

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
HELD ON SEPTEMBER 21, 2021**

The meeting was called to order by Council President Vecchio at 7:30 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, Service Director Garner, Engineer Piatak and Recreation Director Elliott.

**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. Caucus Prior to meeting minutes held on August 24, 2021.

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

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

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

2. Regular Council meeting minutes held on August 24, 2021.

**Motion** by Mr. Mencini, supported by Mr. Scott, to approve as printed.

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

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

**REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee - Chairwoman, Schmuck

Mrs. Schmuck stated the Aviation & Environmental committee has not legislation on agenda.

Finance Committee - Chairman, Scott

Mr. Scott reported the Finance committee has one (1) item on tonight's agenda. The Board of Control met earlier approving seven (7) items; three largest were Euthenics Engineer Services - \$60,095.00, Key Government Finance Corporation first (1<sup>ST</sup>) year of a seven (7) year lease for two automated side-loaders rubbish trucks - \$75,987.78 and Ports Petroleum Co, Inc. for gas & diesel fuel - \$40,000.00.

Legislative Committee - Chairman, Mencini

Mr. Mencini reported the Legislative committee had one piece of legislation on the Caucus Prior to agenda and three pieces of legislation in committee.

Parks & Recreation Committee - Chairman, Poindexter

Mr. Poindexter reported there is no legislation in the Recreation committee. The recreation commission met on Thursday, September 16<sup>th</sup> and it was mentioned that the bleachers were taken down by the football field by Ironworkers Local 17 apprenticeship program; proud that my union brothers and sisters volunteered their time. The bleachers will be reassembled on the south side of the football field in the near future. The main gym is complete and looks absolutely amazing.

**Reports from standing committees: cont.****Planning Committee - Chairman, Orcutt**

Mr. Orcutt reported the Planning commission met on September 20<sup>th</sup> with four (4) items on the agenda. The first (1<sup>st</sup>) item was a request for approval to modify the existing pole sign at 16161 Brookpark Road for Z-Brothers Trucking approved unanimously. The second item was a request for approval to install a covered patio at 15005 Snow Road for Solid Gold Lounge, this is the third (3<sup>rd</sup>) time this item was on the Planning agenda. The request was previously tabled due to the removal of parking spots to install the patio and additional spaces would be needed to requirements for adequate parking throughout the plaza. The owner of Solid Gold submitted written permission from the manager of Rite-Aid Pharmacy to use eleven (11) parking spaces. The commission requested a legal agreement between Solid Gold and Rite-Aid for the use of eleven (11) parking spaces and have the legal agreement reviewed by the Brook Park law department and the item was tabled. The third (3<sup>rd</sup>) item was a request for project and aesthetics approval to construct a 51,300 addition at 18975 Snow Road for Marc's Warehouse; approved by the commission. The fourth (4<sup>th</sup>) was request for project approval and conditional use permit to construct a 100,800 self-storage facility at 14571 Snow Road that had much discussion and voted against unanimously 6-0. The Planning commission welcomed the new business idea and requested the administration look for another location for this business.

**Safety Committee - Chairman Troyer**

Mr. Troyer apologized to Mrs. Horvath for putting her on the spot on something and the back and forth discussion that she had no further knowledge that I thought she may have. Secondly, want to apologize to the residents for what I said not too long ago even though I did mean it. To the residents', have to choose my words a little more carefully. To the residents' I dealt with a person that's bullied many people that I know of and that's how I deal with bullies. The safety committee has one item on tonight's agenda for suspension because the firefighters need their tools. Been asking for the August 20<sup>th</sup> and 21<sup>st</sup> OVI (Operating a vehicle impaired) checkpoint statistics. On August 20<sup>th</sup> from 1900 to 2200 hours the police officers made 694 contacts, average contact time 23 seconds, total vehicles diverted were 32, citations issued to diverted vehicles were 20, six (6) vehicles towed and total enforcement action 32. September 7<sup>th</sup> on West 130<sup>th</sup> Street, a weekday, from 1800 to 2300 hours there were 656 contacts, average contact time 27 seconds, 35 vehicles diverted, 19 citations issued, chase car citations seven (7), ten (10) vehicles towed and total enforcement action 26 citations. Breast Cancer awareness is next month make those mammogram appointments. There will be a blood drive on Thursday, September 30<sup>th</sup>, from 1:00 p.m. to 7:00 p.m. at the recreation center; critical blood shortage. All left lanes are passing lanes and keep grass and snow out of the street.

**Service Committee - Chairman, Salvatore**

Mr. Salvatore reported the Service committee does not have a report. To Mr. Garner let the service crews are doing a fantastic job even with being short-handed.

**Reports of standing committees: cont.****Board of Zoning Appeals - Chairman, Mencini**

Mr. Mencini concurred with Mr. Salvatore's remarks with the service crews. Mr. Mencini reported the board met on September 20<sup>th</sup>, there were four (4) requests on the agenda. First (1<sup>st</sup>) being a request for a rear-lot variance for a new shed at 18410 Dale Drive that was approved. Second (2<sup>nd</sup>) request for signage at 16161 Brookpark Road for Z Brothers Trucking out of the five (5) requests the board approved four (4). Third (3<sup>rd</sup>) request for variances for an addition at 18975 Snow Road for Marc's Warehouse all four (4) requests were approved. The fourth (4<sup>th</sup>) was a request for variances to construct a Space-Shop self-storage facility at 14571 Snow Road. The Board of Zoning Appeals meets before the Planning Commission meeting and the Planning Commission approves buildings and such; the Board of Zoning Appeals approves variances. The board approved four (4) out of the five (5) requests and glad to have audience come up and be constructive and make valid points and proud that the zoning board members did a good job by doing research and homework, these are not easy decisions. The city wants businesses here but want to selective what businesses are going to be here. A comment was made a few weeks ago that I totally disagree with the city needs money so just take it, that's not the case.

**REPORTS OF SPECIAL COMMITTEES:****Southwest General Health Center - Trustee, Orcutt**

Mr. Orcutt reported that COVID Delta variant is causing a rapid increase with the number of people needing hospitalization for the virus. Hospital staff are meeting multiple times per week to address volume trends, staffing and bed availability. The medical staff and employees are outstanding and doing a great job; doing this all together to meet the health care needs. One of the ways the hospital provides patients with high quality care due to maintaining a 90% overall employee retention rate. The next board meeting is scheduled for September 29<sup>th</sup> at 6:00 p.m.; was supposed to be in-person and the health center is going back to virtual. Mr. Orcutt thanked Mr. Troyer for publicly apologizing to the community. Us, Councilmembers', have had discussions and wanted to mention that was an embarrassment to be on the news again as a community. I want to express as a Councilman I don't condone that behavior and we should not conduct ourselves that way. I know residents come up and take shots all the time, we all have taken shots from residents. When Council is on this dais we have to remember to present ourselves in a professional manner and I was prepared to express to you how upset I was. Since you apologized I want to thank you for doing that and wanted to remind everyone the conduct up here needs to be professional. Need to move this city forward in a professional manner and no matter who comes to that microphone to take a whack at us we must remain with professional courtesy. One quote from Council Rule No. 9 "all elected and appointed officials shall at all times during any regular or special Council meeting conduct themselves in a professional manner. They shall not use offensive language to fellow elected or appointed officials or to

**Reports from special committees: cont.**

the attending public. They shall not personally attack either physically or verbally any elected or appointed official". Wanted to make that clear because Brook Park made the news in a very, very unpopular way. Thank you very much for apologizing to this community.

**Berea Board of Education Representative, Mencini**

Mr. Mencini concurred with Mr. Orcutt's comments, do not agree with it but accept his apology. Mr. Mencini reported the current COVID infection rate in the school district is .38%, masks are highly recommended but not mandatory. The Berea-Midpark Middle School has mandatory masking due to rising cases and increased quarantines. The COVID-19 for the school year cumulative totals are 42 infections, 245 recommended quarantines based on contact tracing, 70 students testing positive, eleven (11) staff positions and total cases 81. The high school ends at 2:20 p.m., middle school ends at 3:00 p.m. and the elementary school ends at 3:45 p.m. Some of the employment positions open for the school district is needed bus drivers, early childhood assistant and nutrition services and staff.

**Technology and Innovation Council Representative - Poindexter**

Mr. Poindexter reported the technology committee met September 21<sup>st</sup> and some items discussed was the technology audit report is almost complete and should be presented to the Mayor and Council within the next few weeks. The committee has reached out to the city's senior coordinator to begin dialogue about reaching more seniors through technology; one item discussed is to Zoom senior club meetings. There are items on the agenda that need more action and information and are not moving forward at this point in time. Mr. Poindexter extended an invitation to city departments if any help is needed with tech-related items contact the Mayor or committee members to have placed on the agenda.

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

Mayor Gammella reported speaking with the law director, police chief and deputy finance director there will be legislation coming forward to purchase three (3) new police vehicles; the vehicles are needed. The amphitheater has been delayed due to COVID having trouble getting pieces to the park but is still forthcoming. Same with the dog park the city of Middleburg Hts. is having trouble getting fencing materials, the COVID situation isn't getting any better. Also want to thank Ironworkers Local 17 for removing the football stand, the apprentices did a great job and saved the city quite a bit of money. As Mr. Orcutt and Mencini stated about last night's Planning & Zoning meetings, the meetings were long. On the Planning commission agenda was a plan to invest \$10 million-dollars on a property where the former Bally's is located. The interested party wanted to tear down the building to build a new state-of-the-art indoor climate-controlled storage facility. The proposed building is beautiful from the outside with

**Reports and Communications from the Mayor: cont.**

everything being inside i.e. garage doors and controlled by security personnel. There were no outdoor garage doors, no windows facing residents and the interested party would have repaired the current cement wall and added landscaping all around the facility and screening for the residents. The building would have been 14' closer to Snow Road than the former Bally's. Some people are asking why didn't the city get something there sooner and the reason is there is a gas line that runs through that property and can't be built on. That's part of the problem with getting interested parties to that location. I strongly, strongly, strongly support this project and still support it, however, as Mr. Orcutt said and I respect him he and other members of the Planning commission voted this down. Speaking with the interested party today they are moving onto greener pastures and the city will move ahead. Also would like to have a letter read from DiGeronimo company as part of my report (attached to these minutes). DiGeronimo will be coming to the Planning commission shortly with building specifications.

**Questions to the Mayor:**

Mr. Mencini stated I knew you were in full support of that business and want business and someone said from the Planning commission I don't care how much they put into it; is that the kind of business we want there. At last night's board meeting there were four (4) people coming to the microphone that live in the area that didn't want it. The city did want that business and believe that somebody from the Planning commission offered them to come back and look at different parts of the community to put this. The interested party seemed interested and were quick to make up their minds up about closing the back parking lot in the back after being rejected the first (1<sup>st</sup>) time. I think what was said last night is the city wants your business and you said we want good business and want them in the right locations, which is very important. Snow Road and Michael drive is a major corridor with a many residents in the area. Bally's has been vacant for too long of a time and needs to be gone but we want something there that the community is happy with and think that was kind of a little consensus but appreciate you fight on this.

Mayor Gammella stated had this been a state of a normal storage facility I would not question not supporting it. This would have been a state-of-the-art, clean and a beautiful building and quiet for the surrounding residents with not a lot of traffic.

Mr. Troyer stated to Mayor Gammella is the city ever going to list residential properties on the MLS (Multiple Listing Service)? The commercial properties are listed but not the residential properties.

Mayor Gammella responded I believe the residential properties are listed on the MLS.

Mr. Troyer asked Mayor Gammella what about the traffic study at Engle and Sheldon Roads?

**Questions to the Mayor:**

Mayor Gammella responded the one you keep asking about?

Mr. Troyer responded yes.

Mayor Gammella continued it's in process and in will have the police chief call you tomorrow.

Mr. Troyer asked what about the signs at Calvin and Grosse; no parking and the adjustment of the turn signs.

Mayor Gammella clarified you're talking about the bad curve.

Mr. Troyer continued yes, you know how I feel about the guardrail but it does reflect nicely.

Mayor Gammella responded Mr. Garner is working on the signage.

Mr. Troyer asked Mayor Gammella for the information on the recreation center roof and walls.

Mayor Gammella stated that will be forthcoming very shortly at a Caucus meeting.

Mr. Troyer stated with the dog park there are some rumors that the City of Berea may want get involved with that?

Mayor Gammella responded yes, the City of Berea does want to get involved.

Mr. Troyer asked will that change things up?

Mayor Gammella responded will probably make the contribution a bit smaller. The city needs to do these types of things to partner with other communities, to same taxpayers' dollars.

Mr. Troyer asked if the agreement or contract will be brought forward, that's what I had a problem with the last time.

Mayor Gammella responded the city already has the agreement and the City of Berea will have to come up with the same amount as the City of Brook Park.

Mr. Troyer stated Council has not passed an agreement.

Mayor Gammella responded not with the City of Berea but with the City of Middleburg Hts.

**Questions to the Mayor:**

Mr. Troyer asked when did that happen?

Mayor Gammella responded probably about a year ago.

Mr. Orcutt stated to Mayor Gammella as a representative to the Planning commission I do want to set the record straight that it was a 6-0 vote last night on that storage facility across from Giant Eagle. Not to vote against the business it was a vote against the location. For the people watching at home and in the audience the interested party came to the Planning commission for a conditional use permit. A conditional use permit basically says that business doesn't go into that zone without permission from the Planning commission, that is a retail area. The discussions that took place last night were all in favor for that business. I definitely thought it would be a fantastic business for the community; although with some of the discussion had. The commission never saw any plans for the \$10 million-dollars construction, the building did look very nice. The comments made by the commission was about location and the city's economic development commissioner was not present to answer this question. Did the administration show the interested party any other locations within the community and the business owner answered no.? Why wasn't the company shown any other areas only because the business that was going to be put there, across from Giant Eagle, didn't generate any money, there was talk about two (2) employees being there. Why wasn't the company shown another zone or area?

Mayor Gammella responded the company didn't want to look at another zone or area that's precisely where the company wanted to be in the former Bally's location. You are right it was not going to generate any income but that Bally's has been an eyesore for many years. The lot is not conducive due to only using part of the lot to build on and this was not a storage facility seen everywhere else. This was a state-of-the-art building that looked like an office building and as you stated beautiful. The building was beautiful, resident friendly and quiet and I strongly supported it and would like to see it. There was a difference of opinion it's done and the city needs to move on.

Mr. Orcutt stated not speaking for the commission can only go off on what was heard last night is that business was loved and just thought it should be in a new location; possibly in the former Ford Motor area or where the former Speedway is on West 130<sup>th</sup> Street and Snow Road. The comments made by the commission last night I have to stand behind them was things that were heard from the residents' is there is nowhere to go to eat and somedays there is nowhere to go after 3:00 p.m. That is a big issue and as commissioners and Councilmembers have listen to the constituents and have to act for them. I have to stand up for the commission and commend them for doing what was right. Walked out last night feeling what a group of great Brook Park residents, not just talking about the commission, this place was packed last night with people coming up and expressing their concerns. Didn't hear anyone say anything bad about that business and will end with we encourage you to continue to look for a place that is

**Questions to the Mayor: cont.**

suitable for that business within this community.

Mayor Gammella responded there were five (5) people speak against it and one (1) speak for it and they wanted that location for visibility and things of that nature. If they would have wanted to go on Engle Road the city would have put them on Engle Road.

Mr. Orcutt stated have to agree the one (1) person that spoke for it is a business owner in the city for over 20-years owning the automotive repair shop. Have to agree with him as I did publicly last night the adjacent program next door to him which is Bally's looks terrible. There are dead trees laying in the parking lot for months at a time, asphalt company trucks parked in the back and as stated last night a resident that walks their dog through that parking lot said the license plate tags are from 2016. The business owner that spoke for it would like to see it cleaned up so it can help his business, I concur. There are ordinances on the books that can be used to cleanup that property.

Mayor Gammella responded this project could have cleaned up the very thing you're talking about with greenspace, that I a very big component of. The company would have manicured it and kept up with it so that problem would have been solved.

Mr. Orcutt stated by using the laws on the books that property can be cleaned up.

Mr. Salvatore asked for an update on the lateral transfers?

Mayor Gammella responded they are being discussed more in the police department, than in the fire department not being necessary. The police department is a possibility will have to have more discussions with the unions going back into negotiations for wages and benefits.

Mr. Salvatore asked where is the city at with the safe-zone area for people to make exchanges is that being utilized?

Mayor Gammella responded will look into that and call you tomorrow.

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

Engineer Piatak

Mr. Piatak reported with the roads program, with the Delores Blvd. project the catch-basins are installed, centerline pavements cut and the asphalt milling operation is scheduled for tomorrow, with mainline pavement removal beginning Monday with the one-way implementation beginning. Sylvia Drive catch-basins will be installed upon delivery, centerline pavement cut today, catch-basin block-outs were cut today along with tree removals and miscellaneous work is being done this



**Reports and communications from departments, commissions and other public officials:**Engineer Piatak: cont.

week. The Middlebrook construction signs will be put up today with equipment and materials beginning to be delivered tomorrow with pavement saw cut operations later this week, mainline pavement removals next week meaning the northbound one-way traffic will begin. With the asphalt resurfacing project contractor have been delayed due to scheduling conflict with his pavement milling subcontractor with work hopefully beginning later next week. The crack-seal project the contractor was notified to pick up the contracts for signatures so this project can move forward.

Service Director Garner

Mr. Garner reported the fall Shred-It day is October 9<sup>th</sup> from 10:00 a.m. to 1:00 p.m. at the service garage, same protocols being followed. Residents stay in vehicle and city personnel will unload and place in trucks. Service crews collected 72 tons of bulk last week. Recycling is becoming an issue with people putting things that are not recyclable in the program, may be recyclable someplace else but not in the city's program. The annual calendar is being worked on with the bulk dates and other dates that are important to the program. No grass or other organic materials should be placed in the blue cart what is acceptable is cans, glass, cartons, paper boxes and plastic bottles and jugs are the only items for the blue cart. Recycling is a privilege and is very expensive and by putting the proper items will keep the city rates down.

Law Director Horvath

Mrs. Horvath reported law department has no report but would like to acknowledge Mr. Troyer's comments. Certainly, it is different to opine on something if the matter is not known beforehand. I appreciate Mr. Troyer's comments, apologies and thank Mr. Troyer for that consideration.

Mr. Vecchio stated Finance Director Cingle is out of town at a conference.

Recreation Director Elliott

Mr. Elliott reported the department is preparing on the Boo Park fall festival to be held on Sunday, October 10<sup>th</sup>, staff has put a lot of work into this. Thank you to the Ironworkers Local 17 apprentice program for disassembling the football stands and at a later date those stands will be relocated. Service crews are beginning to install the goal posts and the Groza football program, to date, is going very well. The younger children flag and padded flag games will be played, along with this Saturday beginning the Youth Co-ed volleyball program. As Mayor Gammella mentioned with the amphitheater due to shipping problems with lumber and steel the project is delayed with an October being most likely. The city is waiting on the outdoor fitness equipment through a grant and will be walking the site with the city engineer and the gentleman where the city purchased the equipment for placement and installation of the items. In the last month or so Councilman Mencini and the

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

Recreation Director Elliott: cont.

recreation department have worked with the library branch manager for input on a new program named 'Library Story Walk' with the opening being this Thursday, September 23<sup>rd</sup> at 2:00 p.m. The MetroParks, other libraries and other cities have this same program with sign placement throughout the campus that tells a story.

**Questions to the directors:**

Mr. Scott asked for an update on Holland Road, east of Michael Drive, by the CSX tracks?

Mr. Piatak responded that is part of the asphalt resurfacing project and will be milled and worked on with the rest of the streets, either next week or week after.

Mr. Scott asked Mr. Piatak for a description on how Middlebrook Blvd. will be done. With the different process than other streets with doing sections at a time. Will that make it easier on the residents' driveways' and so forth.

Mr. Piatak clarified with the asphalt project or reconstruction project?

Mr. Scott responded with the Middlebrook project.

Mr. Piatak responded the Middlebrook Blvd. contractor will work on each lane at a time and probably break up to each intersection; so maybe 300' stretches. Will remove the pavement, repair catch-basins, prepare the sub-grade and install pavement. When that is completed will move to the next 300' and continue that northbound until completed. Then drop back and do the same method on the south side of the street making it a more compact work zone. The completion date is in-line with the contract and should be less disruption for the residents and have no problem with that method.

Mr. Troyer stated to Mr. Piatak was anything mentioned about Sandhurst?

Mr. Piatak responded not specifically, that street is included in the asphalt resurfacing project; Sandhurst, Hummel between Shelby and Fry and Holland by the railroad tracks and Michael Drive.

Mr. Troyer stated don't know what order those are being done, they may not start on Sandhurst.

Mr. Piatak responded the contractor may but it's all going to happen so fast since the other sections are smaller.

**Questions to the directors: cont.**

Mr. Troyer asked Mrs. Horvath if there is anything new with the west-end lawsuit?

Mrs. Horvath responded that is a topic appropriate for Executive session and for reason will not speak on it tonight. If Council schedules an Executive Session will be happy to participate and think it causes more harm than good to speak about the current situation with that lawsuit.

Mr. Troyer stated last week it was mentioned that a two-week notice is required to hold that meeting.

Mrs. Horvath clarified I think you're speaking of the public hearing for medical marijuana.

Mr. Troyer responded correct.

Mrs. Horvath continued I think the thing to do is count back from the date set and come up with two-weeks before hand. Determine what will be on the agenda and who the speakers will be before that particular date. In order to send that notice out and I think you will also need, in addition, to having the set speakers and agenda prospered on the 14<sup>th</sup> day. You will also need to come up with some procedure for the public to participate and don't know how long of a meeting Council would wish. Might want to set some parameters as to how long the invited speakers will speak and also what is a reasonable parameter for the participants coming forward to speak because it is not known how many people coming forward from the audience to participate and want to make sure there is enough time for all of them to adequately express their thoughts. I think basically it is Council's call as to how you want to handle that public hearing. If you determine all of those things and put it in a notice along with the agenda 14 days of date picked; if I recall correctly the date was October 20<sup>th</sup>. Then I think Council will have a successful public hearing.

Mr. Troyer reiterated where is it written that there has to be a two-week notice.

Mrs. Horvath responded this falls into the category of in order to sometimes answer questions we need to know what the question is beforehand. I will confirm that in a memo as to where exactly that two-week notice is but because I did not anticipate the question I can't sufficiently answer today.

Mr. Troyer stated to Mr. Elliott the gym floor looks great.

Mr. Mencini stated to Mr. Garner with the paper shredding day last year cars were in line to the railroad tracks. Will there be any alterations made for that?

**Questions to the directors: cont.**

Mr. Garner responded due to the cancellation of the program in 2020 the participation was extremely heavy as the tonnage showed and don't think that will occur this time. There is nothing else that can be done since the entire service yard and building is being used to accommodate.

Mr. Mencini stated to Mrs. Horvath there are two (2) different incidents that I called Assistant Law Director Sackett yesterday. If you could get a briefing on these I'll stop in after my meeting with the Mayor tomorrow.

Mrs. Horvath responded will check with Mr. Sackett.

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

Mr. Troyer requested M-1 and 2 be placed under letter J since they were not properly introduced.

**Motion** by Mr. Troyer, supported by Mr. Poindexter, to place items M 1 & 2 under letter J.

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

**NAYS:** None. The motion carried.

**Communications:**

1. CORRESPONDENCE RECEIVED FROM BROOK PARK RESIDENT.

Mr. Troyer commented were going to have read personal attacks?

Mr. Vecchio polled Council to see if everyone received the first (1<sup>st</sup>) and second (2<sup>nd</sup>) correspondence received. By a show of hands unanimous vote.

Mr. Salvatore stated to Mr. Vecchio this is your decision to make.

Mr. Vecchio responded this is a Council decision to be read by Council Rules.

Mr. Orcutt commented it is on the agenda.

Mr. Poindexter stated prefer not to be read.

Mr. Vecchio poll of Council to have correspondence read.

Troyer abstain, Mencini yes, Poindexter no, Salvatore abstain decision should be made by the chair, Mr. Scott yes, Mrs. Schmuck yes, Mr. Orcutt it's on the agenda prepared by the Council President to have put on, of course, yes.

The clerk read the letter from Brook Park David Morris attached to these minutes.

**Communications: cont.**

The second piece of correspondence received was not received within 96-hour prior to the Council meeting per Council Rule 21 - Communications, anonymous communications and requires a vote of Council to have read.

Mr. Vecchio stated the correspondence dies for lack of a motion.

**Verbal Approval:**

Quantity of 500 Proclamation folders - \$996.25 plus \$25.00 delivery fee totaling \$1,021.25.

**Motion** by Mr. Poindexter, supported by Mr. Mencini, to verbally approve.

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

**NAYS:** None. The motion carried.

**New Legislation:**

1. ORDINANCE NO. 11217-2021, DESIGNATING THE DEPOSITORIES OF THE ACTIVE FUNDS OF THE CITY OF BROOK PARK, OHIO, FOR A PERIOD OF FIVE YEARS BEGINNING OCTOBER 7, 2021 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

**Motion** by Mr. Troyer, supported by Mr. Orcutt, to suspend Council Rule 12A, second part, and place under letter M-1.

**ROLLCALL: AYES:** Troyer, Orcutt, Schmuck, Scott, Salvatore, Poindexter, Mencini

**NAYS:** None. The motion carried.

2. ORDINANCE NO. 11218-2021, DESIGNATING THE DEPOSITORIES OF THE INTERIM FUNDS OF THE CITY OF BROOK PARK, OHIO, FOR A PERIOD OF FIVE YEARS BEGINNING OCTOBER 7, 2021 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

**Motion** by Mr. Troyer, supported by Mr. Mencini, to suspend Council Rule 12A, second part, and place under letter M-2.

**ROLLCALL: AYES:** Troyer, Mencini, Poindexter, Salvatore, Scott, Schmuck, Orcutt

**NAYS:** None. The motion carried.

3. AN ORDINANCE MAKING A WRITTEN RETURN TO THE FISCAL OFFICER OF CUYAHOGA COUNTY, OHIO, FOR CHARGES FOR THE SERVICES OF THE CITY BROOK PARK, OHIO, FOR CUTTING WEEDS ON CERTAIN PARCELS OF LAND DESCRIBED HEREIN AND AUTHORIZING SAID CHARGES TO BE PLACED UPON THE TAX DUPLICATE AND COLLECTED AS OTHER TAXES PURSUANT TO SECTION 731.54 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella. Placed in Finance committee.

**New Legislation: cont.**

4. A RESOLUTION APPROVING THE CITY OF BROOK PARK'S NOTICE TO THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) TO ELECT NOPEC'S GREEN COMMUNITY CHOICE PROGRAM FOR THE CITY'S ELECTRICITY AGGREGATION PROGRAM AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella. Placed in Legislative committee.
  
5. AN ORDINANCE AUTHORIZING THE MAYOR TO TRADE-IN THE CITY'S VERMEER STUMP CUTTER AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella. Placed in Service committee.

**MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**

**REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**

Elizabeth Sayers

23065 Cedar Point Road

Ms. Sayers expressed concerns of a letter received that was very devastating dated September 20, 2021.

Joan Markusic

13911 Bellbrook Drive

Ms. Markusic expressed concern with the Sylvia Drive construction signs being put up. Information from the Mayor being shared but no sharing of information for the last three (3) years. The city was approved for two (2) police officers but no funds to hire. Council rule no. 9 applies to the Mayor. Appreciates the job Council does by answering questions and view of city government is to represent the residents.

Ray Peterlin

5811 Wengler Drive

Mr. Peterlin read a manifest into the record that is on file in the Council office.

Louis Modic

14399 Fayette Blvd.

Mr. Modic expressed concerns with a letter received stating that the petitions presented were not valid. Not receiving public records request for documentation of the 1990 and 2000 Census population. Resolution No. 33-2016, Medical Marijuana Moratorium not being done properly and emailed both Mayor Gammella and Law Director Horvath.

George Teetzel

5724 Doris Drive

Mr. Teetzel thanked Mr. Poindexter and technology committee for the technology idea for the seniors. Expressed concerns with the outdoor fitness equipment being outdoors all year long. An update from Mayor or Engineer Piatak on the Army Corp of Engineers

**Remarks from the audience: cont.**

flooding brought up a few meetings ago.

**Motion** by Mr. Troyer, supported by Mrs. Schmuck to address the audience.

**ROLLCALL: AYES:** Troyer, Schmuck, Orcutt, Scott, Salvatore, Poindexter, Mencini

**NAYS:** None. The motion carried.

Mr. Troyer stated to Ms. Markusic excellent in your remarks and I've never agreed with you more. To Mr. Peterlin the pool roof for many years I've been saying to get the roof and walls done. To Mr. Modic as stated before a resolution is a moment in time and not binding; we are in process of doing what you are asking for. To cover the letter that was read want to point out a few things. This is a person that wrote this that don't throw stones if you live in a glass house; he is in a single-paned glass house at the bottom of a funnel. At any rate he writes assaulted lady liberty absolutely untrue, false narrative always has been, never happened, you think I beat up a statue, Lady Liberty is a statue. Everyone knows what I was accused of and it never happened; it didn't happen I never assaulted anybody. That shows where you this is coming from this person was a candidate for Mayor and couldn't enough signatures.

Mr. Vecchio - Mr. Troyer let's not disparage the residents.

Mr. Troyer - he's a political operative.

Mr. Vecchio - I understand.

Mr. Troyer - I'll leave it at that but he is a political operative, ran for office this year. Not just a resident he's a political operative.

Mr. Mencini stated to Ms. Sayers and Ms. Markusic agreed with  $\frac{3}{4}$  of the things both of you said. Appreciate residents coming to the microphone. Mr. Modic have right to come to the microphone and agreed with Mr. Peterlin on the medical marijuana and disagreed about the hotel.

Mr. Vecchio stated to Ms. Markusic that Council rule no. 9 applies to the Mayor, as well as all elected and appointed officials. Anyone representing the city in an elected or appointed capacity must follow Council rule no. 9.

**Motion** by Mr. Orcutt, supported by Mr. Mencini, to go back to the regular order of business.

**ROLLCALL: AYES:** Orcutt, Mencini, Troyer, Poindexter, Salvatore, Scott, Schmuck

**NAYS:** None. The motion carried.

**INTRODUCTION OF ORDINANCES AND RESOLUTIONS: FIRST READING:**

1. ORDINANCE NO. 11217-2021, DESIGNATING THE DEPOSITORIES OF THE ACTIVE FUNDS OF THE CITY OF BROOK PARK, OHIO, FOR A PERIOD OF FIVE YEARS BEGINNING OCTOBER 7, 2021 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

**Motion** by Mr. Poindexter, supported by Mr. Mencini, to suspend.

**ROLLCALL: AYES:** Poindexter, Mencini, Troyer, Salvatore, Scott, Schmuck, Orcutt

**NAYS:** None. The motion carried.

**Motion** by Mr. Mencini, supported by Mr. Orcutt, to adopt.

**ROLLCALL: AYES:** Mencini, Orcutt, Schmuck, Scott, Salvatore, Poindexter, Troyer

**NAYS:** None. Ordinance No. 11217-2021, has passed under suspension of the rules. Adopted.

2. ORDINANCE NO. 11218-2021, DESIGNATING THE DEPOSITORIES OF THE INTERIM FUNDS OF THE CITY OF BROOK PARK, OHIO, FOR A PERIOD OF FIVE YEARS BEGINNING OCTOBER 7, 2021 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

**Motion** by Mr. Poindexter, supported by Mr. Mencini, to suspend.

**ROLLCALL: AYES:** Poindexter, Mencini, Troyer, Orcutt, Schmuck, Scott, Salvatore

**NAYS:** None. The motion carried.

**Motion** by Mr. Poindexter, supported by Mr. Orcutt, to adopt.

**ROLLCALL: AYES:** Poindexter, Orcutt, Schmuck, Scott, Salvatore, Mencini, Troyer

**NAYS:** None. Ordinance No. 11218-2021, has passed under Suspension of the Rules. Adopted.

3. ORDINANCE NO. 11219-2021, PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,685,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE IMPROVEMENT BONDS, SERIES 2013 DATED OCTOBER 1, 2013, AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

**Motion** by Mr. Mencini, supported by Mrs. Schmuck, to suspend.

**ROLLCALL: AYES:** Mencini, Schmuck, Scott, Orcutt, Salvatore, Poindexter, Troyer

**NAYS:** None. The motion carried.

**Motion** by Mr. Poindexter, supported by Mr. Orcutt, to adopt.

**ROLLCALL: AYES:** Poindexter, Orcutt, Schmuck, Scott, Salvatore, Mencini, Troyer

**NAYS:** None. Ordinance No. 11219-2021, has passed under Suspension of the Rules. Adopted.

4. RESOLUTION NO 17-2021, ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.



**Introduction of Ordinances and Resolutions First Reading: cont.**

**Motion** by Mr. Mencini, supported by Mr. Poindexter, to suspend.

**ROLLCALL: AYES:** Mencini, Poindexter, Salvatore, Scott, Schmuck, Orcutt, Troyer

**NAYS:** None. The motion carried.

**Motion** by Mr. Troyer, supported by Mr. Poindexter, to amend section 2 to read as written on page.

**ROLLCALL: AYES:** Troyer, Poindexter, Mencini, Salvatore, Scott, Schmuck, Orcutt

**NAYS:** None. The amendment carried.

**Motion** by Mr. Mencini, supported by Mr. Orcutt, to adopt as amended.

**ROLLCALL: AYES:** Mencini, Orcutt, Schmuck, Scott, Salvatore, Poindexter, Troyer

**NAYS:** None. Resolution No. 17-2021, has passed under suspension of the rules. Adopted as amended.

5. ORDINANCE NO. 11120-2021, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SUTHPHEN CORPORATION FOR THE PURCHASE OF A SET OF RESCUE TOOLS AND TWO SETS OF AIR BAGS AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

**Motion** by Mr. Mencini, supported by Mrs. Schmuck, to suspend.

**ROLLCALL: AYES:** Mencini, Schmuck, Scott, Orcutt, Troyer, Poindexter, Salvatore

**NAYS:** None. The motion carried.

**Motion** by Mrs. Schmuck, supported by Mr. Mencini, to adopt as amended.

**ROLLCALL: AYES:** Schmuck, Mencini, Poindexter, Troyer, Salvatore, Scott, Orcutt

**NAYS:** None. Ordinance No. 11120-2021, has passed under suspension of the rules. Adopted.

**SECOND READING OF ORDINANCES AND RESOLUTIONS:**

**THIRD READING OF ORDINANCES AND RESOLUTIONS:**

1. ORDINANCE NO. 11212-2021, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF PERMANENT PARCEL NO. 343-15-023 AND DECLARING AN EMERGENCY.

Introduced by Mayor Gammella.

**Motion** by Mr. Poindexter, supported by Mr. Troyer, to adopt.

Mr. Salvatore stated will be a no vote on this legislation and no one wants to acquire that property more than me and want it to be acquired the right way. If the city were going to acquire for public purpose that property should have been taken by eminent domain. The report that I read did not provide enough information to make a sound business decision on the purchase of this property, therefore, will be a no vote.

Mr. Orcutt stated this piece of legislation is a piece that I'm excited to see in front of Council. It's something that I think I've been talking about since before ever elected. I actually ran for this position to fix the blight in our community as a

**Third Reading of Ordinances and Resolutions: cont.**

resident did not like how my community looked. In fact, I think the very first (1<sup>st</sup>) conversation I had with Mayor Gammella he said what would you like to see done? I said that we need to clean up the blight that was my biggest accomplishment to do while up here and do look at every piece of legislation very practically, doesn't matter who introduces it or how. I'm excited about this and wanted to make one comment and have a question for the Mayor. It was stated at the microphone this evening that this property is going to cost the city \$1.7 million-dollars. The cost to the city is only \$1,550,000.00; the \$210,000.00 that's attached to it is a note that needs to be signed by the city's finance director for basically a tax note. That's not physical cash that we're giving to this person, wanted to clarify that. My question to the Mayor was I didn't have a chance to speak to the finance director and know from speaking to him that you and the economic development commissioner did speak to him about this. As far as I know he has no intent for signing that tax note. My question to you is will this hold up the actual sale of this land?

Mayor Gammella responded no, the finance director called me earlier today, this has been on the agenda since August with some discussion about it. He never indicated that he wouldn't sign the note the fact of the matter is he doesn't have to sign the note. The Economic Development Commissioner can sign it under good legal counsel.

Mr. Orcutt continued wanted to clarify that and looking forward to working with the residents on the redevelopment of that area.

Mr. Mencini stated to be honest, I questioned two (2) out of three (3) things should have been built, have the depth but not the length. Mr. Orcutt worked hard to get signatures to move that hotel out of there. Heard a comment this evening eminent domain and as many times as I agree with Mr. Salvatore, we're going to go there. For another possibly four (4) to six (6) years to fight this. Residents have been here and we heard them they want that hotel out of here, they are hotel out. Until the law or finance director tell me don't do it I'm voting yes on this. We have to move this city ahead and this is the start.

Mr. Troyer stated kind of surprised we're at third reading and it appears that the Mayor has been working on this for four (4) years and Ward 3 Councilman has been working on this for four (4) years. We're sitting here at the cusp of doing this and then there's a wrench, another problem somehow. What do you look at? Is this good for the city, yes it removes a nuisance. Is it legal? Yes, there may be a snafu but I don't think so and why all of a sudden a last minute snafu, another wrench. Can we afford it? Yes, we've already appropriated the money and over half of that is going to be left over. So I don't understand it, I don't want to talk about a can but let's get this done.

**Third Reading of Ordinances and Resolutions: cont.**

The clerk called the roll by Mr. Poindexter, supported by Mr. Troyer, to adopt.

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

**NAYS:** Salvatore. Ordinance No. 11212-2021, has passed under third reading with a vote of 6-1. Adopted.

**NOTE:** EXECUTIVE SESSION - COUNCIL OFFICE PERSONNEL - PER COUNCIL PRESIDENT VECCHIO:

**Motion** by Mrs. Schmuck, supported by Mr. Orcutt, to go into Executive Session.

**ROLLCALL: AYES:** Schmuck, Orcutt, Scott, Salvatore, Poindexter, Mencini, Troyer

**NAYS:** None. The motion carried at 9:46 p.m.

In attendance: Members of Council, Law Director Horvath and Clerk of Council Blazak.

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

**ROLLCALL: AYES:** Poindexter, Mencini, Troyer, Salvatore, Scott, Schmuck, Orcutt

**NAYS:** None. The motion carried at 10:26 p.m.

**Motion** by Mr. Troyer, supported by Mr. Mencini, to discuss an amendment that was amended differently than what Council wanted.

**ROLLCALL: AYES:** Troyer, Mencini, Poindexter, Salvatore, Scott, Schmuck, Orcutt

**NAYS:** None. The motion carried.

Mr. Troyer stated Council does not have, per say, but on Ordinance No. 11216-2021 Council made an amendment at the September 7<sup>th</sup> to remove 'shall be' and insert 'exceed' that was out amendment. That wasn't what the amendment was in the final piece it was the word 'not' added. It was supposed to read in no event shall the total amount to be paid under said contract exceed \$43,175.00, that what it was supposed to read. The way it actually reads in no event shall the total amount to be paid under said contract shall not exceed \$43,175.00, that is a double negative. The way I read that is according to this agreement-legislation it has to be \$43,175.00 and \$0.1. What I want to end up doing is having a discussion on how the process on when something is amended how the proper wording as Council stated as Council amended put in this legislation.

Mr. Salvatore stated I think there is a process in place and it's called read the minutes and if you have a problem making amendments in the minutes then we can make a correction. If there is a problem, do it when you catch the mistake and make an amendment, you're going back to September 7<sup>th</sup>.

Mr. Vecchio stated that was adopted.

**Discussion of amendment issue: cont.**

Mr. Troyer reiterated it was amended and adopted.

Mr. Salvatore stated you're saying it was amended wrong?

Mr. Troyer responded right, when the amendment was put in it's not the amendment that we made.

Mr. Vecchio stated the amendment that was received and let me clarify was not caught before voting through on the floor?

Mr. Troyer no, we amended it and adopted it the same night; it's actually the wording put in later that should be, whether it's right or wrong, the wording should be the words Council amended it too. In this case it was changed.

Mrs. Horvath stated there is a process that is in place, the law department gets correspondence from the Council clerk and she is the keeper of the records and keeper of all of the transcripts, takes notes and makes the minutes. She goes ahead and usually sends us an email or something formal over saying on this ordinance this is what the amendment should be. We go ahead and we draft what it says whatever the clerk says. The clerk does an excellent job and has been doing this for a very long time and sometimes we clean up language and grammar because it doesn't sound right. I believe this was probably an attempt to clean up language and grammar so there is no deep, dark mystery about it. There is nothing suggesting that we're attempting to not perform Council's will in getting language into the ordinances. This is simply a situation where it was felt that it wasn't grammatical as it was read into the record and so it was made it grammatical that has been done many times and probably should be. We don't want to have a situation that doesn't read in proper English or proper grammar. That came over at the Council's clerk request and we modified it and sent it back over. I would suspect Michelle when we did send it back over was that provided to Council?

Ms. Blazak responded no, I don't usually do that; this was a discussion between me and your assistant. We both didn't think it read right and came up with a concurrence on how it should read.

Mrs. Horvath continued that's fine and has been done many times before and is general practice. If there should be an 'a' instead of an 'an' or something along that line. If there's a hyphen that should be in there, then it goes in. More to the point and I know this was discussed probably maybe Monday between Councilman Troyer and my assistant. The question of the exhibits being put onto the one piece where we had the change to from 2021 to 2022, which was a typo. Then changing schedule, A and schedule B or making them exhibits that was discussed between

**Discussion of amendment issue: cont.**

the Council Clerk and the law department and everything that is attached to legislation is an exhibit. That was made appropriately and the law department and Council clerk agreed that it should read Exhibit Schedule A and Schedule B because Schedule A and Schedule B are exhibits. There was a discussion between Ms. My assistant and Councilman Troyer, where Councilman Troyer was told it was appropriate and was also called to his attention there was a correction the week before, that's how he knows there was a correction he was informed by my assistant. Basically, the law department's position is the correction that the clerk sends over with regards to the exhibits and also with regarding the 'not' is fine and was done during the ordinated course of business. To say that you don't want the words exhibits in the second correction is probably kind of meaningless but nonetheless that's the law department's recommendation. There has to be a certain amount of discretion as to how these things are typed up and presented and that was one of the reasons why we had the Caucus meeting. I was jumping trying to indicate what the problem was because if there is a problem and there's a disagreement between the law department and one of the Councilman; I'm not going to sit here and not tell you about it. It's my duty and obligation that if I see something and feel that something is inappropriate I need to tell you. I think we're making a big deal out of really nothing and think traditionally we have always gone ahead and corrected these things, the clerk does an excellent job and I know she listens to the tapes over and over again. I know some of the microphones don't always work very well and know that she's very diligent in doing this and trust her 100% in what she sends over. I think we're making a mountain out of a molehill, I don't know maybe you want to see the amendments before having on Council record and I guess that's a new procedure you can begin to do. I will tell you quite honestly that it's very, very disturbing to the law department to have someone on the Council dais say I have an amendment and the law department knows nothing about it. If you're going to change the fact that each one of Council wants to see the amendments that the clerk sends over then I, personally, as law director would appreciate a heads-up as to what amendments are going to be made. Because I can't answer questions about stuff I don't have all the background material on what is sent over to draft Ordinances. I don't know what you're going to ask me unless you tell me ahead of time. I can't give an appropriate answer if someone just decides, hey, let's amend this. Sometimes there is a very simple and appropriate way to amend or maybe there is a typo. Last week I couldn't answer the question because nobody asked me ahead of time and I am not a magician nor do I have powers in telepathy. If you want to change the way you word things that's fine if you want to change your procedures and have the clerk email what she sends over to the law department that's great. By the same token if you're going to make an amendment please tell me.

Mr. Vecchio stated it sounds to me in cleaning up language and everything else as described is a no-harm, no-foul period.

**Discussion of amendment issue: cont.**

Mr. Troyer - Point of order

Mr. Vecchio - hold on Mr. Troyer let me finish. Mr. Troyer's point is that for the sake of Councilmatic action that it should be verbatim what is said whether be from himself or anybody else. Obviously, there is a couple of ways to look at this. As the law director laid out I guess the answer to Council would be if you want to see the amendment before it's put public, up for your vote. If you want the clerk to send your amendment over so that you can read it and are you going to respond in a timely manner to approve or disapprove. That would be my question to everybody? If that's the route we have to go the clerk is going to have to send it over to Councilman Troyer, Councilman Mencini, whoever's amendment sent over and then send out for that Councilmember to respond to it.

Mr. Salvatore stated just to summarize this and wrap this up it's pretty clear what Councilman Troyer is trying to say. Make the amendment and it should be verbatim as what the amendment reads. I think the only way to make that happen is all amendments should be in writing and all Members of Council should have a copy of that amendment prior to a vote on the amendment. That amendment would be in writing given to the clerk and the clerk can then make that adjustment into the new legislation before it gets posted into the book.

Mr. Vecchio commented that's a great example also.

Mr. Troyer stated that's a bit impractical at times but whenever we can do that yes. I'm looking at these amendments and am pretty sure these are both me talking, and for sure one was me talking to the finance director; clarifying getting things straightened out with him. A lot of times when I get the agenda I look at it, peruse it, and say it looks good and even there were a few issues that was able to look at Friday and called the clerk right away and able to get a few things straightened out. All I know when we amend something it went through seven or eight heads reading it and amending it. We all read it, we all amended it and said yes amend to that. There is legislation that was signed that we amended the crap out of and none of the amendments made the final signed legislation and put us in jeopardy for a while. That particular piece of legislation is moot now but there are others. It's so important that what we pass when we amend something that it is in the form that we agreed, seven of us, to do. It's that simple and yes if we have to figure out a way to work better let's figure out a way to communicate better.

Mr. Vecchio stated as the Council President/Office Administrator and working hand-in-hand with the clerk as we all do. Let's simplify it and Mr. Salvatore brought up a great point any amendment has to go to the clerk in writing from any member of Council. So when you review the legislation put it in writing, send it to the clerk so that way she has it exactly the way you want it.

**Discussion of amendment issue: cont.**

Mr. Troyer reiterated again its impractical at times and you can't make that choice. Council does the amendments.

Mr. Vecchio stated the problem is if you're having that big of an issue you're putting the onus on the clerk so therefore Council bears no responsibility.

Mr. Salvatore understands what everybody is saying it's pretty clear if you're going to make an amendment and shoot from the hip you can still write it down and pass it to the clerk.

Mr. Vecchio stated correct, yes.

Mr. Salvatore stated and no legislation should be signed by you or the Mayor until that amendment had been properly placed into the new legislation. I think that's what's happening sometimes before you leave a meeting you'll sign legislation that may have been amended, the Mayor signs off on it and the amendment never was placed in.

Mr. Troyer interjected multiple times.

Mr. Vecchio stated in some cases but think you have a great point both ways it's not too hard; we see it all the time. That as you stated you caught one on Friday as soon as you received a piece of legislation. Send an email to the clerk here you are this is what I would like. Have it written down as you're writing your notes you can write that note this is the amendment that I have, in writing so it's done, I'm just laying it out.

Mr. Orcutt stated have been coming to Council meetings here and there throughout the time I've lived in Brook Park. I think what we can do is obviously provide a professional courtesy to our law department; she's always been professional with us. As soon as we have amendments I think it's more than courteous to actually print those out yourself and put out in front of everybody but I is also impractical to do that all the time. Sometimes when I wasn't on the dais I've seen the meetings slow down when there is an amendment and the Council President will take it over by slowing it down and making sure that we have the exact verbiage. This is always something I always do at my day job I always repeat back what the person would like done, make sure that is clarified and then we make sure we have it. We need to slow it down for a second make sure we have it and thirdly, from the three people talking up here. Great suggestion that we don't sign off on that legislation until the amended piece is corrected. That's all I think we should do provide professional courtesy, slow down when there is an amendment and don't sign off on any legislation until that the proper amendments have been added.

**Discussion of amendment issue: cont.**

Mr. Troyer stated that does have to be removed it creates a double negative, you don't have it.

Mr. Vecchio stated we don't have legislation so you're going to have to send it over to the clerk in writing.

Mr. Troyer reiterated the word not makes it a double negative.

Mr. Vecchio stated right and we can't say anything about it because we don't have it in front of us.

Mr. Scott stated I don't know what you're talking about.

Mr. Troyer I understand and you can come and look at it but the point is it should read and be resigned as we amended it.

**Motion** by Mr. Salvatore, supported by Mr. Poindexter, that this was discussed.

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

**NAYS:** None. The motion carried.

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

**ROLLCALL: AYES:** Mencini, Orcutt, Schmuck, Scott, Salvatore, Poindexter, Troyer

**NAYS:** None. The motion carried.

Council President Vecchio declared this meeting adjourned at 10:44 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.

10,173 words



*Read 9/21/21 Council*



September 21, 2021

Michael Gammella, Mayor  
6161 Engle Road  
Brook Park, Ohio 44142

Mayor Gammella,

I wanted to reach out and formally thank you again for participating in the Forward Innovation Center groundbreaking ceremony. It was an exciting day and great to see all the people who attended. The community support will be vital as we move forward.

I also wanted to reiterate what I spoke about that day. We would not be at this point without your leadership and commitment to work as a partner on this development. When we invest in projects, we also invest in the communities in which they reside. We always hope that our efforts are matched by the local leaders and that we can find a way for all parties to be successful. In this case, we are off to a great start and the City of Brook Park is fortunate to have you leading the way.

Thank you (and your staff) for all your efforts to date. This is just the beginning of what we truly believe will be one of the most impactful developments in our region. I look forward to continue working with you and your team.

Sincerely,

A handwritten signature in black ink that reads "K - DiG" followed by a long horizontal line.

Kevin DiGeronimo  
Principal  
DiGeronimo Companies



*Read 9/21/2021 Council*

**From:** Michael Vecchio  
**Sent:** Sunday, September 12, 2021 8:55 AM  
**To:** Michelle Blazak  
**Subject:** Fwd: Conduct Unbecoming An Eected Official

Please see below

Michael Vecchio  
Brook Park City Council President  
Office: 216-433-1375  
Cell: 216-287-9219

---

**From:** DAVID MORRIS [REDACTED]  
**Sent:** Saturday, September 11, 2021 9:57:16 AM  
**To:** Brian Poindexter <[bpoindexter@cityofbrookpark.com](mailto:bpoindexter@cityofbrookpark.com)>; Michael Vecchio <[mvecchio@cityofbrookpark.com](mailto:mvecchio@cityofbrookpark.com)>; James Mencini <[jamesmencini@yahoo.com](mailto:jamesmencini@yahoo.com)>; Edward Orcutt <[eorcutt@cityofbrookpark.com](mailto:eorcutt@cityofbrookpark.com)>; Rich Scott <[rscott@cityofbrookpark.com](mailto:rscott@cityofbrookpark.com)>; Lisa Schmuck <[lschmuck@cityofbrookpark.com](mailto:lschmuck@cityofbrookpark.com)>; [brookparksalvatore@gmail.com](mailto:brookparksalvatore@gmail.com) <[brookparksalvatore@gmail.com](mailto:brookparksalvatore@gmail.com)>  
**Subject:** Conduct Unbecoming An Eected Official

[This message is from a source outside of your organization]

To Council President Vecchio and Members of Council:

I am requesting that this be read at the next Council Meeting.

At the Council meeting of September 7 one of your colleagues, Mr. Troyer, verbally threatened a resident during the meeting. While I was shocked, I wasn't surprised given his past behavior. As a reminder:

- Charged and found guilty of Disorderly Conduct
- Charged with interfering with the police
- Assaulted Lady Liberty

All of these incidents occurred while he was an elected official. Consequently, this latest incident requires a response by the City Council. Therefore, I am calling upon all of you to do the right thing for our City and put an end to this embarrassment of a public official by demanding his resignation. In the event he refuses, I would ask that you vote to censure him and strip him of his Committee Chairmanship.

Respectfully,

**David A. Morris**  
13805 Holland Road  
Brook Park, OH 44142

\_\_\_\_\_