

**REGULAR CAUCUS MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
HELD ON TUESDAY, NOVEMBER 9, 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, ORCUTT, TROYER, MENCINI, SALVATORE**

Also in attendance were Law Director Horvath, Finance Director Cingle and Engineer Piatak.

Councilman Poindexter properly excused.

**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. Regular Caucus meeting minutes held on October 12, 2021.

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

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

**NAYS:** Troyer. The motion carried with a vote of 4-1.

**LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:**

1. AN ORDINANCE ENACTING CHAPTER 527 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'FLYING MODEL AIRCRAFT/UNMANNED AERIAL VEHICLES (UAV's) AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer. **Note:** Moved by **motion** from the October 12, 2021 Caucus meeting. **In attendance per Mayor Gammella request; please see attached sheet for list of names.**

Mr. Mencini thanked the guest speakers in attendance, list of names attached to these minutes.

Police Chief Dickel

Mr. Dickel stated when this topic came up did a little bit of research starting with identifying if there is a problem in Brook Park. Pulled every complaint the city had involving a drone, even if the word appeared in the complaint. In that two (2) were found to be actual investigations out of the approximately eight (8) complaints. One (1) was someone who lost a drone in a backyard and looking for it and had controller in hand. The other one (1) was a sighting that happened near the City of Middleburg Hts. border that someone saw and the drone disappeared. The rest were all requests the use of drones for assisting police with various agencies around the city; searching for some who fled from police. Thought that might be good for the police department to have and looking into that, talking with different people and contacted by a few people; find I have

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more questions and something that more homework is needed before putting anything in place. Still taking this all in and don't know how this will be enforced yet and would like to see some of the language cleaned up that doesn't apply to the city.

Mr. Scott thanked Chief Dickel for coming and stated at this point you have no idea on how to enforce this as written.

Mr. Dickel stated the city doesn't have anything right now; my understanding is the Federal Aviation Association (FAA) regulates drones and would be the ones to give some guidelines on how to approach and think the city needs to be careful not to contradict things.

Mr. Troyer stated to Mr. Dickel can the department enforce FAA rules right now?

Mr. Dickel responded it's not under purview to do that and don't typically do that even if the department could, not something that is done the FAA does the rules.

Mr. Troyer continued other than using laws that the city may have in effect something that may relate to the drone, there are laws that cover each other. Do you think if done right that this would be another tool for drone regulation?

Mr. Dickel responded could be if written properly and again at least right now the city does not have the issue. Which would make sense to have something put together that would maybe prevent that from happening.

**Motion** by Mr. Salvatore, supported by Mr. Mencini, to approve the list of attendees.

**ROLL CALL: AYES:** Salvatore, Mencini, Troyer, Orcutt, Scott.

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

Mr. Mencini thanked the attendees for coming.

**Chad Hankins**  
**Ohio Aerospace Institute**  
**22800 Cedar Point Road**

Mr. Hankins stated he is the owner of the Drone Service Providers at Ohio Aerospace Institute (OAI) Tamarack Aerial Services. The main concern with this is the overreach wording in this legislation, for instance, the 1,000 feet from any cell tower. Our main business is the telephone business and that would prevent us from doing our job or outside contractors to come in and do this job. The

**Legislative committee - Chairman, Mencini: cont.**

drone community in Northeast Ohio works in multiple areas with law enforcement, education of the public, with the FAA and everyone. This needs to be put on pause in order to understand or teach the rules of the road to Council. Thank you for allowing the few professionals to speak on this field. This needs to be worked differently, the way the regulations are set it does say the FAA owns the airspace. The FAA regulations and the Ohio State regulations kind of work out the laws that are already in place. For a municipality to create their own, off the cuff, ordinances that, in sense, supersede the FAA that has everything under control.

Mr. Mencini asked for an explanation of seeing a drone above a resident's home.

Mr. Hankins stated the Ohio State Lawyers' Laws would be what the city would go after and gives police officers the teeth for the option to proceed. The officers don't know what laws are available for them to use when it comes to drones; that's when we come in to help educate.

Mr. Troyer thanked them for coming and the Mayor for putting the panel together. Do want to get this right and don't care if this legislation is cancelled to come up with another that is better. When starting out you mentioned that you can operate under our rules but does say you can get permission from the police chief and Mayor to do whatever is needed in the city. I understand with the You Tube video they tried to make fun of us and made fun of themselves.

Mr. Hankins apologized for that as a representative of the industry.

Mr. Troyer continued this is about doing something right and in your knowledge and your expertise in drones can the city come up with legislation reiterating the FAA rules and something that the police department can enforce the rules. How can we do this if there is a problem.

Mr. Hankins responded there are ways to write the laws for everyone to get a win on this. It has to do with more what the city controls property, city-owned property. That seems to be the most comfortable way to go with the MetroParks being a good example. The MetroParks say that drones cannot be launched from the MetroParks but can fly into the MetroParks. The MetroParks owns the land and prohibit people the land use of it, that seems to be the working way nationally when these municipalities go this route. To answer your question about can local law enforcement enforce FAA rules they can't. It's written right into their regulations that you as a municipality have that power to enforce their laws. Being in Hopkins airspace that kind of gets, in my mind, a little bit complicated because they have their agents and their officers who are going to go to see what is going on.

**Legislative committee - Chairman, Mencini: cont.**

Mr. Troyer stated generally speaking the state has laws and the city sometimes reiterate those laws at our level so it's easier for the city depending on what level you enforce it at. Talking about a way of doing that is there something that would help us out by just reiterating the FAA laws.

Mr. Salvatore asked what constitutes reckless use, unsafe use or dangerous use or invasion of privacy?

Mr. Hankins responded excellent question and would be better answered by law enforcement.

Mr. Salvatore stated think this is a simple fix and the legislation only needs to say that we may, can, shall and will assist in the investigation or anything pertinent to FAA regulations. As long as that is in there then the city is able to allow it.

Mr. Hankins responded as you do this you want to leave in a loophole that any unauthorized would mean people who are not certified, which is a commercial operator, or what they call trust operator which is the recreational certification that the FAA gives. Also, state, local and federal agencies such as ODOT (Ohio Department of Transportation) can fly without any problem. They won't necessarily know that they need to call the police chief to get authorization, that was one of the concerns with cell towers. I have guys across the country that might come here and unbeknownst to them they receive a first degree misdemeanor for flying a drone. There's things like that there needs to be a loophole.

Jason Damman  
Tri-C Drone Academy Instructor  
11100 West Pleasant Valley Road  
Parma, OH

Mr. Damman stated a little background is I'm a 20-year airline pilot until last year due to airline shutting their doors; grew up building and flying radio-controlled airplanes and helicopters. Started this business in 2016 and has been quite busy with jobs here in Brook Park and will be really hard for us to know what all these different municipalities have legislation wise. At Tri-C we teach first (1<sup>st</sup>) responders on Part 107 to pass the written test and get the Part 107 certification. Other cities have looked into doing what you're looking to do as well and researching found other cities were realizing that some of these things they are handcuffing themselves. When first (1<sup>st</sup>) responders need to go out do they have to call the Mayor or police chief to get permission; do they have to go through this whole chain of command for every call received. I think the biggest reasons this stuff happens is because there is a lack of education; there is already a

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framework in place, there are rules and regulations already in place that can be used as Mr. Hankins eluded too. It's just that no one is aware of them and don't understand with no one being at fault or blaming anybody. It's just this technology is so new and how to deal with this and what are the rules. There are operators out there that don't even know the entirety of how the rules work. With me being in aviation for pretty much my entire life I have a good handle on how all this stuff works; working with the FAA, the airlines and so forth. Mr. Hankins also mentioned the whole air space and Brook Park actually has the benefit, if you will, of being in Class B airspace which around here is a five-mile radius around Hopkins Airport. Anything within that five-mile radius of Cleveland Hopkins you already have three (3) things working for the city already. The Trust Test and Part 107 are two (2) different things right off the bat. If you're a commercial operator such as myself and Mr. Hankins, you would have a Part 107 certificate which is actually like a license. For a Part 107 certificate holder the person has passed all the tests and getting the certificate meaning the person can operate for commercial reasons. If you're not doing that and this is a new thing that is quite helpful; prior to the Trust test going into effect, there was no way to know whether somebody was a commercial operator or recreational pilot. There was no test that a recreational pilot had to pass in order to fly legally, quote or unquote. The FAA came out earlier this year with the Trust test; the recreational USA safety test so whether people are flying commercially or recreationally people have to have one of those two (2) things the certificate showing the person passed the Trust test or Part 107 certificate. That right there if someone is caught doing something and don't have one (1) of those two (2) things right off the bat that's a problem because they are flying illegally. One of the other things taught at the Drone Academy is having a registration number marked on the outside of the aircraft. Any drone over one-half (1/2) pound has to have a visibly marked registration number on the outside of the drone. These are the things taught at the Tri-C Drone Academy for first (1<sup>st</sup>) responders to know what to look for to know whether someone is flying legally or not. With the airspace if someone is flying in controlled airspace and don't have authorization to do so from the FAA that's also illegal. There is already a small list going of all the things that are legal or illegal, depending on whether people have certificates or not. To fly into controlled airspace people must go through a system and apply for airspace authorization and this applies to recreation or commercial. Anybody flying in controlled airspace because it's controlled by the FAA must have authorization from them in order to do so, if people don't they are illegal. There are different ways that people can get authorization from the FAA to legally fly in controlled airspace.

Mr. Vecchio asked what the controlled or no-fly zone is controlled airspace with Cleveland Hopkins International Airport being five (5) miles. Is that from the air

**Legislative committee - Chairman, Mencini: cont.**

traffic control tower or outer parameter?

Mr. Damman responded technically the center of the airport with five (5) mile radius out; five-mile ring around the airport itself. The airspace goes larger than that but we're concerned with that middle ring because that's what goes all the way to the surface and that's where we are at here. Anything in that five-mile radius will need authorization from the FAA to legally fly.

Mr. Vecchio stated the drones that you operate you are under a 1,000' at any point.

Mr. Damman responded limited to 400'.

Mr. Vecchio controlled your control distance or control height is 400' aside from an aircraft coming over. There is nothing else that reaches 400' in height in the city to crash into. Additionally, aircrafts that you are flying can hit that height, altitude are not something that is being purchased at Walmart, spending thousands of dollars correct?

Mr. Damman responded there are different types of drones and such but want to clarify the way that these authorizations are set up. It's not that someone applies and say want to fly anywhere in this five-mile ring, that's not what happens. A person gets a specific area that needs to be applied for and that is the area the flyer is limited to. Those areas can range anywhere in altitude from zero (0) meaning can't fly there so anywhere nearest to the airport is going to be a zero (0) area unless the person goes through a bunch of other hoops. The other areas are basically a grid that has been set up and could have a 50-area grid here where authorization is granted to go up to 50', next one over maybe 100' and the further away from the airport the higher up people can go. This is all in place with safety analysis done on all of this to figure out what the safe altitudes would be for different areas.

Mr. Troyer asked Mr. Damman to reiterate a person has the Part 107 and registration number on the drone and Trust pass; even with all that you still have to apply in the city with the FAA to fly.

Mr. Damman concurred and stated because you're in controlled air space.

Mr. Troyer continued a person can have all that and outside that five (5) miles is okay but within the five (5) miles which most of our city is you have to apply for permission to fly. Would you say anything over half-pound?

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Mr. Damman responded anything over .55 pounds.

Mr. Troyer stated what I'm looking for is a way to make it easier for the city's police department to enforce these rules.

Mr. Damman stated my opinion in kind of all this is there are rules in place, a framework is available to us and there are different ways to go about enforcing things. You don't have to call the FAA, per say, I'm sure there are already Ordinances on the books that allow the city to go after some of these things. When a police officer pulls someone over the first question asked is license, with this a person would need the Part 107 certificate and registration number marked on the drone.

Mr. Mencini asked what about the person that breaks into a home and takes drones for ill intentions?

Mr. Damman responded again, think you need to regulate the act not the drones as a whole. Need to regulate the bad act and am sure there are laws already on the books prohibiting those specific acts from occurring.

Mr. Mencini asked even though there are laws on the books where does that fall for the police department, is there a way to catch them in 30-minutes or short period of time.

Mr. Damman responded the City of North Royalton had a similar scenario with proposing legislation for drones. It was interesting because one of the Councilmembers looked into it a bit more and stated have to believe if someone keeps dropping a drone on my property. There is something on the books that will cover that. The FAA has consistent rule that applies to everyone everywhere and if additional legislation is needed that's what you need to look at. So no matter where you go the rules are the same he said. Understand the wanting to be in the forefront but sometimes those in the forefront wind up in lawsuits. The Councilmember even asked the law department to find existing ordinances providing protection for residents for any issues of privacy, nuisance and safety drones can pose. Code pertaining to disorderly conduct was found to cover drone usage so the city withdrew their drone legislation a year or two (2) ago. We're happy to help in any way possible and educate as much as possible.

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David Pace  
Tri-C Drone Academy Instructor  
11100 West Pleasant Valley Road  
Parma, OH

Mr. Pace stated a bit of my background have been a law enforcement officer for 24 years and am here tonight as a Certificated Part 107 Drone pilot and search and rescue instructor that teaches local first (1<sup>st</sup>) responders. Began on the commercial side doing small side jobs on real estate and construction sites and when this became a viable technology for law enforcement drifted over to that due to background being in law enforcement. Speaking on a search and rescue instructor for Tri-C and the drone program and basically what I teach is how law enforcement responds to drones and drone complaints and can guarantee, as other instructors, can confirm. The students always say we're learning how to use this technology but then the department leans on them as the experts as to how other officers respond in situations of a drone complaint. What I explain is to obviously consult their legal department to see how the legal department feels when using local ordinances. Some of the items we recommend to look into and looked at Brook Park codes before coming tonight and recommend is considering the voyeurism law already on the books, section 533.06. There are also issues that we have when there is an emergency in the city where everyone wants to put a drone up or get pictures or such of the emergency. We ask departments consider misconduct of the Brook Park codes section 509.05 and also ask about disorderly conduct, causing alarm to others in section 509.03. There is also a catch-all that is prohibited conduct in section 509.10 so those are the laws that can be used at the local level that I believe would be effective and already in place to enforce these laws. If it becomes so severe that it causes danger to others and injury there Ohio Revised Code (ORC) statute 4561.15 that is unsafe operation of an aircraft and when teaching this in the class. Because the aircraft is considered an aircraft by the FAA that would fit perfectly for unsafe operation if causing injury flying over people or such. The ordinance the city has on the books along with the ORC statute would be in place and enforceable, at this point. Would rather see individual wrongdoers followed up and dealt with instead of regulating an entire industry and making people who are responsible and doing this properly be penalized.

Mr. Mencini asked being in law enforcement how often do these wrongdoers get caught?

Mr. Pace responded there has been a couple in my department where we found them and it's very rare that they are caught but when there were issues I contacted Mr. Hankins and the Aero-scope personnel to try and get information of



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where the drones are at. The times we caught people was twice and recommended education and learning how to fly drones rather than them having a criminal charge, most people, in all honesty, don't know. There is not a lot of education or classes for the general public to learn this.

Mr. Salvatore stated what about the invasion of privacy question?

Mr. Pace responded that would fall under voyeurism if someone was in the backyard using for self-pleasure and would be up to the legal department.

Mr. Troyer stated section 509.07 Disorderly conduct can be used for many different things as well as existing laws. Part of what I'm looking to do with this if somebody is out there they can find the code on drones that will reiterate FAA rules. That would educate our residents on what they need to do based on the city codes, is that something that would be helpful?

Mr. Pace responded can see a code being helpful but think the foundation is already in place and Mr. Steele from the FAA can touch on that. I kind of touch on the local and state code and look at that as building blocks moving up if can't be dealt with at our level. All the information is out there already and it's about education but whenever drone programs and such are talked about we talk about not reinventing the wheel. With all due respect, I kind of feel like that's what you are looking at is reinventing the wheel for stuff that is already out there.

Mr. Troyer stated as I mentioned earlier it didn't start out this way, this was a piece that came up in the City of Aurora to get the ball rolling to have some kind of legislation and guidance for residents. It doesn't appear that this is it but, again, something that residents can look up in the code informing them on what is needed to fly a drone.

Mr. Pace stated to Mr. Mencini you asked about someone breaking into a home and taking a drone there was an incident in Western Ohio had a drone stolen out of his vehicle. What the person did was contact the manufacturer providing the serial number and identification information for the drone to have the drone shut down, there is technology in place if those incidents should arise.

Steven Steele  
FAA Administration Safety Team Manager  
25249 Country Club Road  
North Olmsted

Mr. Steele stated I am assigned to the General Aviation Safety Division and our mission is to lower the nation's aviation accident rate by conveying safety

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principles and practices through training, outreach and education. This done by establishing partnerships and encouraging the continual growth of a positive safety culture within the aviation community, local municipalities and with the states. As program manager I handle everything in general aviation from aircraft to UAS (Unmanned Aircraft Services) and have 25 volunteer personnel to help me do my job. In this panel there are three (3) what I call drone pros who are individuals that are professional businessmen and assist in promoting education and outreach in elements like this and also the general public. Some of my partnerships rely on working with law enforcement organizations, I teach not only aircraft first responders safety but also UAS first responder training. Have not your proposed law it's not within in my purview to get into local law. Listening to everyone speaking tonight one of the items was instead of having an ordinance that someone needs to look up maybe having a place on the city's website stating in order to operate a UAS within the area these are the things people need to know. To create that education to individuals that aren't business related Part 107 certified pilots; these are the people that will do it correctly. These are the ones that will travel all over the country and if they have to get in contact with every law director to make sure there not running afoul with an operation, that are multiple man-hours being spent to make sure they're being legal. My question is if that is to be made a possibility the finance director will have find out how much it's going to cost to write this new policy and along with the policy would have to institute procedures. Am sure that the Mayor or police chief do not want to be woken up at 2:00 a.m. with a drone issue; not so sure a new policy and procedure with that specific element might be a good idea. Everyone asked about airspace and laws and what not and as part of my job with the education of law enforcement I have cards for law enforcement personnel to use. The way this works is when an individual purchases a drone they must register, however, due to laws on the books I as an FAA inspector or anyone in our office cannot look that number up if law enforcement would call. There are liaisons that are law enforcement qualified due to the requirements through the congressional mandate on age limits of who has to register. By adding an extra law in this area it may add extra cumbersome with trying to get through the right processes for law enforcement to do their jobs on something that can be done with a phone call by following the card. Or that phone call may not be needed because these cards provides guidance on how to properly respond to a UAS issue. Historically, in dealing with calls and complaints that have come into the office regarding UAS operations, for instance, people being in the backyard and a UAS flying over the yard. Right there someone is in violation of a civil law somewhere either voyeurism or some other facet of potential careless and reckless. The federal definition of careless states not to endanger the life or property of another. The Ohio Revised Code 4561.15 goes a step further with unsafe operation by stating to operate an aircraft on land or water or in the airspace over this state or in a

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careless or reckless manner that endangers any person or property; or with disregard to the rights or safety of others. Not being an attorney but this is the gray area allowing law enforcement to interpret and proceed to the law director; this also includes the operation under the influence of drugs or alcohol. There are laws on the books at both the federal and state levels allowing the local government to leeway and the need to add to this may make it too stringent and may actually inhibit the law enforcement from doing their enforcement abilities. The best part is the ORC gives the penalty by stating whoever violates this section shall be fined not more than \$500.00, imprisonment not more than six (6) months or both.

Mr. Mencini asked how often do these penalties occur?

Mr. Steele stated these are ORC codes and I can't speak to that but as far as the FAA regulations, generally, the procedures I've seen is a law enforcement involving the operation of the UAS. A call will be received from the local law enforcement stating what happened and occurred is there an FAA regulatory violation? Those regulatory violations are going to come under registration which will end up being USC title 49, 14CFR.48 registrations and marking of the UAS or CFR 107 commercial licensed operators and then what we have to look at is what was the actual law enforcement documented violation. A lot of the decisions is going to be depended upon the factual evidence provided by law enforcement. One of the duties of my job is helping law enforcement to assist with conflict resolution involving the recreational use of UAS's. We have not had to add any additional legislation regarding UAS operations because of how the laws are written from the federal level down through the state and maybe even to the county level. As these have been paired down they've become applicable to what we're doing in our districts and the majority of the time, minus the felony items, it's always been a root-cause violation of a civil regulation, with the civil law already being on the books with the UAS being a part of that.

Mr. Mencini stated drones have some good value, for instance, a child lost in the woods and amazing pictures from drones. Has this become the friendly sky and also the crowded sky. Is there anything seen to come from that?

Mr. Steele responded ODOT (Ohio Department of Transportation) in conjunction with the FAA, Kent State University and other organizations are working in Springfield, Ohio and are doing some amazing things. Currently, they have proto-type unmanned UAS's and are working with the FAA Tech Center out of New Jersey and are on the cutting age in Ohio. The governor's assistant or advisor is so over qualified it's amazing and when sitting on a briefing a month ago with him and the state officials. The gentlemen hit the nail on the head with

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safety being the top priority and that's where they're going with their program and what's driving it. What's on the horizon proud to say Ohio is a part of and are on the cut edge leading this and you can contact the state to see how you can participate and become a part of that. When talking about law enforcement enforcing what's on the books you already have the Part 107 rule, have your United States Code 49.44 sections 801 - 810 with the primary focus being 809 - recreational flyers. The aircraft has to be registered and marked and people have to be in compliance by having their license or Truss certificate. If someone doesn't have any of those which is required to be presented to law enforcement upon request, then that person already has a violation by violating a civil regulation. My other concern is and correct me if I'm wrong, I get the impression that Mr. Troyer has been trying really hard to get this legislation through and my question is what is the root cause and why?

Mr. Troyer responded not this particular legislation any legislation through that would make the city be able to enforce it in some way.

Mr. Steele stated to Mr. Troyer, the root cause being is you didn't feel there were laws already on the books to enforce drones?

Mr. Troyer responded I kind of frown on using even though they apply existing laws, absolutely. As I stated earlier it's always good to have a section that talks about drones and reiterating the FAA rules. I asked for that and was told it was too cumbersome to do.

Mr. Steele interjected being in government for 30 years in some form or other of service I would actually tend to agree to make you understand the cumbersome of everything.

Mr. Troyer stated it could also be written in a way to follow FAA rules with particular ones that apply to the city such as getting permission. My question is what happens when it's under .55 pounds?

Mr. Steele responded under .55 pounds it's considered 44.809 Hobby with the restrictions on that are as the UAS is. Currently, there are safety majors that need to be put in place for other operations such as commercial operations on the UAS. The minute someone would add one (1) safety element to that particular UAS under .55 pounds it will take you over that .55 pounds the recreational element of non-registration. If it's under the .55 pounds they still have to register the drone due to being utilized in the course of business.

Mr. Troyer asked what are the rules under .55 pounds?

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Mr. Steele responded someone can only operate it in accordance with the guidance of 44.809 and are restricted to where it can be operated. There are approved areas of 44.809 especially with Brook Park being a zero (0) grid area. There are approved areas where that UAS can be operated and location where it can be operated for recreational uses.

Mr. Troyer asked would someone be able to get a drone with a camera within that kind of weight.

Mr. Steele responded yes, the drone racing label are under, so it is possible as far as the camera goes. The .55 is relative to commercial operations and even if under there have to be registered. In addition to that, the remote ID rule will go into effect in 2023 which is another mechanism for not only identification and tracking. Whether or not UAS's will continue to be produced under .55 I don't think will be possible due to the current regulations that are pending.

Mr. Troyer stated if somebody goes out and gets a .55 it's under that and there is a camera does the Truss or Part 107 license registration apply?

Mr. Steele responded the Truss does.

Mr. Troyer asked wouldn't the permission from the FAA apply within the city?

Mr. Steele responded you're in a zero (0) grid area so at .55 someone can only operate in recreationally assigned areas.

Mr. Troyer stated the only regulation is if someone has a drone under .55 is the Truss test.

Mr. Steele responded respective on how it's intended to be operated.

Mr. Troyer stated I think that's where the issues would arise, rather than professional doing this as a business, then you're reverting back to existing laws.

Mr. Steele commented have to remember you're in a zero (0) grid area and can't fly in controlled airspace.

Mr. Troyer continued still need to get permission and won't get permission if not being done for commercial reason.

Mr. Vecchio stated what they have already stated is that we are a no fly zone in our grid with having Cleveland Hopkins Airport within a five-mile radius of the

**Legislative committee - Chairman, Mencini: cont.**

center point. Brook Park is 7 ½ miles in circumference and think it more than surrounds it.

Mr. Troyer commented my understanding is there is a little area to the southeast that is out of the five-mile range. To reiterate I want to make clear recreational drones are illegal in Brook Park?

Mr. Steele stated not being a lawyer but don't think illegal is a proper term.

Mr. Troyer stated drones are against FAA rules in Brook Park?

Mr. Salvatore thanked all the attendees for coming very informative and think with this presentation will make things easier for Council to make sound decisions.

Mr. Steele stated as my job title I am here for education and outreach for the public as well as the aviation industry, per-say. If there are things that we can do to help you along that's what were here for, my drone pros and industry partners so please do not hesitate to consult us if you decide to go forward with legislation to make sure it's right so you don't get yourself involved in a lawsuit. I offer eight (8) hours of free C&C to your law enforcement and fire department on aircraft investigations and things of that nature, for their safety.

Mr. Orcutt thanked everyone who spoke this evening and to Mr. Hankins very good information about the radius and reiterating what Mr. Vecchio said. Being 7 ½ square miles of a city this city isn't available for any type of that stuff. Also, another great suggestion from Mr. Steele about putting something on the website to educate residents.

Mr. Mencini stated Councilman Poindexter couldn't be in attendance but would like to see this legislation researched a little more through the Technical committee moving forward and against the overall bans on drones and model airplanes.

Mr. Troyer thanked everyone in attendance and stated to Mr. Steele, looks like I'm giving you kind of a hard time, but trying to get to the bottom of this. Again, as stated earlier I've been asking for something like this and maybe we didn't need it. But, it's something needs to be done along these lines and you helped get us to a place where we could probably do something. I would prefer to have something on the books for people to look this up but if something is done on the website if it happens. People need to be informed about what the regulations are and think it would easier if there was something to reiterate what the rules are to help the police department to enforce, this legislation isn't going to work.

**Legislative committee - Chairman, Mencini: cont.**

Mr. Salvatore asked if this legislation isn't going to work why not defeat it now?

Mr. Troyer responded because it's something we want to stay on top of.

**Motion** by Mr. Salvatore, supported by Mr. Orcutt, to move this legislation to the December 14, 2021 Caucus meeting.

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

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

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

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

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

**SERVICE COMMITTEE - CHAIRMAN, SALVATORE:**

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CHANGE ORDER BETWEEN SIGNAL SERVICE AND THE CITY OF BROOK PARK FOR ADDITIONAL MAINTENANCE AND REPAIR WORK TO OUR TRAFFIC SIGNALS INCURRED UNDER ORDINANCE NO. 11161-2020 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mrs. Horvath stated speaking with the finance director it became apparent that changes are needed to some of the figures. The Whereas that reads exceeded \$40,000.00 is correct but was exceeded to \$65,000.00 not \$15,000.00 for a total of \$105,000.00. Therefore, this piece of legislation needs to be amended along with agenda item number two (2), the companion piece in section 2; instead or reading \$105,000.00 would read \$55,000.00 and making that amendment would straighten both pieces out.

Mr. Salvatore asked Mr. Cingle with the current piece being increased to \$15,000.00 originally Council authorized \$40,000.00 according to legislation from 2020. Is there an ordinance for 2021 for this particular contract or an increase for 2021?

Mr. Cingle responded item number two (2) on the agenda is for 2022.

Mr. Salvatore continued going into 2022 there is a bump going from \$40,000.00 to \$105,000.00 how did that happen?

Mr. Cingle responded the ordinance being looked at now is to pay the

**Service committee - Chairman, Salvatore:**  
bills through 2021.

Mr. Salvatore stated there was a \$15,000.00 increase from an ordinance dated 2020 to cover the activity for 2021?

Mr. Cingle concurred and stated Council authorized Ordinance No. 11161-2020 not to exceed \$40,000.00. Due to all the repairs that had to be made in 2021 mainly because of traffic accidents that involved traffic signals that needed to be repaired. Speaking with Police Sergeant Stopiak he felt that to get through 2021 the ordinance should be increased to \$105,000.00.

Mr. Salvatore asked is there any way prior to Council voting on this next week to get an itemized list of the \$15,000.00 of repairs covered.

Mr. Cingle responded the increase would be \$65,000.00 from \$40,000.00 up to \$105,000.00. Work orders were dropped off to the Council office to Mr. Troyer because he likes to look at the invoices.

Mr. Salvatore stated the legislation reads from \$40,000.00 to \$55,000.00.

Mr. Vecchio responded Mrs. Horvath when going through the second Whereas said the \$15,000.00 needed to be increased to \$65,000.00 then a total of \$105,000.00, needs to be amended.

Mr. Salvatore stated the first (1<sup>st</sup>) piece needs to be amended.

Mrs. Horvath responded the first (1<sup>st</sup>) piece would need to be amended. There were \$65,000.00 additional repairs that needed to be paid for mainly due to traffic accidents and other problems, certainly was an unusual year and my understanding after speaking with Mr. Cingle. By changing the \$15,000.00 to \$65,000.00 would take the city through the end of 2021 with total expenditures of \$105,000.00; then begin 2022 with new legislation being increased to \$55,000.00.

Mr. Salvatore stated looking at the original contract of \$40,000.00 and want to add an additional \$65,000.00 for additional repairs.

Mr. Orcutt stated the first (1<sup>st</sup>) piece needs to be amended from \$55,000.00 to and additional \$65,000.00 taking the city to \$105,00.00 for that year. There is a second (2<sup>nd</sup>) piece in section 2 that needs to



**Service committee - Chairman, Salvatore: cont.**

Mrs. Horvath stated my understanding the second piece is going to be amended downward; taking the \$105,000.00 to \$55,000.00 to cover 2022. All repairs and difficulties caused by traffic accidents would be covered and included in the first (1<sup>st</sup>) piece, correct Mr. Cingle?

Mr. Cingle concurred.

Mr. Orcutt asked since this was caused by vehicle accident there was insurance involved. Is the city going to be reimbursed any monies?

Mrs. Horvath responded yes, anytime the city can find an individual responsible for any sort of damage to city property a claim is made or will try and recoup those funds from that particular individual. Sometimes, it turns out, that it can't be determined who actually did the damage but believe in this case there are some leads and claims put in. Nonetheless, Council would have to improve these expenditures to, in turn, pay Signal Service.

Mr. Orcutt stated none of these have anything to do with the city's roads construction repair?

Mr. Cingle responded no, not that I'm aware of.

Mr. Troyer stated understand the change the amounts are a lot of money. If the city is reimbursed have very little problem; if not, it's kind of a problem.

**Motion** by Mr. Troyer, supported by Mr. Mencini to amend \$15,000.00 in the second Whereas to \$65,000.00. Second amendment would be to amend \$55,000.00 to \$105,000.00 and in section one (1) amend \$55,000.00 to \$105,000.00

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

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

**Motion** by Mr. Mencini, supported by Mr. Troyer, to move to the next Council agenda as amended.

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

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

**Service committee - Chairman, Salvatore: cont.**

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SIGNAL SERVICE COMPANY, WITHOUT PUBLIC BIDDING, TO PROVIDE FOR THE MAINTENANCE OF TRAFFIC CONTROL DEVICES AND DECLARING AN EMERGENCY.

Introduced by Mayor Gammella.

Mr. Troyer stated being over \$50,000.00 don't like the wording not being sent out to bid this needs to go out to bid, it's the law and in the Charter. There is no contract attached or what time period is covered. Is this for 2021 and not 2022? There has to be some agreement in 2017 I have an agreement and can't vote to move along and there are other companies that do this. At least get some kind of bid or a number and the last agreement was \$62.00 and doesn't say anywhere what the rate is.

Mr. Mencini reiterated looking at the ordinance there are no dates and going the other way on this. Signal Service has been with the city for a long time and done a pretty good job. Would probably be good to look outside and don't think that was done. To Mr. Cingle am I missing something when looking at this for dates and so forth?

Mr. Cingle responded this is for 2022.

Mr. Mencini stated don't see that on there.

Mr. Salvatore asked Mr. Cingle Council just discussed a change order increase to \$105,000.00, due to accidents and additional work. Why is the city entering into a contract assuming there will be more additional work and accidents? Really believe that this legislation should have a closer look at it and prefer to see the Mayor-elect look this over before moving forward, believe the contract should be less than \$105,000.00 when only being \$40,000.00 before.

Mr. Troyer reiterated the law director that the \$105,000.00 will be amended to \$55,000.00.

**Motion** by Mr. Troyer, supported by Mr. Mencini, to change the \$105,000.00 to \$55,000.00.

**ROLL CALL: AYES:** Troyer, Mencini, Salvatore, Scott, Orcutt  
**NAYS:** The amendment carried.

Mr. Salvatore asked if there is any documentation to prove that's the company's bid?

**Service committee - Chairman, Salvatore: cont.**

Mrs. Horvath stated the law department did not receive a contract, although asked to prepare the legislation. Do not know, at this point in time, what the bidding status is.

Mr. Orcutt stated at this time think that Council needs to see the correct information.

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

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

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

3. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Piatak stated the budgeted estimate for construction was low based on the bids received. The sewer district okayed the additional increase in the construction costs and have prepared the amendment to the initial agreement, this legislation authorizes the Mayor to sign that agreement. Think it's an increase of \$7,000.00 or \$7,500.00.

Mr. Troyer asked Mr. Piatak this was passed in 2019 any reason this took so long and think that would be the reason it's costing so much more.

Mr. Piatak responded there was some easements that were still negotiating and obtaining so there was some delays based on some of that, primarily the reason.

Mr. Troyer commented this is monies that come from the residents' sewer bill, the storm-water part of the bill. It is the residents' monies and want to make sure it's clear that it is the residents' monies being used.

**Motion** by Mr. Mencini, supported by Mr. Troyer, to move to the November 16<sup>th</sup> Council agenda.

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

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

**REGULAR CAUCUS MEETING**

**NOVEMBER 9, 2021**

**Motion** by Mr. Troyer, supported by Mr. Mencini, to remove Executive Session from the agenda.

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

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

**Motion** by My Mencini, supported by Mr. Orcutt to cancel Special Council meeting.

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

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

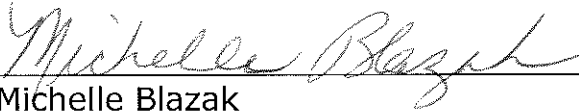
There being no further business to come before this meeting a **motion** by Mr. Mencini, supported by Mr. Salvatore, to adjourn.

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

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

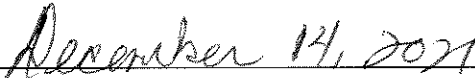
Mr. Vecchio declared this meeting adjourned at 8:44p.m.

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.