

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON JUNE 1, 2021**

The meeting was called to order by Council President Vecchio at 7:00 p.m., the clerk called the roll and the following Members of Council answered:

SCOTT, SCHMUCK, ORCUTT, TROYER, MENCINI, SALVATORE

Also in attendance were Mayor Gammella, Law Director Horvath, Finance Director Cingle and Service Director Garner.

Mr. Poindexter was properly excused.

LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. 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 coming out of the winter months both Council and building department are getting phone calls about grass growing and home violations; unfortunately, with some of these complaints not sure who the property owner is. Had an incident this winter with a home on Delores Blvd. with windows being open, owner in hospital and son lived in West Virginia and no contact person. The past week there was a home on Gilmore, Holland and Sylvia with tall grass and housing violations with renters moving out; one owner was in New Mexico and another was in California. The purpose of this legislation is to get an agent or contact person or family member to be a short distance outside the radius of the City of Brook Park. Originally wanted a six-miles-mile (6) radius within the parameter outside of Brook Park and know there are a few communities that do this. The reason being is to be able to have somebody come to the property and some colleagues have mentioned 50 or 500 miles and to me the further out we go the more options of getting somebody to give an excuse or reason. There are a lot of homeowners and some good landlords but the problem being, unfortunately, some are not. If the grass is high, front door wide open or house on fire and owner is out of town, the city has an agent and/or contact person.

Mr. Scott stated we have talked about this issue and have had homes that couldn't find the owner right down at the end of my street; the owner died and the daughters stopped taking disappeared. Last year had a home with the doors slamming open that the bank owned and nobody claimed fame to it. There were issues previously brought up with this legislation as to what happens if the contact person can't be contacted. The city could do like they do on other standard contracts include a secondary contact that relieves the issue of not being able to get a hold of the primary. Six-miles-miles (6) I have no qualms about and would be willing to compromise but anything over 12 or 15-

Legislative committee - Chairman, Mencini: cont.

miles are way too lenient, for people. Have had issues with people living in Arizona and hard to get a hold of and like the legislation. As stated, include a primary and secondary contact and willing to compromise on 12 or 15-miles miles' maximum.

Mr. Salvatore stated can support this but would like to having somebody in the city limits as the contact person and if not possible extend to the six-miles-mile (6) radius suggested. Think that would be a good approach, if at all possible, and would like to know what is the penalty going to be if the city doesn't get a primary or secondary. What happens next? Some of these properties that are known about even if the city had a contact person there's a good chance they are not going to respond anyway.

Mr. Mencini stated like that and the reason I didn't go outside the limits is because some owners don't move out of the city, the parents die and the children live out of the city but want to keep the family home and didn't want to be overly strict on this. The penalty would be the same for having a vacant property that the building and law department take action on.

Mr. Troyer stated have a quite different perspective on this and also have first-hand knowledge on this. The six-miles-mile (6) radius is too small but either way this ends up will support and wait and see that happens. Because it will come back on us by making that six-miles-mile (6) radius that little of an area. For instance, work for a gentleman that owns property in Lorain County that calls me with an issue to be fixed. This may create a problem that will come back to the city and bite us. Did anyone speak with the building department on this

Mr. Mencini interjected did speak with Building Commissioner Hurst on this who told me the farthest the commissioner would go out is 15-miles-miles. If people are good homeowner and landlord, they won't run into this problem. This city is fair with enforcements and everything the city does and have to be more forceful with a lot of the things the city does, not saying overly forceful. But, why have laws and rules if they are not enforced.

Mr. Troyer continued I believe in the occupancy permits the city has some of the information on the owner and contact person and things of that sort. What is being done, again, penalizing the good property managers and owners to get to the bad ones. This disrupts their whole business model of them of being able to send this person there and now are disrupting that.

Mr. Mencini stated Building Commissioner Hurst has a list of rental owners and know the good and bad ones and not going after anybody unless they don't follow rules, that simple.

Legislative Committee - Chairman, Mencini: cont.

Mr. Troyer - Point of clarification - you are. You are causing the good homeowners and landlords to have somebody within a six-miles-mile (6) radius to contact, that's what this does.

Mr. Vecchio stated one question six-miles-miles (6) what is the radius? Obviously, looking at Strongsville, Cleveland and those surrounding areas. Would it benefit the city more to do this as more of a radius by how long it takes to get here; 30-mile radius or something like that?

Mr. Mencini stated to Mr. Vecchio didn't want to get into that because that itemizes or breaks it down and fall into the category of given alibis. There is a landlord in Brook Park that I'm dealing with a property the person has and it's getting old; for the residents in that area. The parameters are set and the people will know them just like when the rental registry was done people weren't happy with the \$100.00. If Council wants to go further than six-miles-miles (6) good with that and this city has to start doing some enforcement.

Mr. Vecchio continued enforcement wise I'm 100%, this city needs to stiffen and penalize a bit on what is taken place that this city has been lax on. Trying to figure out what is going to be the most beneficial will it be mileage or time. No matter what there will be scenarios that happen with everything and it's just a matter of what is going to work best. As a discussion point, what may or may not work because as stated there are many people that are very good property owners and then there are some that are very negligent, seen everywhere not just in Brook Park.

Mr. Orcutt stated would like to say this piece is very simple it's nothing too complicated. Just last week I had two (2) issues with properties, one being vacant with nobody taking care of it. This is an issue for the community and something the city already has a law on the books and making it more efficient. Like the piece and flexible with the mileage and as Building Commissioner Hurst mentioned with 15-miles miles, think is reasonable.

Mrs. Schmuck stated like the addition of a second contact person and also like the small radius of the second contact person being contacted by phone or mail, good piece.

Mayor Gammella stated no problem with the legislation, good piece.

Mrs. Horvath stated this piece is trying to be a little more proactive especially as the city will see in the upcoming months with foreclosures or evictions will pick up. The simpler the legislation is kept the better off it is and understand Council's reasoning with regard to the radius. Don't think the city could put penalties in this because no one would want to be the contact person. Think, if anything, this will kind of will serve as giving the city an extra backup person for the many cases the city can't find the owner and hopefully a

Legislative Committee - Chairman, Mencini: cont.

contact person that would help find the owner. Understand the reasoning behind the legislation and Council's goal and think that it's probably close to what it should be at this point, with a few tweaks.

Mr. Scott asked Mr. Mencini what is your take in the radius? Don't know what you're take on this but really think that's the maximum distance allowed. Just wondering if there is a way to somehow put into the legislation the necessity to have a secondary contact agent.

Mr. Mencini stated I put six-miles-miles (6) for a tight parameter and a starting parameter. Have seen another community I think was at five miles (5) and that community is very strict on all their housing codes. I'm good with six-miles-miles (6) if Council wants to go further with I'm fine with that. The plan was not to go after the contact person or agent if you own a home you have responsibility to own that home. If you don't want take care of the home don't purchase a home, there are many other options.

Motion by Mr. Scott, supported by Mr. Orcutt, to amend six-miles miles (6) to 15-miles miles.

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

NAYS: None. The amendment carried.

Mr. Troyer mentioned think it should be added after in charge of the building and also an additional contact manager/agent. We want the one to be manager agent in charge of the building and also an additional manager/agent as a contact.

Mr. Mencini stated don't want to beat this up all night the reason I brought forward was theoretically is for the city to be able to contact a manager/agent, secondary agent to either get in touch with the owner or someone responsible for the party.

Mr. Troyer mentioned that the law department come up with the wording and Council's vote would be the amendment from the law department with the version of an additional agent. That could be Council's motion and the law department could put in appropriately.

Mrs. Horvath stated to Council, first off you are the legislative branch and think you want to pass your own legislation and not have the law department do that for you. Having said that think this particular person who is representing the owner is performing the same function at statutory agent. With regard to different corporations that have a statutory agent who is also notified in the lawsuit. Which operates to help get the corporations attention, think that what Council wants to do. Don't want to make the agent responsible for repairs or doing anything of that nature, just want that person to

Legislative Committee - Chairman, Mencini: cont.

have contact information about the owner of the building. That way if something comes up the city will be able to get in touch with the owner and the agent will serve as the agent because they are not responsible for any repairs, upkeep and so forth. Think it's probably going to be most important in cases where there isn't rental property because people who are renting property get more occupancy permits and changing-updating information. Then someone who may live in a residence ten years (10) and move or fall into foreclosure or something along that line. If Council wants to say a successor agent or some language along that line would be fine. Don't know if Council wants everyone to have some sort of manager because that doesn't seem to be geared very much to a typical family home. Think Council wants to make it more like someone who has the contact information and help reach the owner in the event the city is unable to. If Council puts in agent/successor agent and leave it that and whatever form the building department has space for the agent and successor agent.

Mr. Mencini asked Mr. Scott are you fine with manager/successor agent?

Mr. Scott concurred.

Mr. Troyer stated like successor and don't but it's a good idea of having another name because I believe on the city's occupancy permit already has one person and that would be adding another name, so it's probably a good idea. My problem is having two people within the 15-miles-mile radius, I'm fine.

Mr. Mencini concurred and commented and that would make the owner a little more responsible by not only finding one (1) must find two (2), very good point.

Motion by Mr. Scott, supported by Mrs. Schmuck, to amend manager/successor agent throughout Section 1 of 1366.03(b)2.

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

NAYS: None. The amendment carried.

Motion by Mr. Salvatore, supported by Mrs. Schmuck, to place on the Council agenda immediately following under first reading.

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

NAYS: None. The motion carried.

SERVICE COMMITTEE - CHAIRMAN, SALVATORE:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO TRADE-IN THE CITY'S JOHN DEERE ROTARY AND HUSTLER SUPTER-Z MOWERS AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Troyer stated to Mr. Cingle this is included in the city's capital budget for \$14,000.00 fund 342 - Parks & Playgrounds, correct?

Mr. Cingle concurred.

Mr. Troyer stated with the trade-in of two (2) mowers the city is receiving one (1) with the trade-in it will cost the city a little over \$11,000.00. Which will be a \$3,000.00+ for the city's budget, correct?

Mr. Cingle concurred.

Motion by Mr. Mencini, supported by Mr. Troyer, to place on the Council agenda immediately following under first reading.

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

NAYS: None. The motion carried.

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

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

NAYS: None. The motion carried.

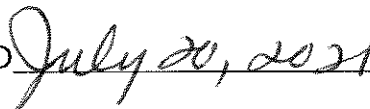
Council President Vecchio declared this meeting adjourned at 7:42 p.m.

RESPECTUFULLY SUBMITTED



Michelle Blazak
Clerk of Council

APPROVED



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

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