your research prior to having it come up on an agenda.

Mr. Poindexter - that's the purpose for the moratorium to give it time to do all the research. Because we don't understand all the nuances of it so we give a moratorium so we understand the nuances. Which the age requirements, the smoking limitations, all that stuff can be researched during the moratorium. We don't need to delay the moratorium, in my opinion, any longer than we have to for passage. That's just my opinion I'm done on this it is what it is; if we have to move to the 16th I'm fine with that.

Mr. Vecchio - Tom.

Mr. Troyer - bless your heart the way I present it could get it done on the 2nd to call a special meeting. Keep in mind, first want to clarify that the item that was put on the Caucus for the 2nd which was the CRA item, I believe and Mr. Scott Adams told us that was kind of important to get done. So that actually should have been put on the Council but there was some discussion on that, it's set on the Caucus now. Which again we're going to move it again that pre-Council Caucus was supposed to be for items that were on that Council agenda. There is nothing if I remember right because I did a quick glance at it there is nothing on our Council agenda. This can be spun all it wants how anyone wants to spin it you could talk about the past practice. The problem with past practice it's always nice but when past practice breaks the rules or breaks Charter rules. I have a problem with that and that's why I always bring things up. Doing things as you've already done and expecting different results is one of those things that's insanity. I got on Council to make a difference and that's what I plan on doing as long as I'm on Council. If the residents at some point decide they don't want me speaking up and doing things right and making a difference, then they could vote likewise. As long as I'm here I'm going to stick by the Charter as much as I can and the rules. I gave an option a way of doing this getting both items by calling a special meeting and both items can be on there. We already know that the CRA needs to be passed it should have been put on Council but was put on Caucus to try and avoid some things and I went along with that, because it's not necessarily wrong. But, you know, we're doing these things and again I agree that things should have been done the same, that's one of the issues I have is that things are done differently every time. That we don't know but it should be done the same according to our rules and according to our Charter. Again, I believe at this point there is enough

people that don't want it for whatever reason on the 2nd. We cannot reconsider that vote its way past that. I can go to the law director I'm not an expert on everything. Would a vote at this time to don't want to say in spite of but at this point a vote to place item number four back in committee; I'd like to see if that would be appropriate at this time.

Mr. Vecchio - as the chairman, no it would not be appropriate. This is already voted to go to the next regular scheduled agenda which, therefore, is going to be the 16th.

Mr. Troyer - again, that's not true sir. You can spin it all you want.

Mr. Vecchio - Tom, discussion is over with.

Mr. Troyer - you can't cut off discussion, my motion.

Mr. Vecchio - there is no discussion we've already moved past the piece, already voted.

Mr. Troyer - my motion is to place on the next Council and reiterate when you asked 3-2 on Tuesday's Council. That was the vote, that is what Council agreed to. Unless we take a vote to change that at this point that's where should stay.

Mr. Vecchio - let me ask you a question Tom, your vote was for to place on the next Council agenda, was it not? Was that not what your motion was?

Mr. Troyer - next Council.

Mr. Vecchio - I asked you a question. Did you make the motion to place on the next Council agenda or did you make the motion to place on the next Council agenda which was 3-2? Which did you make?

Mr. Troyer - I made the motion to place on the next Council which is Tuesday.

Mr. Vecchio - so the next Council agenda.

Mr. Troyer - and then you wanted to specify and I said yes, 3-2.

Mr. Vecchio - the next Council agenda because the Council agenda for 3-2 is done.

Mr. Poindexter - and you accepted it.

Mr. Vecchio - no I asked the question, I asked for clarity. His clarification was to

Note: With Mr. Vecchio and Mr. Poindexter talking over one another hard to transcribe.

Mr. Poindexter - you didn't ask for any clarification until Mr. Salvatore brought it up.

Mr. Vecchio - Mr. Poindexter.

Mr. Poindexter - you accepted it.

Mr. Vecchio - Mr. Poindexter, like you asked me I have the floor you do not.

Mr. Troyer - bless your heart.

Mr. Vecchio - therefore, what I asked you 3-2 that's not the regularly scheduled Council agenda that was already done. So the next regularly scheduled Council agenda as we reiterated by the law director, by the Council clerk is 3-16. 3-16 is where this will appear end of discussion we are now moving to the Recreation Committee, Chairman, Poindexter.

Mr. Troyer - Point of order.

Mr. Vecchio - I am not accepting your point sir.

Mr. Troyer - you have to Point of Order.

Mr. Vecchio - your point is not recognized.

Mr. Troyer - Point of Order, Point of Order.

Mr. Vecchio - your point is not recognized, moving to the recreation committee.

Mr. Troyer - Point of order.

Mr. Vecchio - your point is not recognized.

Mr. Troyer - Point of order.

Mr. Vecchio - not recognized moving on.

Mr. Troyer - Point of order.

Mr. Vecchio - Tom, enough.

Mr. Scott - moving on.

Mr. Troyer - bless your heart Mr. Council President.

Mr. Scott - what did you say Mr. Troyer, I didn't hear what you said, what did you say?
Mr. Troyer I asked you a question what did you say.

Mr. Poindexter - we're in the recreation committee.

Mr. Scott - no, we haven't moved yet.

Mr. Poindexter - did we move Council President or not?

Mr. Vecchio - I moved to recreation.

Mr. Poindexter - okay, we're in the recreation committee and read the resolution title.

RECREATION COMMITTEE - CHAIRMAN, POINDEXTER:

1. A RESOLUTION HONORING JOE BACHIE JR. ON HIS MANY ACCOMPLISHMENTS AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini.

Mr. Mencini stated if everyone remembers we are 17 days late with this meeting that has probably a little bit to do with some of this too, this being one of them. Mr. Bachie, Jr. was in town and is now out of town. Joe Bachie, Jr. as well as the rest of his family came to our programs, went through the schools and played for the Titans. Through the past year there is probably so many people that could be recognized i.e. students, parents, grandparents and seniors. It's been a tough 11 months going on a whole year with COVID-19. Joe Bachie, Jr. did something a lot of us dreamed to do to reach that top pinnacle rather academically, engineer or lawyer. Joe Bachie Jr. did it by making it to the NFL (National Football League) against a lot of odds. Went to Michigan State and did very well there and near the end of his time there was a thing or two that happened and he didn't quit. I think he is an inspiration for a lot of our students by keeping going. Mr. Poindexter, Mr. Salvatore, Mr. Scott and Mr. Orcutt and Mr. Vecchio coach and are involved with the community. The important thing is a lot of us are involved in the community and when someone reaches a certain pinnacle it's a great honor, he was from Brook Park. If you look at that NFL roster on the Philadelphia Eagles he puts Brook Park not Berea-Midpark High School or Middleburg, Berea or Michigan State he puts Brook Park where he was born and raised. When Joe Bachie, Jr. comes back to town would like to have his family there so as with my Kurt Nennstiel piece probably place back in committee until we return to the open chambers which I hope is coming very soon.

Mr. Orcutt thanked Mr. Mencini for the kind words very nice piece and agree Council should wait until back in the chambers for a presentation.

Mr. Salvatore thanked Mr. Mencini for bringing forward and all-in when it comes to recognizing the youth of our community, as they move forward in their lives doing some fantastic things. Brook Park has movie star, Billy Hufsey, Miss Ohio and it's nice to see people progress and know they started in Brook Park.

Recreation Committee - Chairman, Poindexter: cont.

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

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

NAYS: None. The motion carried.

Motion by Mr. Mencini, supported by Mr. Poindexter, to go back to regular order of business.

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

NAYS: None. The motion carried.

DISCUSSION:

1. COUNCIL OFFICE PROCEDURES (Councilman Troyer) Moved by **motion** from the January 12, 2021 Caucus meeting.

Mr. Troyer stated not sure exactly where to go with this but would like to start going back into the Council chambers. It was just brought up with the last piece legislation that we could move forward with that legislation if we were back in Council chambers. You have in the past that there was a ten-person rule which is, again, not true for city business, Council business and for the Open Meetings Act. There is no ten-person limit in our Council chambers, obviously, would have to come up with a way to distance, limit the amount of people overall in there and probably wear masks. So we have to come up with some way of doing it but we already have, I believe, where Councilwoman Schmuck is at this point but was last week where Councilman Poindexter is and that is in chambers. There she is so we already have two members there I'm willing to go back and believe Mr. Mencini is willing to go back so I think we should strongly consider going back. We do need to have some kind of way and know we just had some problems with our livestreaming which is another good reason to go back into Council chambers. We need to set up some way to allow the public in, need to have some way to have Zoom available with the screen in Council chambers for the Councilmembers feel they don't want to attend the meeting in person. I believe that we have a majority of Council that would be okay with going into the Council chambers and in-light of all the issues we've had with the livestreaming I think we should really look into making this happen. If we're there in chambers and are members are able to be on Zoom and attend the meetings and the doors are open to the public. We don't need the meetings broadcast at the time as long as the residents are able to come in and watch the meeting live in Council chambers. Again, there is and can bring it forward and email to everyone I looked into it today and talked to a few people at the state level and the ten-person limit does not apply to City Council meetings or anywhere there is a public interest. I just want to bring that up and we can do it and should do it, it's what we should do for the residents. That's the first part of what I wanted to talk about and have other things to discuss along these lines, too.

Mr. Orcutt stated I think Mr. Troyer is bringing up a very good discussion the residents in Ward 3 believe we should be back in chambers and have expressed to me. I have explained to them some of the reasons why obviously not in detail, don't have all the details. I will

Discussion: cont.

reiterate my colleagues for some of the reasons why they can't be there and defend their opinion on that. Although the subject has come up many times and think I suggested a few times about monitors. Our new system in the Council chambers has two screens and think between Mr. Vecchio and technology committee I believe some options should be looked into where we can still do the livestream and Zoom with those monitors for members that feel more comfortable from their home. Maybe we should look into that option and the reason for saying this we see the numbers are down and the vaccines isn't out there as much as needed but is out there, numbers are coming down. When start to do the arithmetic with this virus it's probably something that we need to really hard look into how to get back into chambers. I've said this before and will say again we have to get that microphone back to the people, I know they can call in. For some reason I've had residents tell me they want to come to the chambers to specify the issues they have within the community. Think we have to look into those options and have mentioned this before and think there are ways we can still have our meetings at the chambers, invite the residents, have in an open area and still provide safety for members and residents to be able to call in and have those Zoom meetings. With the numbers coming down this is something that should be looked into really hard especially with the budget coming up. Because I have residents that want to talk in person about how they feel about some of the major issues within the community. With all that said I am tossed-up because Council was emailed about the latest ruling in Columbus, I believe, November 2020 and would like some clarification. Because I'm hearing one member of Council saying that's not true and also getting stuff from the Council President. Think we have to find out exactly what we can do and the only thing I can go from is as a proud Local 120 pipefitter we are back with our meetings in an open area safely with social distancing and masks and are finally back together and doing monthly meetings. Think this can be done with proper planning and if we have to purchase another monitor or two to provide to other elected officials and the clerk let's do it, think we need to get moving on this.

Mr. Mencini stated couldn't have stated any better than the previous two colleagues about going back. The thing I feel is always respected what Mr. Orcutt said and feel the same way will respect my colleagues that feel that it's not safe, also, agree with the screens we can do Zoom. Other Councils and school boards have gone back let's be a little more realistic the recreation center is being used for basketball, the recreation center is active. Besides the locker rooms and saunas that building is at full capacity. We've heard the saying Brook Park dare to be different and be leaders; that's what we are and are elected to do. I don't want to do that to the point of someone getting COVID-19 but sometimes when you're a leader you have to step-up and be that. The item that bothers me tonight's meeting should have been held 17 days ago and after two meetings that had Zoom problems I haven't heard any moves about going back until one of us speaks about going back. What is the procedure, how are we going to do, when are we going to do it? I'm very open about going back and know not everybody is; some people have medical issues or have family with medical issues. I'm good with that but as Mr. Orcutt said there are people that want to come and we're coming into the budget; residents want to be a part of

Discussion: cont.

that.

Mr. Poindexter stated I'm comfortable with being in the Council chambers, having said that would never condemn or question a fellow member for not being comfortable being here. Being the youngest member of Council it's not a big deal if I get COVID-19 as one of the senior members, definitely respect their wishes to stay out of chambers. We already have the capabilities to get audience participation in the chambers with a laptop and dongle and treat the resident as another Zoom member. Set the laptop with the dongle up and a camera pointing towards the podium and don't think it would be that difficult to do, just a matter of doing it. I will be doing the meetings here anyway and might as well invite the public to come, just a thought. I offered my services before and would be willing to make sure the doors are open and chairs spaced out to accommodate the residents.

Mr. Orcutt stated to Mr. Poindexter is this something you could talk with the technology committee, in the very near future, to see what has to happen to put extra members, the clerk, whoever on monitors?

Mr. Poindexter responded can send an email to the technology committee members after this meeting.

Mr. Orcutt continued this is something that Council needs to move on since being out of the chambers for almost a year. To Mayor Gammella can a regular cleaning schedule for the chambers be set up?

Mayor Gammella responded there is a regular cleaning schedule.

Mr. Orcutt continued the Sunbeam can be put in the chambers the day of the meeting and keep it closed off.

Mayor Gammella responded that can be done, definitely.

Mr. Troyer - Point of Clarification.

Mr. Vecchio recognized.

Mr. Troyer stated there are multiple items so it would be just to move onto the next one.

Mr. Vecchio stated to Mrs. Horvath since there is the Ohio Department of Health Director's order dated November 15, 2020 with the ten-person attendance. The order is very vague for some clarity to figure out things can be set up. Looking at the dais with the seats the Mayor, Council clerk and all of Council make ten people. Also, with those seats there is an issue with the spacing we would have to move around for the social distancing aspect.

Discussion: cont.

Mrs. Horvath stated the law department is looking into that and it appears that in Columbus they are looking at permanently extending the current allowance to hold virtual meetings beyond the current expiration date of July 1st. This particular bill has had its first hearing in the house that would authorize public bodies to meet via teleconference and videoconference; think that's interesting to note. The other thing I would note is through the governor's office he's given more or less guidelines, different examples of types of community events, and the lists associated with those gatherings. Obviously, the Council meeting doesn't fit very well into any of the examples given. We are different from a wedding, not outdoors so Council as a Whole is correct we do have to look at what procedures would work best for us; given the size of the body that we have and being indoors. Think all of these things are guidelines and fall back on the CDC (Center for Disease Control and Prevention) guidelines. So it's appropriate that some thought be put into this and we may end up with some sort of hybrid form that has Zoom or telecommunications aspects and also people in person. Will look into this further and respond to Council as soon as I can.

Mr. Troyer stated this is a revised order to limit and/or prohibit mass gatherings in the State of Ohio with exception. Number one (1) paragraph all public and private gatherings of greater than ten people occurring outside a single residence and the real estate on which it is located, or an apartment, condominium, or dormitory living unit are prohibited. This is in accordance with (former) President Trump's Coronavirus guidelines issued March 16th. Paragraph five (5) reads paragraph one (1) does not apply to first amendment protected speech, including petition or referendum circulators at any activity by the media, which includes newspapers, television-radio, other media services, and to government meetings, which includes meetings that are required to be open to the public pursuant to R.C 121.22. The ten-person limit does not apply to Council meetings.

Mrs. Horvath responded obviously what Council needs to do when considering all these conflicting provisions is be prudent and have to figure out what is the best way to open these meetings up; at the same time make sure that people are safe. Obviously, no one is going to want to curtail government meetings the State of Ohio has given us the tool allowing us to use Zoom and teleconferences. Looks like they are going to continue that or come up with legislation where that is done on a permanent basis. Really the question before Council is how can we do this safely for most of our members and for our community? Obviously, we need to follow the CDC guidelines and it's very important that our government meetings be open to the public and that's a really big consideration. Moving forward and thinking about how you're going to do this and what is the best way, again you have to consider and be prudent as to how to keep everyone safe. Those are the things we'll be looking at as time goes on and don't think there is any harden fast rule. We're in a situation that is very fluid and have people beginning to be vaccinated. Just throwing this out for Council to think about and don't think any mandate for ten-people meetings. There are different guidelines and the law department will do its best to compile those guidelines and get the information to everyone.

Discussion: cont.

Mr. Mencini stated to Mrs. Horvath when saying guidelines is there anywhere in there that said that you can have meetings, there is a local community that did have one back in December. Others have and know the school board has met in person and earlier in the year they were bringing speakers in from outside, had a monitor there. My point is I know what guidelines we follow under but we haven't even made the move to go back or think about it. If they were to vote let's say March 15th Councils' can go back we're not even ready for that; me personally we're having a tough enough time running the Zoom meetings. We have to start looking in getting back and find 100 reasons not to go back and get that there are some members that have medical issues or family members that have medical issues. As Councilman Troyer read I think there is some open leeway there and if we do start going back we won't go against the governor's rule and think it's a matter of time that these numbers stay down, the governor will start opening more things up. The basketball games are being played in the gym with social distancing but the biggest issue is we're not even looking at it right now. I have a hard time with that and have brought this up numerous times at the beginning of last year and through the summer a bit and think we need to start looking at this. How we are going back, how we will do it? The zoning and planning meetings are being held.

Mrs. Horvath stated I'm not saying you're not prohibited from going back and having open meetings my understanding is that the State of Ohio health department would say to follow the CDC guidelines with regard to this. I think the State of Ohio with the legislature they are trying to make available to public bodies the option of using teleconferencing beyond July 1st. What I'm saying is all these things have to be considered, so we can come up and craft something that is good for our city, circumstances and building. I don't believe we're banned from having open meetings at this point all I'm saying Council has to figure out what is the best and safest procedures to open up those meetings and whether or not incorporate the teleconferencing, in some format, into the meetings.

Mr. Vecchio commented we could talk about this all night, my suggestion is for Council to collectively get together and figure out and bring forth the best options to put it together to get into chambers i.e. masks, hand sanitization, somebody checking temperatures, whatever may be. Those are the things we need to look at and maybe put that all together to be able to move in safely.

Mr. Poindexter commented a few communities do hybrid type meetings currently, Newburgh Hts. and in North Royalton they are actually all in person but broadcast through Zoom. I'm sure there is a way to do a hybrid model to accommodate the more vulnerable members and also accommodate our residents.

Mr. Vecchio commented that Council also has a Council rule that will have to be dispensed of with having electronics on the dais, that is one part that we will have to take care of.

Mr. Poindexter interjected Council suspends the rules all the time.

Discussion: cont.

Mr. Vecchio continued that's what I'm saying we have to go down through these things and bring them all together to make sure residents and all Members of Council are safe.

Mr. Troyer clarified there is a difference between the Zoom and livestreaming and the livestreaming is where there were problems recently, not Zoom. We have to figure out a way to do this, in my opinion, and have to be respectful of people that aren't comfortable with coming back, have to have a way for them to attend the meetings without coming back. With that said want to move on and talk about something that was kind of brought up but want because we redid this meeting three times. My suggestion on Council procedures of using the pre-Council-Caucus for items that have been in committee more than 20 days; like the last piece of legislation from the recreation committee and waiting to go back in the chambers before bringing forward. Council rules say legislation has to come out every 60 days so we could use that pre-Council-Caucus to bring that out when it will be just put right back in committee will take no time at all and think that is something that can be used the pre-Council-Caucus for. Again, the pre-Council-Caucus was originally designed to discuss items only on that night's Council meeting.

Mr. Vecchio asked Mr. Troyer can you put these together in email format so everyone can look at it.

Mr. Troyer responded we already decided that and wanted to reiterate it at the actual meeting. My last issue on Council procedures and it's something that's very important. When a person and it came up this evening, when a Councilperson makes a motion that is their motion. It can't be reiterated differently it can be suggested and clarified like tonight when asked for the 3-2 (meeting) I said yes that's what I mean by next meeting. So it's important especially in the minutes whatever the motion was by the person making the original motion that is the motion; not what is reiterated by somebody.

Mr. Vecchio stated for clarification you're asking for clarity in the minutes of the motion what was stated as the motion.

Mr. Troyer concurred and mentioned the person making the motion it should be verbatim in their words, not what you thought they meant, not what you reiterate cleaning it up a bit; it should be that motion.

Mr. Vecchio stated motions verbatim in the minutes.

Mr. Troyer responded correct, these are legal proceedings.

Motion by Mr. Poindexter, supported by Mrs. Schmuck, that this was discussed.

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

Discussion: cont.

2. SHOP IN BROOK PARK (Councilman Mencini)

Mr. Mencini stated want all of Council, administration and everybody and plead with the Mayor to somehow get this out whether on the city's website, banners or whatever it's late in the game. The Brook Park retailers and manufacturers are our neighbors and stuck through this the past 11 months some closed for a little time. Councilman Salvatore is always big on this type of stuff and I should have probably brought this forward with everybody. Everyone had good points on this and all patronize but we want everybody to let's give the month of March so they can catch up for their employees, themselves instead of seeing someone shopping in Berea. Let's take care of our own because it's very important they stuck with us and it wasn't easy for them. Want everyone in on this and any way we can get this out to the public that's a good thing.

Mr. Orcutt stated great piece and we talked about this, a lot of areas to shop are in my ward, not that means anything because we're all one city. Know from talking to colleagues, friends and family a lot of us already do shop here and should be all the time. One thing is a lot of the Mom & Pop places in Brook Park are owned by our own residents and that's what they live on so we have to rally in support each other. Right now it's been a big hit for a lot of our business owners and this is a good piece to get out there and let's do it. Let's be conscientious of the city business owners, our residents that own businesses, let's get out there and utilize what we have and help everybody.

Mr. Troyer stated great idea and wanted to ask Mr. Mencini is this going to be before Christmas or do it a little earlier this year? What is your plan for bringing this out?

Mr. Mencini responded originally wanted to do it for the month of March but it's up to Council. I want you to be a part of this and anything you want to add I'm fine with and Mr. Orcutt brought up some great points. I'm sure all Councilmembers and Mayor may have issues with this but let's do this together and run with it, these businesses have been struggling for 11 months.

Mr. Troyer continued it's as simple to the residents and don't know how you would put this in a piece of legislation. I'm aware of the people on the east end tend to go to Marc's or Giant Eagle to Southland, the west end residents go to North Olmsted. You have to try and stick to your community and know the Brook Park Marc's just put in a deli which is very good. Try to use ours, if you use ours and start spending money in Brook Park's Giant Eagle or Marc's they are going to get nicer because more people are going there, hopefully. We really need to I don't expect people way out of their way but try and stay in your city; same thing with fast food and have great pizza shops here. Try and stay in your city not telling you to and have to tell you if no one has been to Donte's and had their corned beef that is a great corned beef sandwich. With COVID I was trying to support more instead of the fast food places and Pasta Lear's in Ward 1 have great salads and chicken parmesan sandwich. Don't know how to do it but try and stay in your city and try to do that all the

Discussion: cont.

time and sometimes you can't and don't know how to put this in legislation.

Mr. Vecchio stated for clarity, for this piece is this for corporate owned or locally owned or both?

Mr. Mencini responded anything in Brook Park.

Mr. Vecchio stated asking question for clarity, is this for all or for corporate.

Mr. Mencini commented very simple Shop in Brook Park.

Mr. Orcutt stated Mr. Mencini has done this in the past before and Mr. Salvatore always promotes the businesses as well and asked Mr. Mencini is this something you will be working with the law department?

Mr. Mencini responded law department and Council.

Motion by Mr. Orcutt, supported by Mr. Troyer, that this was discussed.

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

NAYS: None. The motion carried.

Note: The following committee items were moved by **motion** to the beginning of the meeting.

FINANCE COMMITTEE - CHAIRMAN, SCOTT:

LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

RECREATION COMMITTEE - CHAIRMAN, POINDEXTER:

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 7:16 p.m.

RESPECTFULLY SUBMITTED Michelle Blazek
APPROVED March 9, 2021

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

14,395 words