

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, JANUARY 11, 2022
7:00 P.M.**

The meeting was called to order by Council President Vecchio at 7:30 p.m., the clerk called the roll and the following Members of Council answered:

TROYER, MENCINI, ROBERTS, SCOTT, COYNE, POINDEXTER, SALVATORE,

Also in attendance were Mayor Orcutt, Law Director Horvath, Finance Director Cingle.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING MINUTES HELD ON DECEMBER 14, 2021.

Motion by Mr. Mencini, supported by Mr. Scott to approve the regular Council meeting minutes for December 14, 2021 as printed.

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

NAYS: Troyer

ABSTENTION: Roberts and Coyne. The motion carried with a vote of 4 to 1 and 2 abstentions.

DISCUSSION:

1. DIVISION OF LIQUOR CONTROL - 6310 LLC, DBA PASTA LEARS PIZZERIA & DELI, 6310 Engle Road, Brook Park, OH 44142. **C TREX - D2. Postmark Date: 01/10/2022.** - PER COUNCIL PRESIDENT VECCHIO. **Note:** Moved by **motion** from January 4, 2022, Caucus Prior agenda.

Mrs. Horvath stated her gratefulness to the Council for allowing the additional time to investigate the liquor license request. After her investigation, there were no issues with this requestor. Mrs. Horvath recommended that this is something that Council would move as "Discussed".

Motion by Mr. Troyer, supported by Mr. Poindexter that this was discussed.

ROLL CALL: AYES: Troyer, Poindexter, Mencini, Roberts, Scott, Coyne, Salvatore.

NAYS: None. The motion was approved.

2. REMOTE/VIRTUAL MEETINGS- PER COUNCIL PRESIDENT VECCHIO.

Mr. Vecchio stated that because of the increasing number of COVID 19 cases including OMICRON and other variants, the necessity to reintroduced

DISCUSSION: cont.

Virtual meetings are being presented for discussion.

Mr. Menini stated that the schools are looking at the third or fourth week of January to re-access this situation.

Mr. Poindexter stated that he is not looking forward to going back to virtual meetings but preparation is key. Mr. Poindexter inquired about appropriations for laptops in case virtual meetings become a necessity.

Mr. Vecchio assured that procuring laptops for working from home will be looked into getting a better deal for all involved.

Mr. Poindexter stated that even if they are not needed having them on standby is the way to go.

Madame Coyne inquired about the public viewing and how this would affect their ability to view from home.

Mr. Vecchio responded that it is not going to affect the way the public views the meetings from home. It is similar to what is already available now. Some people like it better and some don't.

Mr. Roberts inquired if the laptops are for Council as a whole or if individual members can use it for they were out with COVID and still wanted to participate in the meetings.

Mr. Vecchio confirmed that the laptops can also be used in that situation as well. A hybrid for in-person and virtual would mean that no Council member would have to miss a meeting.

Mrs. Horvath stated that she did some research concerning the open meetings act and whether virtual meetings violate the "Open Meetings Act". Her understanding is that at the end of July, full virtual meetings were sunset. As a Charter City, can we make our own virtual rules or have a hybrid. Mrs. Horvath will do further research and report her findings back to Council at the next meeting.

Mr. Scott stated that as of now, there is nothing in place to conduct a virtual meeting. Mr. Scott asked how long would it take to set up for virtual (Hybrid) meetings to be possible.

Mr. Vecchio responded within a week to ten days to go hybrid. Mr. Poindexter recalled that the Tech Committee explored the option of doing hybrid meetings when the Council was preparing to sunset virtual meetings. The Tech Committee experienced issues because they did not have access to the equipment in the back. So that this will not be an issue again, the Tech Committee should have access to

DISCUSSION: cont.

the equipment so that a hybrid option can be tested.

Mr. Salvatore stated that the Council should have legislature for virtual options ready to move forward.

Mr. Vecchio asked Mrs. Horvath if She would research the option of Hybrid or using the method that was used during the COVID Shutdown.

Mrs. Horvath stated that she would research that and report back to Council but her concern is whether going totally virtual will defy the Open Meetings Act that's the reason for looking into the hybrid. As long as it doesn't violate the law, Mr. Horvath will draw up legislation to meet the needs of the Council.

Mr. Poindexter asked about an emergency clause in the Charter.

Mrs. Horvath stated that an emergency clause would be for a natural disaster.

Mr. Vecchio asked if having virtual meetings would be open to the public.

Mrs. Horvath stated that she would seek what other cities are considering and if any legislation has been drawn up to review as examples.

Motion by Mr. Mencini, supported by Mr. Troyer, that this was discussed.

ROLL CALL: AYES: Mencini, Troyer, Poindexter, Roberts, Coyne, Scott, Salvatore.

NAYS: None. The motion was approved.

3. TENTATIVE MEETING SCHEDULE FOR 2022. PER COUNCIL PRESIDENT VECCHIO.

Motion by Mr. Scott, supported by Mr. Mencini, to place on January 18 Council Agenda for Letter J for verbal approval.

ROLL CALL: AYES: Scott, Mencini, Poindexter, Coyne, Salvatore, Roberts

NAYS: Troyer. The motion was approved.

4. NON-PARTISAN ELECTIONS (Councilman Scott) - PER COUNCIL PRESIDENT VECCHIO. **Note:** Moved by **motion** from the December 14, 2021, Caucus agenda. **In attendance Rachel McDonnell Chairperson of 2019 Charter Review Commissioner.**

Mr. Scott stated that he didn't support this item earlier because it should have been a stand-alone item. There is two Cuyahoga County city that is partisan voting, Brook Park and Rocky River. Mr. Scott introduces the presenter, Rachel McDonnell. Mr. Scott stated that At Large states that typically it's 2 times the number of seats available and Brook Park has 3 At Large. Typically, there would be primary if there were 7 or more.

DISCUSSION: cont.**Rachel McDonnell, 13621 Dalebrook Ave.**

There were 7 members on the Charter Review Commission who reviewed all the amendments using a three-point process voting on each section and then the entire document as a whole. She reviewed Section 12 for nonpartisan participation for Brook Park. She will email the changes to the Council if they would like. She explained the changes made to Section 12 including getting your name on the ballot without revealing your party affiliation. The meeting was attended by Brent from the Cuyahoga County Board of Elections and Law Director, Mrs. Horvath

Mr. Poindexter asked Rachel McDonnell if any candidate was eliminated from getting their name on the ballot because of their party affiliation. He would be in favor of this if it would save money from not having a primary.

Rachel McDonnell clarified that if nonpartisan then a voter can vote for the best candidate for the position and not have to vote their party ticket only.

Mr. Mencini pointed out the numbers of voters were low and wanted clarification on why this is beneficial when there were not a lot of candidates running for office. As he canvased his ward, no one brought this up as a concern.

Mr. Troyer thanked Rachel for presenting this at the meeting. Mr. Troyer is in favor of this if it's saving money.

Mr. Vecchio stated that he agrees with non-partisan elections but only if it's done as a cost-saving measure.

Motion by Mr. Troyer, supported by Mr. Mencini, that this was discussed.

ROLL CALL: AYES: Troyer, Mencini, Poindexter, Roberts, Coyne, Scott, Salvatore.

NAYS: None. The motion was approved.

5. PROPOSED COUNCIL RULES (Councilman Scott) -PER COUNCIL PRESIDENT VECCHIO. **Note:** Moved by **motion** from the December 14, 2021, Caucus agenda.

Council Rule#4 SPECIAL MEETINGS

Mr. Scott elaborated on this rule by stating recommended changes concerning purchasing a phone for the Council Clerk.

Mr. Troyer agreed to purchase a Council phone to communicate with Council

by text.

DISCUSSION: cont.

Mr. Mencini stated that he was in favor of purchasing a Council phone.

Mr. Poindexter stated he is fine with electronic means.

Madame Coyne stated that the Council Clerk should have her own city phone to do Council business.

Mr. Roberts concurred.

Mr. Salvatore restated that having notices of special meetings delivered by Police was a tedious and difficult execution because of residents not being home to receive notices and it took away from more important police duties. It is important to get the notices in a timely manner.

Motion by Mr. Troyer, supported by Mr. Poindexter, to purchase a City cell phone for Clerk of Council.

ROLL CALL: AYES: Troyer, Poindexter, Coyne, Roberts, Salvatore Scott, Mencini.

NAYS: None. The motion was approved.

Council Rule#7 ORDER OF BUSINESS

Mr. Scott stated the reason for amending this rule is for the redundancy of the "INTRODUCTION of NEW LEGISLATION" found in two places J. and M.

Mr. Troyer stated that taking introduction from letter J would be a mistake. The introduction should be under J and taken out of Letter M where legislation has its first reading. Rule 12 does need to be amended.

Mr. Roberts concurred.

Mr. Mencini concurred and brought up an example of an incident that would have been out of order (taking it to First Reading) if that was the case.

Madame Coyne asked changing this (Rule) would be confusing the residents. Madame Coyne stated that she wasn't sure exactly how this works being new to Council.

Mr. Vecchio explained the procedure of Order of Business concerning moving items from Letter J to Letter M. and how the process works. Mr. Vecchio stated that his thoughts on this subject are neutral. There are valid reasons on both sides and it could go either way depending on how Council wants to proceed.

Mr. Poindexter concurred that Rule 7 should stay the same with the exception of Letter M which should read, "ORDINANCES AND RESOLUTION

DISCUSSION: cont

Mr. Scott stated that the Law Director, Mrs. Horvath should speak concerning this Rule.

Mrs. Horvath spoke on the controversy over both Rule 7 and Rule 12. In the past, it was Council's practice to move legislation to First Reading after it was introduced. When this Rule (7) was changed back in January 2016, there were a lot of issues due to the change. One major issue was a potential conflict with when it was appropriate for the Mayor to introduce legislation. Whatever the Council does with the Rules, be careful that the Mayor has the right to introduce legislation.

Mrs. Horvath further stated that Mr. Scott's proposed rule change is consistent with Ohio Revised Code 731.17. This is the way that most cities conduct their order of business. The Ohio Revised Codes states that "Each ordinance and resolution shall be read by title only provided that the legislative authority may require any reading be in full by a majority vote of its members. The title of this particular Ohio Revised Code is "PASSAGE OF ORDINANCES AND RESOLUTIONS". Whatever Council decides, keep in mind that the majority rules. Mrs. Horvath in favor of Mr. Scott's proposed rule change.

Mr. Salvatore stated that basically, this is a matter of interpretation.

Mr. Troyer stated that "Introduction" be taken out of Letter M.

Motion by Mr. Poindexter, supported by Mr. Troyer, to change Letter M to read "FIRST READING OF ORDINANCES AND RESOLUTIONS".

ROLL CALL: AYES: Troyer, Poindexter, Mencini, Roberts, Coyne.

NAYS: Salvatore and Scott. The motion was approved.

Mr. Vecchio stated that the motion was approved and this item will be placed under Letter J on January 18th Council agenda for **verbal approval**.

Mr. Vecchio asked for a motion to take a 5-minute break.

Motion by Mr. Mencini, supported by, Troyer to take a 5-minute recess.

ROLL CALL: AYES: Troyer, Mencini, Roberts, Scott, Coyne, Poindexter, Salvatore.

NAYS: None. The motion was approved.

Mr. Vecchio asked for a motion to go back to regular business.

Motion by Mr. Mencini, supported by, Mr. Roberts to go back to regular business.

ROLL CALL: AYES: Mencini, Roberts, Scott, Coyne, Poindexter, Salvatore, Troyer.

NAYS: None. The motion was approved.

DISCUSSION: cont

RULE 12a: ORDINANCES AND RESOLUTIONS: INTRODUCTION
Mr. Scott stated that this Rule should revert back to the 2016 Council Rule. Take out the phrase that hinders the ability of the Mayor to introduce legislation.

Mr. Vecchio clarified that Mr. Scott is suggesting to amend the rule by removing the last paragraph that reads, "All ordinances and resolutions shall be read by title only on the day introduced and shall be referred to Committee by the Presiding Officer."

Mr. Troyer stated that if Letter M and J are not revised, then there is no need to amend Rule 12a.

Mr. Vecchio reiterated what Mr. Troyer stated.

Mr. Scott asked if Law Director Horvath could speak on this issue.

Mrs. Horvath stated that the insertion of that one sentence in January of 2016 is what caused problems. Most cities proceed by introducing legislation, it has its first reading, and then it is put in committee. That is according to the Ohio Revised Code 731.17. Taking the sentence out eliminates the problem.

Motion by Mr. Troyer, supported by, Mr. Mencini to remove and make the change to Rule 12a.

ROLL CALL: AYES: Troyer, Mencini, Salvatore, Scott, Roberts, Coyne, Poindexter.

NAYS: None. The motion was approved.

Mr. Vecchio stated that the motion was approved and this item will be placed under Letter J on January 18th Council agenda for **verbal approval**.

RULE 12c: ORDINANCES AND RESOLUTIONS: INTRODUCTION
Mr. Scott stated that again, this was a Council Rule change in 2016 that four words were deleted.

Mr. Troyer asked for a point of clarification that this is a moot point because of the changes in Letters J and M.

Mr. Vecchio asked Madame Law Director, Horvath, to speak on this issue.

Mrs. Horvath stated that the point of Mr. Scott's rule change is to allow the Law Department to have at least one-week preceding the presentation of the legislation to get it to the Clerk. Currently, the two days allowed now create problems for the Clerk who has a short amount of time to get

legislation on the agenda on Friday if legislation is received late.

DISCUSSION: cont

Councilpersons decided that after reading the original wording and the proposed amendment, both passages read the same.

Mrs. Horvath stated that she thought the thrust of this amendment was to grant the Law Department 7 days whether it's during regular order of business or that would go under Rule 6 for suspension of rules.

Mr. Poindexter asked for a point of clarification reiterating that Mrs. Horvath is asking for a week (7 days) no matter what for all legislation.

Mr. Vecchio proposed that Council make a change in the verbiage for the Council Rules to allow this to get done.

Madame Coyne asked Mr. Scott if there is specific verbiage he would like to use to word this rule.

Mr. Scott responded that it would be better if the Law Director gave the verbiage for this rule.

Mr. Troyer asked if the verbiage can be amended to the current version of 12c and not to the proposed amendment of it.

Mrs. Horvath stated that her recommendation is to use the same language that's at the end of the paragraph.

Mr. Vecchio stated the verbiage to read..." TUESDAY PROCEEDING THE MEETING AT WHICH LEGISLATION IS TO BE INTRODUCED, PROVIDED THAT THE LAW DEPARTMENT HAS ONE (1) WEEK PRIOR TO THE PRESENTATION OF THE LEGISLATION."

Motion by Mr. Mencini, supported by, Mr. Troyer to make the change to Rule 12c as stated.

ROLL CALL: AYES: Mencini, Troyer, Roberts, Scott, Coyne, Poindexter, Salvatore.

NAYS: None. The motion was approved.

Mr. Vecchio stated that the motion was approved and this item will be placed under Letter J on January 18th Council agenda for **verbal approval**.

DISCUSSION: cont.**RULE 19: PERMISSION REQUIRED TO ADDRESS COUNCIL**

Mr. Scott stated that he is looking to add a 5-minute time limit on it. 5 minutes is a lot of time to speak and this would not take away from the residents to address their opinions. Mr. Scott referred to examples he provided showing what other city Councils are doing for audience communication and wants to have meetings conducted in a business manner.

Mr. Mencini agreed that the meeting is a business meeting. When it comes to audience participation, some people watching from home shut the meeting off. People should be engaged enough to want to watch the meeting until the end. People should have the opportunity to express their concerns, wants, and needs but use 15 minutes to talk about things that are not in line with the business of the city.

Mr. Vecchio addressed the notion of how words can fit into 5 minutes, between 720 and 750 words. If anyone can't make their point within this time, he will grant an extension only if it's business-related.

Mr. Troyer stated that there have been various attempts to remedy this and nothing has worked. He is concerned about the playing field not being leveled and thinks that this should apply to everyone and not just some people.

Mr. Poindexter stated that agrees with this amendment after having been in Council awhile and witnessing things get out of hand. There have been great points brought out by the public but there have been times where the public used this time as a comedy hour. There should be a vote from Council to permit more time and not be granted just by the presiding officer. He questioned whether this time limit would include invited guest speakers.

Mr. Vecchio responded no, because the guest would not be speaking during the audience participation time. Mr. Vecchio also stated that having the Council vote for more time would be prohibited in the time it would take to make a motion, call the row, vote, and then go back to the person speaking.

Mr. Salvatore stated that he is against limiting audience participation raising the question of whether any research was done on how many cities had longer time limits or how many cities had no time limit at all. The rule should eliminate "the Presiding Officer" and let the Council make the decision. This is a business meeting but the people of this community are

our business.

DISCUSSION: cont.

Mr. Scott stated that when he was campaigning he got a lot of complaints about audience participation in the Council meetings.

Mr. Mencini stated that the school board has 30 minutes for audience participation, 15 minutes per subject, and 5 minutes per person. There are major issues in the city and people will want to talk about them.

Madame Coyne quoted her father saying "What kind of city do you want to live in?" There is an option to have a State of the City to keep residents informed of what's going and they can ask their questions.

Mr. Troyer stated that an idea that could be advantageous is to allow the audience to speak at the Caucus meetings which is what other cities are doing.

Mr. Vecchio stated that it is up to Council. The Presiding Officer does what the Council wants but the Council also has to have a united front and back the Presiding Officer as well.

Motion by Mr. Troyer, supported by, Mr. Poindexter to move forward and adopt as amended.

ROLL CALL: AYES: Troyer, Poindexter, Mencini, Roberts, Scott, Coyne.

NAYS: Salvatore. The motion was approved.

Mr. Vecchio stated that the motion was approved and this item will be placed under Letter J on January 18th Council agenda for **verbal approval**.

Motion by Mr. Troyer, supported by, Mr. Poindexter that this was discussed.

ROLL CALL: AYES: Troyer, Poindexter, Mencini, Scott, Salvatore, Coyne, Roberts.

NAYS: None. The motion was approved.

- 1 A RESOLUTION AUTHORIZING THE CITY OF BROOK PARK TO FILE AS A CO-APPLICANT WITH DROF BP I, LLC AND PARTICIPATE IN THE STATE OF OHIO BROWNFIELD REMEDIATION PROGRAM FUND, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt elaborated on the Resolutions and thanked the Law department and City Council. DROF BP I is the Weston Scannell and DiGeronimo Group. This is a resolution for the application that will be put into the grant discussed before. It will be sent down to the State where it will be reviewed for approval and at that time we [the city] will find out how much the city will be granted. This could be possibly a hundred thousand dollars up to one million dollars. This is time-sensitive. It has to be in

DISCUSSION: cont.

Columbus by January 31st. The Mayor asked Council to be able to pass this in a timely fashion if they are in agreement with this.

Mr. Mencini stated that this was in the bylines of Cleveland.com. He asked if this is something that other communities will go after as well.

Mayor Orcutt confirmed that this is true.

Mr. Poindexter asked if all the land is privately owned by the group and the city is helping them get money to clean up their property?

Mayor Orcutt confirmed that the city is the co-applicant for this grant along with the developer.

Mr. Poindexter asked about Collen Loredó's compensation for working on this grant.

Mayor Orcutt confirmed that her salary comes from the DiGeronimo Group. The Grant can be used for three different things: demolition, cleanup, and possibly development.

Madame Coyne asked if there is a copy of the application to be viewed by the Council.

Mayor Orcutt confirmed that Council can view the application but that this is the first part of the application process. What is being asked at this time, is for Council to pass the Resolution that will go into the application at this time.

Motion by Mr. Troyer, supported by, Mr. Poindexter that this be placed under letter J for introduction in tonight's Special Council Meeting.

ROLL CALL: AYES: Troyer, Poindexter, Mencini, Roberts, Scott, Coyne, Salvatore.

NAYS: None. The motion was approved.

- 2 A RESOLUTION SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR THE 2022 CUYAHOGA COUNTY COMMUNITY DEVELOPMENT SUPPLEMENTAL GRANT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR IMPROVEMENTS TO BROOK PARK CENTRAL PARK AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

DISCUSSION: cont.

Mayor Orcutt stated that this is another resolution needed to apply for a grant for financial assistance for the improvement of Brook Park Central Park. The Mayor thanked the Law Department and Carol Horvath and Greg Cingle and the Finance Department for their assistance with the grant application. This is the same grant that the City passed last year which provided for the outdoor fitness equipment slated to be expelld in March.

Mr. Gonzalez confirmed that this is a resolution that has to be attached to the grant application in order to secure the funds. The fifty thousand dollars will go towards building restrooms by the Amphitheater area. This is important for upcoming planned programs and concerts.

Mr. Mencini asked for clarification about the purpose of the grant being just for restrooms in the Amphitheater area not for the Park or VPM.

Mayor Orcutt responded that it is not for other areas just for the area where the City had been hosting venues i.e. the Fall Festival and the Concert in the Park. Brook Park would eventually like to partner with the City of Berea to provide a series of concerts in the park and provide other future venues in that area as well. Walking long distances through the football field to use the restrooms is one of the issues for wanting to provide convenient restrooms for the public.

Motion by Mr. Poindexter, supported by, Madame Coyne, that this is placed under letter J for introduction in tonight's Special Council Meeting.

ROLL CALL: AYES: Poindexter, Coyne, Roberts, Mencini, Scott, Salvatore, Troyer.

NAYS: None. The motion was approved.

Motion by Mr. Mencini, supported by, Poindexter to go to the Addendum.

ROLL CALL: AYES: Mencini, Poindexter, Troyer, Roberts, Coyne, Scott, Salvatore.

NAYS: None. The motion was approved.

ADDENDUM

1. SCHOOL TELECOMMUNICATION HARASSMENT –PER COUNCIL VECCHIO

Mr. Vecchio stated that this was brought forth to keep it in the forefront and asked if anyone had any thoughts concerning this. He elaborated on the reason for this item and suggested to keep working on this.

Mr. Mencini stated that this starts in the home and that the Council should find out how the schools are approaching this issue and suggested that a police officer should come to speak on this issue.

ADDENDUM: cont.

Mr. Vecchio responded by stating that the two newly elected Council people are on the Education (Coyne) and the Safety (Roberts) Committees and can bring information back to Council concerning this item.

Madame Coyne confirmed that she will get and share information about this item.

Mr. Troyer stated that there should be training in the schools on this issue. Also, parents and students should know the ramifications and consequences.

Motion by Mr. Salvatore, supported by, Mr. Troyer, to place on next Caucus agenda for February 8th.

ROLL CALL: AYES: Salvatore, Troyer, Mencini, Roberts, Coyne, Scott, Poindexter.

NAYS: None. The motion was approved.

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

ROLL CALL: AYES: Troyer, Mencini, Roberts, Scott, Coyne, Poindexter, Salvatore.

NAYS: None. The motion was approved.

Mr. Vecchio declared this meeting adjourned at 9:30 p.m.

RESPECTFULLY SUBMITTED Carol Johnson
Carol Johnson
Clerk of Council

APPROVED February 15, 2022

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