

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
HELD ON TUESDAY, OCTOBER 5, 2021**

The meeting was called to order by Council President Vecchio at 7:17 p.m. (due to technical difficulty) and the following Members of Council answered:

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

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

DISCUSSION:

1. A RESOLUTION DESIGNATING THE MONTH OF OCTOBER AS BREAST CANCER AWARENESS MONTH IN THE CITY OF BROOK PARK, OHIO, AND DECLARING AN EMERGENCY. Introduced by Council as a Whole and Mayor Gammella.

Mr. Salvatore stated we have been sponsoring this since 2016 and when starting this my goal was to get Southwest General and all the cities within the taxing district to support this legislation and finally accomplished that. There are things being done that are very progressive such as putting up banners recognizing October as Breast Cancer Awareness Month; pink lights on the gazebos that other cities are now doing the same and there is an additional 'Whereas' that automatically go forward every year hereafter.

Mr. Troyer stated this is very dear to my heart and the only issue is with 'Whereas' number two (2) seems to be doing something different than breast cancer awareness. Would like a separate piece of legislation if needed down the road for that.

Motion by Mr. Troyer, supported by Mr. Poindexter, to remove the second (2nd) Whereas.

Mr. Salvatore asked what is wrong with the second (2nd) Whereas outlining what's been done?

Mr. Troyer responded it outlines what you have done and taints the legislation, should have a separate piece of legislation for that.

Mr. Salvatore stated if you don't like it why not take your name off. This is very dear to my heart and have been working on this for a long time, happen to have quite a few people that are fighting this horrible disease right now. I don't want to see you turn this into a political football, this is ridiculous and very disappointed in you Mr. Troyer.

Mr. Poindexter stated agrees with Mr. Troyer but don't think the whole section needs to be removed but think the first (1st) line should be removed. Don't think we should be taking away what the legislation is designed to do. It's designed to bring awareness to breast cancer not to Members of Council, an individual, not to anything else other than breast cancer awareness. I like the fact that Southwest General and other cities joined along with City of Brook Park. Does Council want to use breast cancer awareness to give credit to one person.

Mr. Mencini stated all of know what this stands for and in one aspect agree with Mr. Salvatore not to have this kicked around as a political football. Think this can be done simpler and with the second (2nd) Whereas think some of the items can be collaborated together.

Mr. Salvatore stated don't have a problem off the second 'Whereas', all the items listed in that 'Whereas' is all that I did to have everyone come together to do this. Not doing this to grandstand, have never grandstanded in my life.

Mr. Troyer and Mr. Poindexter rescinded the motion and second to remove the second (2nd) Whereas.

Motion by Mr. Salvatore, supported by Mr. Poindexter, to remove his name from the second (2nd) 'Whereas'.

Mr. Vecchio clarified the second 'Whereas' to read 'Councilman Salvatore has been bringing breast cancer legislation forward since 2016 and through his efforts; the motion is to delete that sentence.

ROLLCALL: AYES: Salvatore, Poindexter, Mencini, Troyer, Orcutt, Schmuck, Scott
NAYS: None. The amendment carried.

Mr. Orcutt stated all families have been affected with cancer; breast cancer runs rapid through families as well as the last 40 years. Mr. Orcutt thanked Mr. Salvatore for all his work behind the scenes with Southwest and the cities of Middleburg Hts. and Berea and leading the charge on this.

Motion by Mr. Poindexter, supported by Mr. Orcutt, to place under letter J.

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

Mr. Vecchio stated this will appear under letter J-1.

Discussion: cont.

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR TREE INVENTORY SERVICES AND TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST AND/OR BEST BIDDER TO PROVIDE TREE INVENTORY SERVICES AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella. **In attendance:** Economic Development Commissioner Adams.

Mr. Adams stated last year the city was approved for a tree grant in the amount of \$50,000.00 as well as the year prior receiving a \$30,000.00 grant for the planting of trees throughout the community; also an assessment was done of the city's tree inventory. At that time, it was discovered that Brook Park was the second worst city in Cuyahoga County with what is called tree canopy which is through disease removal and aged-out trees over time. Cuyahoga County Planning Commission offered a program up to \$50,000.00 yearly through County Executive Budish. Upon reviewing the grant with both the finance and law directors it was determined to go forward with bids due to being one (1) in the same project. Mr. Troyer pointed out amendments for the tree planting keeping the total not to exceed \$30,000.00. This legislation will allow the city to purchase up to 150 trees that are 'earmarked' for the main campus. The second piece is to hire the arborist to make sure the trees are planted correctly with the depth and environment. The hope is to plant upwards of 150 healthy thicker trees.

Mr. Troyer stated another amendment is needed in section two (2), third (3rd) line to read 'the total amount appropriated shall not exceed \$30,000.00'.

Mrs. Horvath stated think what you want to do is authorize the Mayor to enter into a contract not to exceed that amount, rather than limit the bids to \$20,000.00 or \$30,000.00.

Mr. Vecchio stated in that case it would be in section one (1) after the word services delete the period (.) insert a comma (,) 'not to exceed \$30,000.00'.

Motion by Mr. Mencini, supported by Mr. Troyer, to delete a period (.) insert a comma (,) and insert words 'not to exceed \$30,000.00'.

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

NAYS: None. The amendment carried.

Motion by Mr. Troyer, supported by Mr. Scott, to strike word 'equally' from Section 2.

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

NAYS: None. The amendment carried.

Motion by Mr. Troyer, supported by Mr. Scott, deleting 243, Economic Development and inserting 100 General.

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

NAYS: None. The amendment carried.

Discussion: cont.

Mr. Vecchio read the amended section 2 of the legislation. 'the money needed for the aforesaid transaction shall be paid from Fund No. 100 - General Fund appropriated or to be appropriated for said purpose.

Motion by Mr. Troyer, supported by Mr. Orcutt, to place under letter J on the Council agenda immediately following.

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

Mr. Vecchio stated this will appear as item J-2.

3. AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR TREE ARBORIST PLANTING SERVICES AND FURTHER AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST AND/OR BEST BIDDER AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella. **In attendance:** Economic Development Commissioner Adams.

Mr. Adams stated the arborist planting services is for the planting of healthy trees.

Mr. Troyer asked if there is an extended guarantee to help the city in that sense?

Mr. Adams responded the help provided is a certified arborist whose responsibility is to continually check on the trees through the planting period for one year. Will then come back to make sure the trees are budding properly, correct depth and if removal and replacement determinations will be made at that point, working alongside the service department.

Mr. Troyer stated the city has an arborist at the service department is that outside his boundaries.

Mr. Adams responded at this point it is because the style of the tree will be selected by the arborist inside the bid; the style of tree necessary for the growth in those areas will be requested as part of the bid.

Motion by Mr. Troyer, supported by Mrs. Schmuck, to amend section one last line delete the period (.) insert 'not to exceed \$20,000.00'. Section two delete the word 'equally' and insert 100, General fund delete 243 economic development.

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

Mr. Orcutt stated to Mr. Adams you spoke about the diameter of the trees and assume the type of tree has been picked out. Is there an estimate of how many

Discussion: cont.

trees there is going to be?

Mr. Adams responded there are several different types because of the different soil the trees will be planted in different areas; some sun and some shaded. When the grant was created and working with Bartlett tree the city is doing a little more mature tree planting than a sapling so the city is hoping that this \$30,000 will get the city to approximately 150 trees, depending on the lateness of the season the city may be able to get an additional trees planted throughout the Kennedy pavilion open area, around the park and between the walk-path along I-71 fencing.

Mr. Orcutt asked is that the only area identified currently for the trees?

Mr. Adams responded yes, going from one side to the other having trees going from Holland Road to Sylvia Drive. The only negative part to this is next year this program isn't being offered but am hoping this can be done through a different foundation or other type of grant offering another installment of approximately 150 to 160 trees with the goal to continue for four (4) years.

Mr. Troyer clarified with Mr. Adams that the total \$80,000.00 is being spent.

Mr. Adams concurred and stated no extra funds except for \$5,500 for service workers who assist with the movement of the trees during the installment period.

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

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

Mr. Vecchio stated that will appear as J-3.

FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. AN ORDINANCE MAKING A WRITTEN RETURN TO THE FISCAL OFFICER OF CUYAHOGA COUNTY, OHIO, FOR CHARGES FOR THE SERVICES OF THE CITY OF 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.

Mr. Troyer stated there is a typo last street should be Stonecrest. In section one who will be paid for doing the work?

Finance Committee - Chairman, Scott: cont.

Mr. Cingle responded service crews did the work.

Mr. Troyer asked that is just a formality to have that in there?

Mrs. Horvath responded yes, this is a mirror of other ordinances and provisions that allow the city to go ahead and do this once a year and put the bill on the property taxes.

Mr. Mencini stated these are all residential properties; does the city do this when crews cut around a railroad, utility or for the Ohio Department of Transportation (ODOT) are they charged?

Mr. Garner responded not aware of any charges going to ODOT.; service crews don't cut any utilities.

Mr. Salvatore stated to Mrs. Horvath these dates only go through June and crews having been cutting properties for July, August and September. How will the city go about recouping those fees?

Mrs. Horvath responded this is once a year and at a certain point the invoices are sent to the finance director and there has to be certain mailings sent out to all these properties, so there is a bit of a gap between preparing this and sending in. If it looked as though the city would have an issue with the property that didn't have the assessment onto the taxes. Would speak with the building commissioner to see if the city can do something called an affidavit-in-fact to see if the city can put in the chain in title to see if there is an outstanding claim. Reason for doing this is the worry that these are troubled properties and some may end up in foreclosure.

Mr. Salvatore stated properties are being sold through sheriff's department and the city has been cutting the grass for several months and if transferred to the new owners name it would be too late to recoup those monies.

Mrs. Horvath responded won't go on the property tax the city has in past billed some of the new owners by saying this existed and been somewhat successful in recouping some funds.

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

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

NAYS: None. The motion carried.

Mr. Vecchio stated this will appear under M-1 as Ordinance No. 11121-2021.

LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. 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 STARTING JANUARY 23, 2023 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated NOPEC has served this community for many years.

Mr. Troyer requested a representative from NOPEC comes to a meeting to explain this; not interested in increasing residents bill by \$3.55 a month automatically.

Mr. Vecchio stated that would be the November 9th Caucus.

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

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

NAYS: None. The motion carried.

SERVICE COMMITTEE - CHAIRMAN, SALVATORE:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO TRADE-IN THE CITY'S VERMEER STUMP CUTTER AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Salvatore stated a few items have come to my attention so asking to remove from agenda for a little work to be done before passage and back in committee.

Mr. Troyer asked Mr. Salvatore to elaborate on what needs to be done.

Mr. Salvatore responded it was brought to my attention when coming to the meeting that work needs to be done and rather than try to do it on tonight's Council floor the finance, legal and Mayor's office will work on this.

Mr. Cingle stated this is a trade-in of a 1995 stump cutter and purchase of a Vermeer stump cutter. My question is this is being purchased under STS pricing and don't believe that will satisfy the Charter requirement for public bidding. Would like to look into this a bit more and speak with the law director of my findings. Normally, STS pricing is not competitive for bid with the cost of the new stump cutter being over \$50,000.00 and would need to be competitively bid.

Mr. Troyer stated through an email I thought I caught that and was told I was wrong due to being just a trade-in; there is no legislation to purchase anything just a trade-in, correct?

Service Committee - Chairman, Salvatore:

Mrs. Horvath stated that is one of the reasons why it's being pulled back, to put this all in one (1) piece and make sure it's properly bid.

Mr. Troyer stated in truth I was right?

Mrs. Horvath responded no, I don't believe you were right. Your question had to do with whether or not there was a fund number that needed to be included?

Mr. Troyer stated it would behoove to have the trade-in and purchase in the same legislation so the city is not without a stump cutter?

Mrs. Horvath responded that is the determination that was made by the administration.

Motion by Mr. Poindexter, supported by Mr. Mencini, to place back in committee.

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


NAYS: The motion carried.

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.

Council President Vecchio declared this meeting adjourned at 8:03 p.m.

RESPECTFULLY SUBMITTED 
Michelle Blazak
Clerk of Council

APPROVED November 3, 2021

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

2,794 words