

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, DECEMBER 14, 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, POINDEXTER, SALVATORE

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING MINUTES HELD ON NOVEMBER 9, 2021.

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

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

NAYS: Troyer.

ABSTENTION: Poindexter. The motion carried with a vote of 5-1 and 1 abstentions.

DISCUSSION:

1. DIVISION OF LIQUOR CONTROL - Phoenix Vapor Lounge, LLC, 17021 Brookpark Road, Brook Park, OH 44142. **C NEW 6896303 - D5.**

Postmark Date: 12/6/2021.

Mrs. Horvath stated this is an interesting matter when investigating it was learned that I had a potential conflict of interest and delegated the completion of the investigation to the City Prosecutor, Peter Sackett, who provided an opinion to Council President Vecchio.

Mr. Vecchio stated Mr. Sackett has asked Council to have the Ohio Division of Liquor Control schedule a full hearing in the City of Cleveland on this pending permit.

Motion by Mr. Troyer, supported by Mr. Mencini, to ask the Ohio Department of Liquor Control to schedule a full hearing in the City of Cleveland on the pending permit application of C New 6896303 - D5.

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

NAYS: None.

ABSTENTION: Salvatore. The motion carried with a vote of 5 and 1 abstentions.

Discussion: cont.

2. ORDINANCE NO. 11129-2021, AMENDING ORDINANCE NO. 11197-2021, THE APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Troyer stated to Mr. Cingle a few Councilmembers asked for information with the capital improvement changes of what the city is getting and not getting; with monies used elsewhere.

Mr. Cingle responded at last meeting Councilman Poindexter asked for the reductions as follows: On page (1) Recreation Center proposed reduction in part-time salaries \$25,000.00, due to hours worked less than projected. Parks & Playgrounds under part-time wages reduction of \$7,000.00 for hours worked less than projected. Mechanics reduction of regular wages - 40,000.00 due to employee going on disability and not replaced.

Mr. Mencini asked Mayor Gammella wasn't an employee replaced approximately a year ago, in the Mechanics area.

Mr. Cingle commented don't see anyone added in 2021.

Mr. Orcutt commented my understanding someone left the city and was never filled, this situation the finance director is speaking of is completely separate.

Mayor Gammella commented no one has been hired all that has been done is fill spots after employees retired.

Mr. Cingle continued with the building department with both reduction and regular wages of \$10,000.00 due to furloughs taken during the year. The current Assistant Building Commissioner was budgeted for a full year and the current employee in that position was promoted in the year. In the legal department - part time wages there two (2) new employees budgeted that weren't filled. Those are all the negatives on page one (1), no questions. Moving over to page two (2) with General Government Lands & Buildings Fund - Utilities there is a proposed reduction of \$50,000.00 and in Repair and Maintenance there is a reduction of \$50,087.65. Both these items were budgeted for the two (2) schools acquired from the school district and not being sure what the utility and maintenance costs were going to be. Since both costs didn't come in as high as projected there is a little savings. The city is ready to file the Worker's Compensation report this month with an actual cost of that will be \$27,000.00 less than budgeted, no questions. No questions on the General Fund moved to the Waterpark Fund; there is a proposed reduction in part-time wages of \$16,015.00 due to not as many part-time hours worked, no questions. Moved to the Capital Fund working through the negatives as best as possible. With Council there is a proposed reduction of

Discussion: cont.

\$9,500.00 from the \$10,000.00 originally appropriated for laptops that weren't purchased. Recreation Center - Equipment there is a proposed reduction of \$18,000.00 and in the original capital list of football goalposts were allocated that are not listed on the report as purchased.

Mr. Troyer stated on the list those were \$12,000.00 any idea on the rest of the monies?

Mr. Cingle responded the list I have actually has the dollar-amount and items listed underneath; was not provided another list.

Mr. Troyer clarified the list of 2021 capital for City of Brook Park.

Mr. Cingle concurred my list has 2021 capital for the City of Brook Park and begins with 110-Council - \$10,000.00 laptops; Mayor's Court - \$1,000.00 for drop box.

Mr. Troyer continued by asking with then 341-Recreation Center with items and amounts?

Mr. Cingle continued my list shows \$86,750.00 for gym floor renovation, waterpark furniture with no dollars listed.

Mr. Troyer reiterated this sheet was attached to the budget.

Mr. Cingle stated he asked the Mayor's Executive Assistant for that sheet and received a response there wasn't anything. Items purchased out of there were the gym floor refinishing - \$36,750.00; Furniture & Fixtures of almost \$19,000.00; basketball scoreboard for main gym - \$5,410.00; labor & equipment \$4,092.00 and tent frame and canopy for about \$1,500.00.

Mr. Troyer questioned the mini-gym scoreboard?

Mr. Cingle responded that would be \$5,410.00 that has been encumbered.

Mr. Troyer stated there was only \$5,000.00 for the scoreboard. The tents were \$1,500.00.

Mr. Cingle responded I have \$1,466.99.

Mr. Troyer questioned the roller fitness equipment?

Mr. Cingle responded my list is weight-room/workout equipment for \$4092.00.

Discussion: cont.

Mr. Troyer asked Mr. Cingle if he would be able to come up with a list.

Mr. Cingle responded will look at the list and provide my list for cross-referencing. Mr. Cingle continued Mayor's office proposed reduction of \$4,500.00 for miscellaneous equipment. Safety building Land Improvements - \$2,038.84 items listed for a snow blower, a rooftop unit, a police hallway unit and some building improvement with an amount of \$24,787.00 being done and the snow blower not purchased. In the police department a proposed reduction of \$115,000.00 with the department purchasing of the fuel-reporting system; tasers; ballistic vests with an encumbrance that's been paid. As well as a new hire here and there and some IT equipment in the \$1,253.00 and \$1,164.00 in building improvements, data terminals were not purchased.

Mr. Vecchio clarified with Mr. Cingle the \$115,000.00 were for vehicle leases?

Mr. Cingle responded the department initially put in a request for about \$95,000.00 for mobile data terminals that was sent back to bid out. Then the department put in a request for vehicles and wouldn't have been able to do both unless the vehicles were leased, that would have to find some money for. The vehicles weren't procured in 2021 and believe will be part of a request from the police department for the 2022 budget, the department asked for both vehicles and mobile data terminals. In the Building Department there is a proposed reduction of \$22,000.00; what the department did purchase is an I-Works Software System for \$28,000.00; encumbered monies for a Ricoh scanner in the amount of \$10,725.00, Dell Server and licenses for \$7,307.00 and miscellaneous for \$309.00, the building department did not purchase the laptops. Moving to Street Construction Maintenance & Repair (SCM&R) Fund line item 425 there was \$28,616.00 encumbered for two (2) F-350 trucks.

Mr. Troyer stated in SCM&R Council appropriated \$43,000.00 and only spent \$28,616.00?

Mr. Cingle responded yes, because the remaining portion of the expenditure was accounted for out of Parks & Playgrounds department in the amount of \$16,615.80.

Mr. Troyer asked where did the money go?

Mr. Cingle questioned what money?

Mr. Troyer clarified the difference between \$43,000.00 and \$28,000.00?

Mr. Cingle stated no other monies were dispensed out of the SCM&R and are

Discussion: cont.

asking that \$12,000.00 be reduced from that department. No monies have been spent to date and the encumbered is for the F-350 trucks.

Mr. Troyer asked those monies will be left in the SCM&R fund?

Mr. Cingle responded if the Ordinance is passed in its current form the \$12,000.00 will be reduced out of that department leaving a total of \$31,000.00; of which \$28,616.10 has been spoken for leaving a balance of a little over \$2,000.00 in that department. Mr. Cingle clarified \$43,000.00 was appropriated for two (2) pickup trucks; with \$28,616.10 encumbered for said trucks leaving a balance of \$14,383.90 has not been spent nor encumbered. Pending no purchase requests for those dollars the proposal is to reduce that amount by \$12,000.00.

Mr. Troyer understood and continued since the monies are being spent in the amended budget the same amount is being appropriated? That difference had to come from an another account being spent somewhere else because the total being spent is the same.

Mr. Cingle asked Mr. Troyer to repeat.

Mr. Troyer stated the total being appropriated of the original budget versus this amended budget is the same amount, correct?

Mr. Cingle responded no, again, if the Ordinance is passed in current form the original appropriation of \$43,000.00 will be reduced by \$12,000.00, not \$31,000.00. The reason you're seeing this on the temporary budget on page three (3) is just in case the encumbered amount isn't spent for the trucks in 2021; it can potentially be spent in the first quarter of 2022.

Mr. Troyer continued what I'm asking in the entire budget passed with total changes is \$6,877,289.37 are changes but not spending that much more money, it's been moved around. Am I wrong is the original budget total appropriated; is that same that is being appropriated in this amended budget.

Mr. Cingle stated the total overall budget for the City of Brook Park if this Ordinance passes as shown this evening will increase by \$6,877,289.37., total appropriations will increase by that amount. The Capital Improvement Fund the appropriations will not increase from the original budget to the amended budget because the net effect being zero (0). Same from the General Fund there will be no change to the total appropriation.

Mr. Troyer stated to Mr. Cingle narrowing down the Capital budget as appropriated in the original budget is the same in this amended budget?

Discussion: cont.

Mr. Cingle concurred.

Mr. Troyer stated going back where did the \$12,000.00 you stated leaving some of those monies in there.

Mr. Cingle stated those monies are being reallocated through the Capital Improvement Fund so the city can get to a zero (0) dollar change. It's not going to any specific line item it's being part of the total adjustment to the capital improvement fund.

Mr. Troyer stated the \$12,000.00 is sitting there in (Fund) 425 and appropriating it but don't know where in this amended capital budget.

Mr. Cingle stated we're reducing the appropriation in that department by \$12,000.00. Looking at one line above in Sanitation we're proposing an increase in that department by \$23,000.00. So for me to say to you where is that \$12,000.00 actually going I could pick one (1) place but we're adjusting the total fund.

Mr. Troyer stated in Sanitation (Fund) 423 we appropriated \$198,627.69 and you're saying that wasn't enough we need that extra \$12,000.00.

Mr. Cingle stated we need \$22,481.53 in Sanitation.

Mr. Troyer stated let's look at that on the list, rear-loader rubbish truck did the city get that?

Mr. Cingle responded yes, \$48,307.74.

Mr. Troyer stated that as a lease?

Mr. Cingle concurred.

Mr. Troyer continued there is also a rear-loader rubbish truck that is not a lease.

Mr. Cingle stated the city has two (2) automated rubbish packers lease; one for \$90,319.95 and the other one is \$75,987.78. There is also the fuel-reporting system that was accounted for out of the Sanitation department in the amount of \$6,493.75.

Mr. Troyer continued looks like the first (1st) rear-loader rubbish truck for \$50,000.00 ended up being \$75,000.00+.

Discussion: cont.

Mr. Cingle responded I have to look at the document and was told this afternoon that the Mayor's assistant did not have it; so went off what I have and forgot that was part of the budget that was submitted after this document.

Mr. Troyer stated according to the numbers you provided you're reporting we appropriated \$10,000.00 it was about \$6,500 so there was some savings there. Then you quoted there was another rubbish truck, of some sort, and quoted \$75,900 something. The question is at one point was that ordered or encumbered?

Mr. Cingle responded will have to look into that don't have that.

Mr. Troyer stated what I don't like and Council shouldn't like, because it's our job to know where the monies are going, is that money was taken from SCM&R we thought for the pickup trucks and put into a rubbish truck with nothing being amended in the budget. Not that it wasn't needed or a good idea but, to me, that should have come to Council for an amendment to the budget.

Mr. Cingle stated again, I'm making the adjustment to the entire capital improvement fund, not one line-item.

Mr. Troyer interjected wherever it went it should have been approved by Council.

Mr. Cingle stated if you would let me finish, I'm reallocating the dollars so there is no increase in the capital improvement fund. Mr. Cingle continued in the Street Lighting line-item for \$60,000.00 that reduction was for light poles on Route 237 and Interstate 71, per my sheet, with those projects not being undertaken in 2021.

Mr. Mencini asked for light poles?

Mr. Cingle responded this sheet reads light poles in (Fund) 433.

Mr. Troyer asked where did that go?

Mr. Cingle responded same answer it's getting reallocated amongst the fund. Moving forward to the Tax Department the \$5,000.00 appropriated for equipment is being proposed to be reduced by \$4,500.00 and same in Finance Department to be reduced by \$4,500.00 to balance the fund. In General Government Lands & Buildings line-item under Land & Building Improvements is being proposed to be reduced \$96,299.00 with one item in there was to purchase HVAC (Heating, Ventilation and Air Conditioning) controls and some other building improvements at the schools purchased, those were not done. Also in the original budget monies

Discussion: cont.

were appropriated for the fire roof at station #2 and those dollars were accounted for out of Fire Department for a cost of \$37,600.00.

Mr. Troyer clarified that money wasn't spent due to taking out of the Fire Department or moved it there.

Mr. Cingle responded it was spent out of the Fire Department capital budget. In total there is no increase or decrease the net effect is zero (0) dollars in the capital improvement fund by reallocating monies that weren't being used in other areas. Moving to Fund 546 - Street Improvement Fund - Construction Contracts is being reduced by \$11,590.40 and moving to the Professional Services line-item, it is needed there to account for all the negatives, end of report.

Mr. Troyer stated going to the capital fund Home Days Celebration which line-item is the fireworks?

Mr. Vecchio stated that's under the General Fund 100-345.

Mr. Troyer stated Fund 523 - Professional Services is \$39,000.00?

Mr. Cingle concurred.

Mr. Troyer asked if both fireworks were covered including the Christmas fireworks?

Mr. Cingle responded only for Home Days. The Christmas celebration fireworks is being accounted out of General Fund 700 - Government Lands & Buildings in the amount of \$7,500.00.

Mr. Poindexter asked Mr. Cingle in the capital improvements fund all the monies that will be transferred into and appropriated in other accounts are all those monies expected to be spent this year or some carried over to 2022?

Mr. Cingle responded all those dollars will not be expended in 2021. For example, General Government Lands & Buildings line-item 700 - Professional Services \$2, 289.00 is proposed to be increased; \$171,600.00 is being appropriated for the legislation under Recreation Committee for the Construction Resources agreement. If Council approves that legislation at the next meeting those dollars will be expended in 2021 and spent in 2022.

Mr. Troyer stated to Mr. Cingle on the fireworks the money ended coming out of (Fund) capital monies?

Mr. Cingle responded no, that is coming out of the General Fund 700 - General

Discussion: cont.

Government Lands & Buildings.

Motion by Mr. Troyer, supported by Mr. Mencini, to place on the December 21st Caucus Prior to agenda under discussion.

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

NAYS: None. The motion carried.

3. ORDINANCE NO. 11230-2021, TO PROVIDE FOR THE TEMPORARY APPROPRIATIONS OF THE CITY OF BROOK PARK, STATE OF OHIO, FOR THE THREE MONTHS ENDING ON MARCH 31, 2022 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella

Mr. Cingle stated this temporary appropriation budget gets the city through the first (1st) three (3) months of the next calendar year or until the 2022 budget is approved by Council.

Mr. Poindexter stated looking at the next piece of draft legislation proposing a transfer from capital improvements fund of \$2.8 million-dollars. The temporary appropriations are already appropriating \$1.1 million-dollars of that within the first (1st) three (3) months. Items this year have already been appropriated that would double appropriating for the first (1st) three (3) months of next year.

Mr. Cingle responded the next ordinance is an advance and transfers for the 2021 fiscal year. The \$2.8 million-dollars is the projected amount to be transferred from the city's income tax fund to the capital improvement fund in 2021.

Mr. Poindexter stated don't want to assume anything but Council can project that next year's transfer will be roughly the same?

Mr. Cingle responded depends on refunds that will be issued individuals paying taxes to the City of Brook Park and not working here, that number may be less.

Mr. Poindexter stated the 2022 temporary appropriations doesn't reflect any refunds.

Mr. Cingle responded on page two (2) of the temporary budget there is a little bit of monies built in for potential refunds; looking at the amount that were projected to transfer this year in the amount of \$19.28 million-dollars, for the first (1st) three (3) months of 2022. Hard to project until the returns are filed and requests made.

Mr. Poindexter clarified monies have been appropriated for capital items for 2021 budget and will re-appropriate the same items next year, if not spent this year.

Discussion: cont.

What would happen if we waited, since monies are already appropriated for 2021, and not spent? Council could amend the appropriations budget on an as needed basis for the first (1st) three (3) months if something came up?

Mr. Cingle stated to Mr. Poindexter, if the monies aren't spent in the next two (2) weeks and those encumbrances carry forward into 2022 and the temporary appropriation ordinance would be in place to expend those dollars. To go back and continue to amend the temporary appropriation ordinance would rather focus attention on finalizing the 2022 budget for the Mayor-elect as soon as possible for review and ultimately Council's review.

Mr. Poindexter expressed concern with monies have been appropriated this year that will carry that fund balance in that account to 2022, then re-appropriated the same amount so basically doubling the appropriations for that fund. Reason for saying this is the amendment ordinance for 2021 has many subtractions, changes and reductions don't see the need to inflate those funds; don't see why to double appropriate and carry money over.

Mr. Cingle responded if the monies aren't spent within the next two weeks those encumbrances roll forward. For example, using the rubbish trucks on the temporary appropriation ordinance the SCM&R fund on page three (3) that encumbrance currently is at \$28,616.10. If that doesn't get paid by the end of 2021 that encumbrance rolls over into 2022. In January, 2022 a bill is received to pay the \$28,616.10 we've appropriated \$30,000.00 leaving a balance of little less than \$2,000.00. I could run this with a negative knowing that those monies are going to be part of the 2022 budget, regardless, because the encumbrances being rolled over. On the flip side, if it gets paid in 2021 it's not needed in the 2022 budget but won't allow those dollars to be spent until Council approved the capital budget; those capital dollars will be a premium as always. This is a temporary budget getting the city through the first few months of the year giving spending authority and would rather focus my attention finalizing the figures for 2021 and rolling those forward into the 2022 budget for Council's deliberations as soon as possible. There will be a lot of unknowns in 2022 and think it will be a year to proceed cautiously because of the unknowns with the occasional entrant rule and how much the city will have to refund. Bridgestone America reached out to the department last week saying they have many employees working remotely and asked the city how to go about processing refunds.

Mr. Troyer agreed with Councilman's concerns and stated not saying this is anybody's intent Council's main job is to watch the money and legislate. When items are appropriated twice and Mr. Cingle said he wouldn't allow that to happen but it's possible monies could be spent twice on the right item. Not always, if it's not over \$50,000.00 just as I stated earlier monies were appropriated for one

Discussion: cont.

thing and spent on something else that never came back to Council for approval. When appropriated cost centers are talked about but capital is basically its own cost center and Council thinks we're buying one (1) thing and get another. Understand where the Councilman is coming from because if that money is sitting there that was appropriated this year and first (1st) part of next year could be used both times, it's possible, not that it would be. It's always been a problem when things are changed Council should be told about what is going on. Not at the end of the year with amending and this is what it's going to be I don't like approving items after the fact should be approving items before it happens.

Mr. Cingle to Mr. Troyer a couple of comments. The budget is not set in stone, as you know Councilmember Troyer. You appropriate dollars and make it really simple and maybe the police department needs a bushel of apples and they realize midway through the year they needed to buy oranges instead, putting simplistic terms. In front of you today, is an appropriated change ordinance with zero (0) dollars increase or zero (0) dollar decrease, nothing has increased. Council approves the budget to spend x-number of dollars we're not asking you on the capital or general funds we're not asking you to spend any money or approve spending any more money. Things change, there are needs, emergencies come up that monies have to be expended before coming back to City Council. It would be perfect to come back to City Council to ask for a change Ordinance that would be great but a lot of times that's not possible. We're an hour into this already and again we're looking at a zero (0) dollar increase in both the General Fund, Capital Improvement Fund and in the Street Improvement Fund. I understand your concerns but don't know how to change moving forward other than every week bringing an Ordinance to Council in hope of passage on First Reading because the budget is fluid and ever-revolving. Concern of the expenditure is well taken, however, the majority of these expenses in the Capital Improvements Fund are in excess of \$2,500.00; goes to the Board of Control; everything being spent is spent legally, lawfully and necessary.

Mr. Troyer stated not asking for every week or month think at least quarterly there should be some sort of update and amendment to the budget. Once again, it's a lack of communication. Would like a list of items that the department didn't get when Council passed a budget expecting it to be done.

Mr. Vecchio suggested if a quarterly review is wanted Council has the ability to legislatively put that together.

Mr. Cingle commented to Mr. Troyer's comment about lack of communication. The Finance department, as you all know, do send out monthly reports that are also posted on the city's website for review by anyone. As part of my year-end report I provide Council with a detailed Capital Improvement list showing the itemized

purchases by department.

Mr. Mencini stated have asked for every department head to be at meetings so Council can ask them questions. Agree with Mr. Cingle when Council passes a budget must give the departments some leeway things happen quickly and moved around. As Mr. Troyer stated with the big ticket items maybe they didn't get purchased. Have also asked for every three-months to receive a brief report.

Mr. Troyer stated to Mr. Cingle, in general, comparing last year numbers on the General Fund is about \$500,000.00+ being appropriated.

Mr. Cingle responded health care costs have increased and gas prices has gone up from last year.

Mr. Troyer continued on page two (2), the Special Revenue Fund went from \$5 million-dollars to almost \$8 million-dollars.

Mr. Cingle responded there is \$1.7 million-dollars appropriated in the Economic Development Fund to purchase the hotel and will be spending dollars for the Senior Snow Removal Program.

Mr. Troyer commented that keeps going up.

Mr. Cingle concurred.

Motion by Mr. Mencini, supported by Mr. Poindexter, to place on next Tuesday's Caucus Prior to under discussion.

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

NAYS: None. The motion carried.

4. DRAFT ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO ADVANCE AND TRANSFER FUNDS TO THE SPECIFIED FUNDS FOR COUNCIL REVIEW (Finance Director Cingle).

Mr. Cingle stated this is in draft form due to law department having computer issues. This is per the state auditors asking for an Ordinance to be approved by year-end authorizing the Finance Director to advance and transfer funds. Working through this draft for 2021 in the General Fund an advance of \$150,000.00 to the Community Development Block Grant (CDBG) Fund that will be utilized for the purchase of the ambulance that was on schedule to be received in 2021; but, as we all know it was sent back to be rebuilt. So \$276,258.00 have been encumbered in the temporary budget on page two (2) so the proposal is to advance those monies from the General Fund to the CDBG Fund. Once the

Discussion: cont.

ambulance is received and signed off on payment will be made. Then submit to the county for the \$150,000.00 grant and once received those advanced monies will be repaid to the General Fund as part of the 2022 budget. With the city income tax fund, I'm just showing what the projected transfers will be after allocating for the expenses to operate including refunds. The projection is to transfer a little bit over \$17 million-dollars to the General Fund and a little bit over \$2.8 million-dollars to the Capital Improvement Fund. In the Capital Improvement Fund, the transfers for this year are as follows: To the CDBG Fund \$126,258.00 for purchase of the ambulance; Fund 310 - General Bond Retirement Fund little bit over \$790,000.00 for debt service and in the Fund 546 - 2021 Street Improvement \$850,000.00.

Mr. Troyer stated to Mr. Cingle was this done last year or something new?

Mr. Cingle responded this is something new.

Motion by Mr. Troyer, supported by Mr. Mencini, to place on the Caucus Prior to meeting of December 21st.

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

NAYS: None. The motion carried.

5. ANNUAL PAYMENT TO BOXCAST FOR LIVESTREAMING OF THE 2022 MEETINGS (\$2,400.00).

Motion by Mr. Poindexter, supported by Mr. Salvatore, to place on December 21st Council agenda under Verbal Approval.

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

NAYS: None. The motion carried.

6. NON-PARTISAN ELECTIONS (Councilman Scott).

Mr. Scott stated the reason for this just putting this out for discussion at the January 1, 2011 Caucus agenda.

7. PROPOSED COUNCIL RULES (Councilman Scott).

Mr. Scott stated the reason for this is a few years ago there was an issue where there were 12 Council rules presented at first meeting in January. At that time there were Councilmembers that didn't know anything about the rule changes nor have a chance to do any research and/or discussion. Would like moved to the January 11th Caucus agenda so the new Councilmembers have an idea what will be discussed, and how to approach this and research.

Discussion: cont.

Mr. Troyer stated if done right am for non-partisan elections. The Council rules as written against current ones but am for changing rule 12a. Will not support any rule change that doesn't have one (1) place for introduction; being letter J and/or a new letter added. Introduction should not be under letter M, should have never been done that way.

Mr. Mencini thanked Mr. Scott for bringing forward and think with the Council rules there will be healthy discussion.

Motion by Mr. Troyer, supported by Mr. Mencini, to place item numbers six (6) and seven (7) on the January 11, 2022 Caucus agenda under discussion.

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

NAYS: None.

ABSTENTION None. The motion carried with a vote of five (5) and one (1) abstention. The motion carried.

8. SCHOOL TELECOMMUNICATION HARRASSMENT

Mr. Vecchio stated this past Friday, the Berea Midpark Middle School was closed to due to an alleged social media threat from a student using a Snapchat platform. This is not the first (1st) time that a threat has taken place within the district; but is the first (1st) time that a building has been closed due to a threat. What this leads me to believe is both a credible and serious threat and the reason this is on the agenda. Is I'm looking for ways that Council, as a legislative body, can help to thwart these problems so students can attend without these fears that are running rampant; looking for something that pertains to only Brook Park and Brook Park residents to start collectively thinking and seeing what Council can do to help. Because, the seriousness of this major growing problem is seen across the country but has now hit home really close.

Mr. Mencini stated very good thought bringing this forward and don't envy the school boards and police officers that have to go through this if a child yells out in the class; is it a threat or somebody acting up for a minute. When getting harassments over the phone or on social media now school is being cancelled.

Mr. Vecchio stated this took place on Friday and on Friday my peers from Middleburg Hts., Council President Bortolotto and Berea Council President Maxwell and myself immediately started some discussions basically we don't want to see this tolerated in this tri-city area and having to look at what we have in our toolbox to help thwart this. Some of these are children and can say children are naive or don't know but ultimately it falls on what is taking place at home. Who is responsible for whatever communication item is being used i.e. Internet or cell

Discussion: cont.

phone; however, they are communicating this who is responsible. Do those people have some accountability, someone has to be held accountable at some point.

Mr. Mencini questioned are you saying parents?

Mr. Vecchio responded could be parents or however it deems out and am sure there are ordinances on the books that have different punishments doled out, maybe those punishments aren't enough. This is something being the legislative body should look at, after all, our job is to write laws and have the enacted; the severity of this is getting out of control. Think collectively with the Cities of Berea and Middleburg Hts. and us on this Council can probably brainstorm and come up with good ideas.

Mr. Mencini concurred would we go law enforcement or school board.

Mr. Vecchio interjected don't have the answers but think Council needs to think amongst ourselves and keep this fluid and moving to come up with some ideas. This is something brought forward for Council to start thinking about.

Mr. Mencini stated maybe this does have to be hard and maybe go back to the grassroots for somethings. Personally feel that we've been lenient with a lot of things these last few years. There will be a time coming that we have to be strong and maybe will come from the Councils' or maybe it will come from the communities.

Mr. Orcutt stated to Mr. Vecchio we spoke prior to the meeting about this discussion item and also had the opportunity to speak with Mrs. Horvath. Not sure if she has any comments about the current laws the city has for anybody threatening someone at school. With speaking with the two (2) other Council Presidents from the tri-city. Obviously, that occurred in Middleburg Hts. what came of that and what laws does Middleburg Hts. have because it's my understanding it was known who threatened the schools. What did Middleburg Hts. have as law and what discussion did you as Council Presidents have?

Mr. Vecchio responded didn't get to that point, can tell you that we knew at 5:30 a.m. and by 10:00 a.m. the three Council Presidents were in preliminary discussions and believe it came out by 1:00 p.m. or 2:00 p.m. the student was apprehended. As far as Middleburg Hts. laws on the books are there has been no discussion and don't know. Do know that both Council Presidents' are of the same volition to jump in and help where we can do as cities.

Mr. Orcutt asked Mrs. Horvath what does the city have on the books currently if

Discussion: cont.

somebody at the elementary school whether a parent or student makes a threat on social media or Snapchat. What is on the books currently to be able to charge somebody or handle the situation

Mrs. Horvath responded there is menacing, telephone harassment charges that could be used. Think part of the problem is dealing with children who don't understand fully the consequences of their actions to others. Obviously, if this is child is faced with that child's probably going to Juvenile Court which is a different system. Think we need to take a look to see if there is some way we can expand those charges with the possibility of including the owners of the devices being used. To help the children make better decisions by having the parents be more aware and of a watchdog is certainly one (1) thought. I would like to know what the school system thinks would be helpful also and don't know how this dovetails in with bullying. Imagine some of this is an outgrowth of children doing that to other children and the whole thing is very disturbing and concerning. Very glad that we, as a city, are stepping up and looking at this due to the elementary school in the city. If there is anywhere where children have the ability to learn a lesson and learn it well is when they are young. The school within the city borders is a good place to start with changes. Difficult topic and think we can look at all the ordinances on the books but also think there are needs to be strengthened; something a little different to prevent from this happening again.

Mr. Orcutt thanked Mrs. Horvath for the recent suggestion of the new-elect Mayor, law director, Council President and the city's Dare officer for a conference with the school's superintendent and think that's a good start.

Mr. Troyer stated first of all, would ask the clerk to query other cities to see what they have on the books and also the law department could look into what has been done in other areas where it's more a problem. Don't want to overreact and get something that is not going to work; would rather react calmly to get something that will work. Think what is done it would be very important to teach the students either by the city's Dare officer or whoever to spell out the ramifications. If the students don't know the ramifications it won't matter what Council does.

Mr. Vecchio stated that's a great suggestion, Mr. Mencini, Troyer and Orcutt great input and as stated this is national with a lot of problems going on. As I tell my own children 'for every action there is either a positive or negative reaction; choose the outcome'. This starts at home and think there are some great opportunities to help out and hopefully lessen these burdens on the children, for tomorrow and future to come, by getting involved to see what we can do to get involved and help out.

Motion by Mr. Poindexter, supported by Mr. Mencini, to place on the January 11, 2022 Caucus agenda under discussion.

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

NAYS: None.

ABSTENTION: Orcutt. The motion carried with a vote of five (5) and one (1) abstention.

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 and Mencini.

Mr. Troyer stated there is really nowhere to go with this legislation at this point. It's my understanding is the state is having discussions with the Federal Aviation Administration (FAA) about Home Rule for these type of ordinances. Am working with the law department to go about this in a different way using current state laws. As well as the gentlemen who were at a recent meeting that provided much information. The law department is working on legislation using the Ohio laws and reiterate them and then tweak a little bit for city police officers have another tool that can be used; then notify the FAA if there was a violation.

Mr. Poindexter stated when first discussed not in attendance at that meeting but want to make a couple of points on the legislation. First and foremost, I'm not for banning drones and will not support any legislation that bans drone use in the city. However, as the technology becomes more prevalent rules and regulations need to be put in place to protect personal property; not totally rigid on rules and regulations on drones. As the Councilmember that formed the Technology and Innovation Committee I welcome the advancement of drone technology and hope ways are found to use drones to reduce costs, save time and provide better service to residents. For example, the building department may be able to use a drone to check out a fence that fell down. Maybe, not in the current state, but as technology becomes more prevalent and more accepted that may be possible. Or fly a drone over Abrams Creek to see where the creek is failing or by bringing drone manufacturers to the city. The recent you-tube video that came out really highlights what is wrong with the nature of politics today and also highlights why our children are in the state they are in. These panelists and host bashed Brook Park by saying some horrible things, painted Brook Park in a terrible light, made bogus assumption about our city and one of my colleagues; just to prove a point that they were opposed to legislation. They tried to make our city look like it's from the stone age; a city they never stepped foot in.

Mr. Mencini commented they didn't make themselves look too professional.

Legislative Committee - Chairman, Mencini. cont.

Mr. Poindexter that's neither here or there, that's the nature of politics and needs to change. There were some good points made in the video but it was all casted out because of the things said about a city they never set foot in. My challenge is for them to come to Brook Park to a technology committee meeting to teach us what you know about drones. Don't sit wherever the podcast was made and talk about bad about my city come to the podium. I was appalled by that video and by the number of people that seen it that have never set foot in Brook Park and think that our community is how they described this community. That disgusted me and wonder why children threaten other children at school because their parents are the ones making videos like that. Brook Park is trying to understand technology better that's the purpose of forming the Technology & Aviation committee.

Mr. Troyer stated a few points, to Mr. Poindexter I deal with that type of stuff on Facebook and doesn't faze me. The legislation being asked for basically for unsafe use and not banning anything. The current legislation is not banning anything just for certain areas and things. The biggest mistake those guys on the you tube video made was that Brook Park was banning drones. The legislation doesn't ban it the FAA is the entity for banning of drones.

Mr. Salvatore commented personally I believe Brook Park should have a drone and spoke with Mrs. Horvath and Mr. Orcutt a few months back to try and put something together for purchase. Do have an issue with the building department and may have an issue with how it's used.

Mr. Troyer stated to Mayor-elect and Mr. Cingle that capital monies should be appropriated for a drone for the police department; for hot pursuits and such. Police officers or anyone has to be trained and licensed.

Mr. Mencini stated when the people were here they explained what happens if a drone is used for the wrong purpose we'll see what the state does.

Motion by Mr. Salvatore, supported by Mr. Orcutt, to place back in committee.

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

NAYS: None. The motion carried.

RECREATION COMMITTEE - CHAIRMAN, POINDEXTER:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO GO OUT TO BID FOR THE DEMOLITION OF THE FORMER BROOK PARK MEMORIAL SCHOOL BUILDING AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated the city purchased the two (2) schools and looking at this school there were a few ideas but don't think any would work out; that would be up to the Mayor-elect and Council to decide. My suggestion is to demolish the building to make it greenspace. One (1) amendment that I would like is there is a garden in the middle of the school that's been there for a long time consisting of trees, foliage, a pond and things of that nature; somehow would like to save that garden when the building is demolished. In section one (1) after PPN# 343-17-088 insert 'to do everything possible to preserve the garden area in the center of said school'.

Mr. Mencini stated the issue I have with this is no one asked me, residents or the community. To say to tear it down it could be good in a lot of ways and may be used in other ways, but haven't had that discussion about this. We went through a lot with this deal and still not a fan with that ballfield being used only once a month. My point is there could be a multi-purpose for that building; multi-use for that whole area but haven't had that discussion with the community. To Mayor-elect think there needs to be more discussion on this; will not make a big mistake in our downtown area, not now or for the future of this city but do agree to do something with the garden area.

Mayor Gammella stated that's a starting point but think greenspace is essential for the growth of a community and don't know if the city has the finances to keep that building up for various purposes. The last thing this city needs is another older building to maintain.

Mr. Troyer stated a few things I would need to know in writing is some kind of report on the condition of the building and cost for demolition, even if I did think it was a good idea.

Mr. Orcutt stated will not support this legislation, the new administration coming in will form a committee of Council representation; Board of Zoning representation and Planning Commission representation along with Recreation Commission as well as residents' representation. Gather ideas and put them on the table to sort through what will work and present the best ideas to Council, to move forward.

Mr. Salvatore stated not in favor of demolishing this building there is nothing worse than doing something without a plan. There has to be a master plan and like the idea of putting a group together to have some dialogue on what should

Recreation Committee - Chairman, Poindexter: cont.

happen, if anything. There may be someone that wants to lease the building gaining revenue and tearing the building down the city doesn't have that option.

Mr. Mencini stated to Mayor Gammella we have agreed on a lot of things but this isn't one of them.

Mayor Gammella stated people have asked what will be done with the schools and the one (1) on Snow Road is valuable and has economic potential.

Mr. Vecchio asked what are the two (2) buildings costing the city sitting in their shuttered state, is there a rough estimate?

Mr. Cingle commented will look into that and have an answer this week.

Mayor Gammella commented there is a lot of interest with the school on Snow Road.

Mr. Scott stated think an analysis of the building is needed to see if there is a purpose and a value to this building.

Mr. Troyer suggested possibly have the Armory move there to get the valuable land on Engle Road to develop.

Mr. Poindexter stated in favor of demolition and think the architect brought to table would say the same thing. The building is old, outdated and that's why the school district brought a brand new building across the street. A purpose can be found for anything but is it going to fit-in with the central park or community center? Should be torn down have a blank canvas and build something in the future that fits the center, for example the pavilion at Lakewood Park with doors that open wide in the summer and is operational all year, think that would fit in with the trees and greenspace.

Mr. Mencini stated driving through Berea or Lakewood there are buildings from the 1800's and as Mr. Salvatore stated the city tore down two (2) buildings from 1960. Looking at city archives you see those beautiful buildings with the trestle towers on top. Want to be 100% sure and get people's and the community thoughts; this is Brook Park's and the community's park and think we need to be very creative with this.

Mr. Poindexter rebutted by saying the building from the 1800's has more value than a cinder-block joist one-story building. There is historical value with the name of Brook Park Memorial (BPM) and the incident on how it was named but the building is not meant to last 200 years like an 1800's style building.

Recreation Committee - Chairman, Poindexter: cont.

Motion by Mr. Salvatore, supported by Mr. Mencini, that this item was discussed.

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

NAYS: Poindexter. The motion carried with a vote of five (5) to one (1).

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ELECTRIC VEHICLE CHARGING STATION PROGRAM PARTNER AGREEMENT WITH NOACA AND DECLARING AN EMERGENCY.
Introduced by Mayor Gammella.

Mayor Gammella stated electric vehicles are the way of the future and the city has a grant from NOACCA that will pay for the entire project. Think would be great to have the charging station in the city.

Mr. Orcutt stated to Mayor Gammella how much was the grant for?

Mayor Gammella responded think it was around \$50,000.00.

Mr. Orcutt asked is the grant money available now or still in the application process?

Mayor Gammella responded the grant money, if legislation is passed, the grant money will come to the city. If not passed the monies move onto another community.

Mr. Mencini agreed with Mayor Gammella this is a good one and electric vehicles are coming. Is there a location for this charging station?

Mr. Poindexter commented location was not discussed.

Mr. Vecchio stated as far as the electric usage charge who is responsible? Is that the city of is this going to be a charge to the user?

Mayor Gammella responded can be done either way and my suggestion would be a charge to the user i.e. credit card.

Mr. Orcutt stated this subject came up at this months' Technology committee and that question came up and basically with this grant they put the system in, manage it and do the service needed and the end-user pays for it. There is no cost to the city just need to find a location and having that location closer to a power source rather than further away will change the cost of installation.

Mr. Troyer stated as far as location that would be 17400 Holland Road because

Recreation Committee - Councilman Poindexter: cont.

according to the agreement it's going to be located in this parking lot.

Mayor Gammella suggested locking in the grant money and Council changes their mind rescind the legislation.

Mr. Troyer stated in the agreement there is a statement annual network fees for up to five (5) years of the original purchase price. After five (5) years the city owns with no support. Also, the agreement reads the life of the system is five (5) years.

Mr. Salvatore reiterated the grant pays for the installation with no cost to the city who provides the location. Is there any compensation to the city for the use of the property?

Mayor Gammella responded no, would be an amenity for the residents.

Mr. Salvatore asked how many vehicles can be charged at any given time?

Mayor Gammella responded two (2) charging stations.

Mr. Poindexter stated if the city gets these charging stations the city will be on the map because all electric vehicles have maps with pin-drops of where there are electric charging stations.

Motion by Mr. Mencini, supported by Mr. Troyer, to place on the next Council meeting under letter M.

Mr. Troyer asked the Mayor-elect to let Council know where the placement will be before it's done.

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

3. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CONSTRUCTION RESOURCES, INC. TO PREPARE DETAIL DRAWINGS, SPECIFICATIONS AND BID PACKAGES FOR THE NATATORIUM REPAIR AND A ROOF STUDY AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Gammella stated this has been in discussion for four (4) years and something has to be done with the roof and walls.

Recreation Committee - Chairman, Mencini: cont.

Mr. Mencini agreed with Mayor Gammella it has to be done. Would like to see a recreational pool installed, in time.

Mr. Orcutt stated Council has to move forward with the repair of this structure. Working with the Finance Department for the 2022 budget one thing that the department did do is reach out to Mr. Griffith of Construction Resources about the purpose of that building; whether for a pool or something different there would be change.

Mr. Scott clarified with Mayor Gammella this \$138,000.00 for the natatorium and \$38,000.00 for the City Hall at-large low slope areas.

Mayor Gammella responded the other roof will be assessed as well.

Mr. Troyer stated to Mayor Gammella for two (2) reasons concerned with the cost. Have always been in favor of getting this done for many years. To Mrs. Horvath legally does this have to go out for bid for \$171,000.00, there is no wording in the legislation.

Mrs. Horvath responded of course it would but not if it is a professional service contract. Think the legislation is appropriate and in the future depending on what Council wants to do with the space will have items going out to bid.

Mr. Troyer reiterated with Mayor Gammella the cost is \$38,600.00 for the City Hall overall building and \$133,000.00 for the old pool roof. Little concerned with the agreement for the City Hall overall building that includes the entire recreation center roof, correct?

Mayor Gammella concurred.

Mr. Poindexter stated in favor and have to protect city assets. Think the endgame should be a pool and if not affordable, in the future, would like to see renting out to indoor soccer leagues or football leagues to generate revenue for a future pool.

Motion by Mr. Troyer, supported by Mr. Mencini, to place on the next Council agenda under letter M.

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

NAYS: None. The motion carried.

SERVICE COMMITTEE - CHAIRMAN, SALVATORE:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CHANGE ORDER FOR THE CONTRACT WITH FABRIZI TO REPAIR THE WEAR SURFACE OF THE BRIDGE DECK ON ROUTE 237 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Orcutt stated this change order is for additional work required, correct?

Mr. Salvatore responded correct, in the amount of \$7,825.00.

Motion by Mr. Poindexter, supported by Mr. Troyer, to place on the next Council agenda.

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

EXECUTIVE SESSION - COLLECTIVE BARGAINING MATTERS - Mayor Gammella.

Motion by Mencini, supported by Mr. Poindexter, to go into Executive Session for Collective Bargaining Matters.

ROLL CALL: AYES: Mencini, Poindexter, Salvatore, Troyer, Orcutt, Scott
NAYS: None. The motion carried at 9:17 p.m.

In attendance: Councilmembers, Mayor Gammella, Law Director Horvath and Finance Director Cingle.

Motion by Mr. Troyer, supported by Mr. Poindexter, to go back to regular order of business.

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

REGULAR CAUCUS MEETING

DECEMBER 14, 2021

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, Scott, Salvatore, Poindexter, Troyer

NAYS: None. The motion carried.

Council President Vecchio declared this meeting adjourned at 9:42 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *1/11/2022*

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

9,092 words

