

**ITEMS TO BE CONSIDERED
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JUNE 15, 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, POINDEXTER, SALVATORE

Also in attendance were Service Director Garner, Mayor Gammella, Finance Director Cingle, Law Director Horvath and Recreation Director Elliott (7:09 p.m.).

DISCUSSION:

1. AMENDED ORDINANCE NO. 11192-2021, AUTHORIZING THE MAYOR TO CREATE AN 'EXCHANGE ZONE' BY THE BROOK PARK POLICE DEPARTMENT AND DECLARING AN EMERGENCY. Introduced by Councilmembers Mencini, Orcutt, Scott, Schmuck, Poindexter, Salvatore, Council President Vecchio and Mayor Gammella. **Note:** If moved to the Council agenda immediately following will be placed under letter O - Third Reading.

Mr. Mencini stated brought this forward thanked all colleagues and am fine with the amendments made to the legislation.

Motion by Mr. Mencini, supported by Mr. Scott, to move to the Council meeting immediately following.

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

2. LIVESTREAMING ISSUES WITH THE JUNE 8, 2021 CAUCUS MEETING
(Councilman Mencini)

Mr. Mencini stated brought this forward due to the June 8th Caucus meeting not being livestreamed. Whether it's one person or 3,000 people watching it's important. Would like clarification as to what went wrong last week that residents couldn't view the June 8th meeting.

Mr. Vecchio stated my understanding is that power went out to the BoxCast livestream system and BoxCast does not reset itself. Mr. Hurst found that information out as well as the clerk working with BoxCast for additional information on what occurred.

The clerk commented if the power goes out at the recreation center someone has to reboot the BoxCast in the back room, does not reboot automatically just like computers. I am not taking the responsibility but someone has to be found that if the power goes out the BoxCast system is rebooted.

Discussion: cont.

Mr. Mencini asked if there were any issues when the system was pre-tested?

Ms. Blazak responded it is my understanding per BoxCast that the power went out in March, 2021 and since we haven't been in the chambers that's how long the BoxCast system has been down with having no communication from my system and BoxCast to begin livestreaming.

Mr. Vecchio commented unlike Zoom that automatically hooked into BoxCast and never had an issue due to being through virtual system and not through the Box-Caster hard system. There is no way of telling in the chambers what the issue may or may not be.

Mr. Mencini asked how can this be made right; there have been issues with Zoom and also in the chambers. Didn't have the problems in the former chambers.

Mr. Orcutt asked what is the process to reboot the system?

Ms. Blazak stated unable to answer that question, when there is a problem with the BoxCast system I notify Andres or Ted Hurst.

Mr. Orcutt asked what is the indicator letting us know that we're locked out of the BoxCast system?

Ms. Blazak responded I could setup a meeting test at a certain time to see if the test begins.

Mr. Orcutt continued for some redundancy could find out by looking at the main board for an LED light that needs to be blinking then it will be known there is no communication and how to reboot.

Mr. Troyer stated there should be a test before every meeting as well as someone to reboot the system.

Mr. Salvatore stated was BoxCast paid during the time it has been down and haven't used?

Mr. Vecchio responded the city pays BoxCast for their service of streaming during the Zoom meetings.

Mr. Salvatore asked shouldn't BoxCast have some responsibility of when Council was going live again they should have been notified and working closely with us, to make sure this doesn't happen.

Discussion: cont.

Mr. Vecchio responded that could be something looked into.

Mr. Salvatore stated that was brought forward once before and would not like doing again but might be something that has to be done again. Have also made a recommendation of bringing someone else in to be responsible for the livestream instead of the Council President, clerk or administrative staff being responsible, so this doesn't happen anymore.

Mr. Scott asked Mrs. Horvath with the livestream not being broadcast out there were no Ohio Sunshine Laws Open Meeting Acts?

Mrs. Horvath responded the meeting was held in the chambers having a live meeting with an audience. It's unfortunate that the meeting couldn't be broadcasted throughout the city with no one being able to watch via livestream. To the best of my knowledge I would say no there were no sunshine laws because an open meeting was held.

Mr. Scott asked the meeting is recorded in case it is not broadcasted the day of still can be seen?

Mr. Vecchio responded no, there is audio recording that the clerk uses for transcription of the meeting that is a requirement of the Ohio Open Meetings Act. Video display is not a requirement and the only time it was a requirement was during Zoom meetings.

Mr. Scott asked the audio recording can be provided.

Mr. Vecchio concurred and stated upon request.

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

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

NONE: None. The motion carried.

3. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH METIS CONSTRUCTION SERVICES, LLC FOR THE CONSTRUCTION OF THE CITY OF BROOK PARK'S MUNICIPAL CAMPUS OUTDOOR AMPHITHEATER AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated this was discussed last week and time is of the essence so the city doesn't lose the \$100,000.00 state grant.

Discussion: cont.

Mr. Troyer stated to Mr. Cingle in Section 3 the money needed for the aforesaid transaction shall be paid from Capital Improvement Parks & Playgrounds Fund No. 401-line item 342. Looking at the capital for 2021-line item 342 - Parks & Playgrounds in the amount of \$192,000.00 with the first three (3) items encumbered; having \$133,000.00 remaining in that fund. Will the city be okay due to spending \$143,000.00? Would like to have the budget come back to be amended showing that the monies were appropriated for this.

Mr. Cingle responded monies will be moved around in the capital budget if Council approves this tonight, the funds will be moved.

Mr. Troyer asked where would those monies be coming from?

Mr. Cingle responded will come out of the capital improvement fund maybe out of the recreation center or maybe out of general government lands and buildings.

Mr. Troyer asked if there will be a budget amendment reflecting that?

Mr. Cingle responded yes.

Mr. Salvatore commented ready to move this to the Council agenda immediately following but this is not exactly what I was looking for but close. Would have been willing to pay a little bit more money to get the permanent seating in this design as well as a little elevation for people to see over heads and also a stage.

Motion by Mr. Poindexter, supported by Mrs. Schmuck, to place on tonight's Council agenda under first reading.

Mr. Troyer - Point of Order.

Mr. Vecchio - recognized.

Mr. Troyer - hasn't been introduced.

Mr. Vecchio - the legislation by unanimous vote was asked to be drawn up so basic introduction there.

Mr. Troyer - has to be introduced at a Council meeting.

Mr. Vecchio - if that's where it should be then place under letter J and introduce if the other members of Council are good.

Discussion: cont.

Mr. Troyer - under a true emergency let's pass it that way.

Mr. Poindexter **rescinded** his motion.

Mrs. Schmuck **rescinded** support.

Motion by Mr. Poindexter, supported by Mrs. Schmuck, to place on the Council agenda immediately following under letter J.

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

4. A RESOLUTION IN SUPPORT OF SENATE BILL 164 AND DECLARING AN EMERGENCY (Councilman Scott).

Mr. Scott stated senate bill 164 is improvement to Goddard's Law, house bill 60 passed in 2016. Currently, Goddard's Law has a fifth-degree sentencing penalty for any physical harm to a companion animal. With the way the sentencing reform laws are now being enacted by the judges the people performing these acts on animals are getting a hand-slap. In 2020, there was senate bill 250 introduced in the 133rd chamber that never made out of committee. For 2021, was approached by former Councilmember to look into SB 164 and what it does is increase the felony from a 5th degree to a 3rd degree felony. Also introduces a 4th degree felony for anyone aiding and abetting that didn't move forward due to the huge jump from a 5th degree felony to a 3rd degree felony. Been in contact with Amy Belcher who worked with Dick Goddard on Goddard's Law and this bill raises the felony from a 5th degree to a 4th degree. The sentencing being from six months to 18 months' jail time and a fine up to \$5,000.00 as well as classifying the F-4, F-5 and M-1 as a violent offense, meaning the judge has less leniency but makes the bill stronger. Also, S.B. 164 bans the use of the gas chamber which is considered a harsh way of euthanizing animals and will be using injections instead. The gas chamber would be used if, for some reason, as a last resort if injections are not available for euthanizing. This is to increase the penalty phase from 5th degree felony to 4th degree felony and introduction of aiding and abetting section being a 5th degree felony.

Mr. Mencini stated to Mr. Scott good piece and asked where is this bill currently in Columbus?

Mr. Scott responded the bill is going through the readings currently.

Mr. Mencini recognized a big supporter of this in the audience, former Councilman Carl Burgio, showing support.

Discussion: cont.

Mr. Salvatore stated great idea to get behind this and support it and would like to amend the last Whereas by inserting the City of Brook Park would like to thank Carl Burgio as being the frontrunner on this many years ago.

Mr. Burgio commented appreciate the offer but not necessary.

Mr. Scott commented been approached by other City Councils to forward this legislation to them to use the format as well as Amy Beilcher of PAWS OHIO for placement on the website. Brook Park is the first city to act on this and can open many doors.

Mr. Troyer asked Mr. Scott if co-sponsors are being accepted.

Mr. Scott concurred.

Members of Council and Mayor Gammella would like to co-sponsor.

Motion by Mr. Troyer, supported by Mr. Mencini, to move to letter J for introduction under emergency for passage.

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

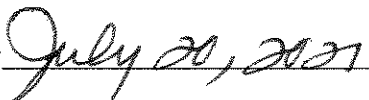
Mr. Vecchio stated this will appear under letter J on the Council agenda immediately following.

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

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

Mr. Vecchio declared this meeting adjourned at 7:22 p.m.

RESPECTFULLY SUBMITTED 
Michelle Blazak
Clerk of Council

APPROVED 

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