

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON FEBRUARY 8, 2022
7:00 P.M.**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III: DISCUSSION:

1. SCHOOL TELECOMMUNICATION HARRASSMENT-PER COUNCIL PRESIDENT VECCHIO.
2. CITIZEN OF THE YEAR COMMITTEE. (Councilman Scott) -PER COUNCIL PRESIDENT VECCHIO.

IV. LEGISLATIVE COMMITTEE – CHAIRWOMAN, COYNE:

1. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO ARTICLE IV, SECTION 4.01 AND SECTION 4.02; OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Councilmen Salvatore, Orcutt, Scott, and Stemm.
2. AN ORDINANCE AMENDING SECTION 351.13 OF THE BROOK PARK CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini.
3. AN ORDINANCE AMENDING SECTION 1361.13 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PARKING' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
4. AN ORDINANCE ENACTING CHAPTER 720 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'MEDICAL MARIJUANA OPERATIONS', AND DECLARING AN EMERGENCY. Introduced by Councilmen Troyer and Poindexter.

LEGISLATIVE COMMITTEE – CHAIRWOMAN, COYNE:cont

5. AN ORDINANCE ENACTING CHAPTER 1126 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'MEDICAL MARIJUANA DISPENSARIES', AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer.

6. A RESOLUTION APPROVING THE CITY OF BROOK PARK'S NOTICE TO THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL ("NOPEC") TO ELECT NOPEC'S GREEN COMMUNITY CHOICE PROGRAM FOR THE CITY'S ELECTRICITY AGGREGATION PROGRAM STARTING JANUARY 2023, AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

7. 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 Councilmen Troyer and Mencini.

8. AN ORDINANCE AMENDING SECTION 1361.13 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PARKING' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella and Councilman Mencini.

9. AN ORDINANCE AMENDING SECTION 537.05 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'AGGRAVATED MENACING' AND DECLARING AN EMERGENCY. Introduced by Councilman Poindexter.

10. A RESOLUTION URGING OUR RESIDENTS TO ENROLL THEIR STUDENTS IN BEREA CITY SCHOOLS AND DECLARING AN EMERGENCY. Introduced by Councilman Poindexter.

V. FINANCE COMMITTEE- COUNCILMAN SCOTT:

1. AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ADMINISTRATIVE CODE TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR EMPLOYEES OF THE CITY, OTHER THAN ELECTED OFFICIALS OR THOSE COVERED UNDER NEGOTIATED LABOR CONTRACTS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. Placed in committee 2-1-22

1. AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2022 ENERGIZED COMMUNITY GRANT(S) FUND, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. Placed in committee 2-1-22

VI. SERVICE COMMITTEE- COUNCILMAN POINDEXTER:

1. A RESOLUTION APPROVING THE STORM WATER MANAGEMENT AND ACCESS EASEMENT AGREEMENT, BETWEEN PAWUK REALTY LIMITED AND THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. Placed in committee 2-1-22.

VII. ADJOURNMENT:

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON FEBRUARY 8, 2022 7:00 P.M.**

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:

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

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

DISCUSSION:

1. SCHOOL TELECOMMUNICATION HARRASSMENT-PER COUNCIL PRESIDENT VECCHIO.

Mr. Vecchio asked Madame Coyne if she had a discussion with the school.

Madame Coyne replied that she had not met with anyone yet. Madame Coyne plans to propose conflict resolution to the school system soon.

Mr. Mencini stated that it would be in the Council's best interest to have someone from the school speak at the Council meeting. This will give Council insight on how this is being handled locally and on the national level. Another suggestion was to have the D.A.R.E. Officer speak at a Council meeting and discuss this item.

Mr. Salvatore suggested that this item be moved to a date when invited speakers can share information about this topic.

Motion by Mr. Salvatore, supported by Roberts, to put back in committee to set up for a later date.

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

NAYS: None. The motion carried.

2. CITIZEN OF THE YEAR COMMITTEE. (Councilman Scott) -PER COUNCIL PRESIDENT VECCHIO.

Mr. Scott asked Mr. Salvatore to give a description of what the Citizen of the Year Committee is about.

Mr. Salvatore explained that the Citizen of the Year Committee was started in 1999. It began as a celebratory event that included local business support and a presentation of a plaque to the winners. In 2001, Council gave up its control to the Mayor's office and now it's back in the hands of the Council. The problem

DISCUSSION cont.:

is that it has gotten out of whack and it needs to be corrected. Instead of finding nominations for this year, the concentration should be on finding nominees from last year. There should have already been a meeting. There should have been someone already pick for last year so that they can head the parade this year.

The sooner the better that a Chairman be named for this committee. Every Council including the Mayor will have a member. The new Council members may want to review the rules of how this committee is set up. Someone from Council will be Chairman of the committee and they will accept nominations, the committee votes on the successful nominee, and then it's taken from there.

Mr. Troyer, the former Chairperson of the Citizen of the Year Committee, confirmed Mr. Salvatore's statements and shared some of the previous nominees' issues and brought it up to this year.

Mr. Roberts spoke on his experience of being a part of the committee and gave high praise to the former Chairperson, Mr. Troyer. Mr. Roberts stated that if Mr. Troyer wanted to be Chairperson this year, then Mr. Roberts would support it.

Mr. Troyer corrected Mr. Roberts by stating that the rules do not permit the same person to serve as Chair.

Madame Coyne asked if there were an age limit to being a nominee.

Mr. Troyer stated that it is up to the committee.

Mr. Mencini asked who is going to be the Chair this year.

Mr. Salvatore asked if one of the newly elected Councilpersons would like to chair the committee.

Mr. Vecchio asked the Council who among them had not yet served on the committee. There were four (4) Councilpersons who had not yet served as Chairperson.

Motion by Mr. Troyer, supported by Mencini, to appoint Mr. Roberts as Chair of the Citizen of the Year committee.

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

NAYS: None. One Abstention(Roberts). Mr. Roberts was appointed.

Mr. Vecchio stated that Mr. Roberts is the new Chair of the Citizen of the Year Committee.

LEGISLATIVE COMMITTEE – CHAIRWOMAN, COYNE:

Motion by Mr. Poindexter, supported by Scott, asked to go out of regular order of business to go to item 9 on the legislative committee.

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

NAYS: None. Motion approved.

1. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO ARTICLE IV, SECTION 4.01 AND SECTION 4.02; OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Councilmen Salvatore, Orcutt, Scott, and Stemm.

Mr. Salvatore gave a brief overview of the ordinance including how to move it forward to get it passed and explained the benefits of adopting this legislation.

Mr. Scott stated that he was once in favor of this but now has reservations about Council President being able to vote.

Mayor Orcutt stated that as a person who was a sponsor of this legislation, he thinks it shows fiscal responsibility, ample representation for the residents of the city, and a way to streamline government. The city's population is approximately half the size of what it used to be.

Accordingly, Mayor Orcutt has been looking at each department to see how to streamline and save money and this legislation is a way to show that the government is working for the people because of this, Mayor Orcutt supports this legislation.

Mr. Poindexter stated that more representation for the residents is better for the residents and therefore, he is against it. More diversity and more differences of opinion helps make this community strong.

For this reason, he would like to see this legislation terminated.

Mrs. Horvath stated that this is Councils' pleasure to do whatever they determine to do.

Mr. Mencini stated that this legislation has been in and out of Committee several times. The city has a pretty good system in place for the City of Brook Park.

Motion by Mr. Troyer, supported by Mr. Roberts, to place this legislation back in committee.

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

NAYS: Coyne. Motion approved.

LEGISLATIVE COMMITTEE – CHAIRWOMAN, COYNE: cont.

2. AN ORDINANCE AMENDING SECTION 351.13 OF THE BROOK PARK CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Introduced by Councilman Mencini.

3. AN ORDINANCE AMENDING SECTION 1361.13 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PARKING' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Mencini stated to group the next two ordinances together. Mr. Mencini explained the reason for the ordinances dealing with residents parking vehicles such as large boats and RVs in their driveways.

Mr. Mencini would have liked to get input from the Building Department, the Police Department, and the Administration on these legislations.

Mr. Roberts stated that he also heard from constituents about this issue. Complaints were also made within the last month and a half concerning this issue.

Mr. Troyer directed a question to the Law Director, Mrs. Horvath. The question was whether this would be grandfathered or would it those currently practicing these acts.

Mrs. Horvath responded that she would have to give an opinion on it at a later time as to whether or not grandfathering is possible.

Mr. Troyer quoted a previous Mayor by saying "Brook Park is a working man's Beverly Hills". Residents work every day and they would like to have some pleasure. Mr. Troyer asked if it's right to outlaw parking these types of vehicles in driveways completely. Mr. Troyer is for regulating these acts but not banning them.

Mr. Salvatore stated that both these legislations should be put back in committee to give the Mayor the opportunity to review these over with the Building Commissioner to brainstorm some legal possibilities as to how to enforce them. Also, allow the Law Director (Horvath) to answer the question Councilman Troyer asked.

Mayor Orcutt stated that he would like to invite Council to City Hall to meet in the conference room with the City Commissioner, Police Chief, and the Captain. This would be a work session with both ordinances as the focus of discussion.

Mr. Poindexter asked for point of clarification. Is the motion for both legislations items 2 and 3 on the agenda?

LEGISLATIVE COMMITTEE – CHAIRWOMAN, COYNE: cont.

Madame Coyne clarified that the motion is for both items 2 & 3.

Motion by Mr. Salvatore, supported by Mr. Troyer, to place this legislation back in committee for further review.

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

NAYS: None. Motion carried.

Council President Vecchio stated a point of information that item number 8 on the agenda is of the same topic so a motion can be made to strike it from the agenda.

Motion by Mr. Troyer, supported by Mr. Poindexter, to strike item number 8 from the agenda.

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

NAYS: None. Motion approved.

Madame Coyne read the item 4 on the agenda.

4. AN ORDINANCE ENACTING CHAPTER 720 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'MEDICAL MARIJUANA OPERATIONS', AND DECLARING AN EMERGENCY. Introduced by Councilmen Troyer and Poindexter.

Madame Coyne stated that she has articles on the topic of Medical Marijuana to share with Council.

Mr. Troyer stated there needs to be a public hearing scheduled concerning this topic.

Mr. Vecchio stated that to simplify things, Council as a whole should have the ordinance in front of them to be able to read and discuss.

Mr. Poindexter stated to in favor of putting item 4 & 5 back in committee in order to have the hearing and make any amendments coming out of that hearing.

Mr. Troyer stated a point of clarification that item 5 title needed to be read before the Clerk calls the row.

Madame Coyne read the title for item 5.

5. AN ORDINANCE ENACTING CHAPTER 1126 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'MEDICAL MARIJUANA

LEGISLATIVE COMMITTEE – CHAIRWOMAN, COYNE: cont.

DISPENSARIES’, AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer.

Motion by Mr. Poindexter, supported by Mr. Salvatore, to place items 4 & 5 back in committee.

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

NAYS: None. Motion carried.

Madame Coyne read item 6 on the agenda.

6. A RESOLUTION APPROVING THE CITY OF BROOK PARK’S NOTICE TO THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (“NOPEC”) TO ELECT NOPEC’S GREEN COMMUNITY CHOICE PROGRAM FOR THE CITY’S ELECTRICITY AGGREGATION PROGRAM STARTING JANUARY 2023, AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Madame Coyne read item 6 on the agenda and called on the Mayor for remarks.

Mayor Orcutt explained the situation regarding this legislation. Mayor Orcutt has a meeting set up with NOPEC later in the week. In order to have more time to review this legislation he ask that the item be put back in committee until he will brings it out once he has more information.

Mr. Troyer stated that a representative from NOPEC was supposed to do a presentation before Council which was requested last year.

Mr. Vecchio stated that Councilman Troyer meet with the Mayor to get that request set up.

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

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

NAYS: None. Motion carried.

Madame Coyne read item 7 on the agenda.

7. 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 Councilmen Troyer and Mencini.

Motion by Mr. Troyer, supported by Mr. Salvatore, to suspend the rules and place back in committee until September 13, 2022.

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

NAYS: None. Motion carried.

LEGISLATIVE COMMITTEE – CHAIRWOMAN, COYNE: cont.

Mr. Troyer explained that they are waiting for the State to enact their rules for this legislation. Mr. Troyer stated that the attachments to this ordinance are suggestions from a representative from NASA.

8. AN ORDINANCE AMENDING SECTION 1361.13 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PARKING' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella and Councilman Mencini. (Stricken)

9. AN ORDINANCE AMENDING SECTION 537.05 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'AGGRAVATED MENACING' AND DECLARING AN EMERGENCY. Introduced by Councilman Poindexter.

Madame Coyne read the Ordinance introduced by Councilman Poindexter. Madame Coyne stated that she wants comments from the sponsors, the Law Director (if needed), the Mayor, and anyone in administration having information concerning this ordinance.

Mr. Poindexter gave information about the Ordinance and asked introduced a representative of Local 4340, Linda Burns (and her colleagues) to speak more on the topic.

Motion by Mr. Salvatore, supported by Mr. Mencini, to go out of regular order of business to allow guest to speak.

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

NAYS: None. One Abstention (Troyer). Motion approved.

Linda Burns, 13742 Park Drive. Resident for sixteen years. Miss. Burns stated that she brought this to Councilman Poindexter's attention because she is a Communication worker who worked for AT&T for twenty-six (26) years. Miss Burns also represent approximately 2000 workers across the State of Ohio. Miss Burns is Secretary/Treasurer of CWA Local 4340.

Gary Kundraat , Executive Vice President of CWA Local 4340 introduced himself and stated that the reason they are here is because recently, there have been a lot of attacks on utility workers both locally and throughout the state of Ohio. Mr. Kundraat stated that they are here to gather support for this ordinance to provide safety for the workers and the community as a whole. Mr. Kundraat gave a few examples of incidents involving communication workers.

LEGISLATIVE COMMITTEE – CHAIRWOMAN, COYNE: cont.

Madame Coyne thanked the speakers for coming forth on the issues concerning the communication workers and stated that she is onboard with the ordinance. Madame Coyne asked if any other Councilpersons would like to speak.

Mr. Poindexter stated that he was onboard right away after reading the ordinance. Mr. Poindexter added that having something in place that would hopefully act as a deterrent for these violent acts would be ideal. Mr. Poindexter is strongly in favor of this ordinance and asked that his colleagues also support it.

Mr. Mencini asked if this will be a statewide ordinance or just local.

Paul Talboo, Executive Vice President of Gas Workers Union Local G-555, he represents all union employees of Dominion East Ohio. They have 1.2 million customers across Ohio including Brook Park and over 1000 union members.

Mr. Talboo gave some background about this ordinance beginning in 2017. He stated that the company as well as the union is willing to dedicate funds to a professional campaign if this ordinance passes. He hopes that other municipalities will pass similar ordinances as well. The gas workers are working 24/7 in various ways and they would like to be able to do their jobs safely.

Mr. Mencini asked for clarification as to how they are going to roll this legislation out whether statewide or starting with the municipalities.

Mr. Talboo stated that they are working simultaneously on municipalities across the state of Ohio.

Mr. Poindexter stated a point of clarification. This piece was the same as was passed in the City of Euclid and the City of Lakewood. This was adapted from those ordinances to fit the city of Brook Park.

Madame Coyne asked for a point of clarification On whether there is a security practice in place such as having a partner on a job for safety precautions.

Mr. Talboo replied that they have designated two-man areas but after the incident in the City of Strongsville, the two-man area was ripped and now, any area can be deemed as a two-person area. What they are trying to do is add more protection for the workers.

Mr. Troyer stated that he has some amendments to make to this ordinance. Mr. Troyer was involved in an incident with a utility worker which shapes his stand on the ordinance.

LEGISLATIVE COMMITTEE – CHAIRWOMAN, COYNE: cont.

Mr. Roberts stated part of the ordinance concerning when the offender threatening the victim with a deadly weapon and asked Mrs. Horvath what the penalty for this is currently.

Mrs. Horvath responded that it would fall under Aggravated Menacing. The ordinance mirrors the Ohio Revised Code. Ohio has not taken a position on this so the City of Brook Park would not be in conflict with anything if they decide to pass this.

Mr. Roberts asked if this is a first degree misdemeanor and the aim is to make a fourth degree felony.

Mr. Poindexter responded that the aggravated ordinance does not specifically mention utility worker. The utility worker may or may not be from the community but is in the community to do their job and therefore should be protected in order to do their job.

A misdemeanor may not be much of a deterrent for the attacker if all they have to do is pay a fine and go free. The penalty should be severe and even a fourth degree penalty is a light penalty for this type of crime.

Mrs. Horvath responded that this just covers the menacing. Threatening someone with a deadly weapon is different in the Ohio Revised Codes from hurting someone with the weapon. Then it goes from menacing to assault or battery. There are different levels of penalties. This modification would address “threatening” someone with a deadly weapon.

Madame Coyne asked if any other Councilpersons wanted to speak on this topic.

Mr. Scott asked Mr. Poindexter if the Council pass this ordinance with amendments, would help to advantageous to send it to our state representatives in Columbus.

Mr. Poindexter responded that this would be helpful and yes, he could get it to the state representatives.

Mr. Salvatore asked Mrs. Horvath if she had the whole section 537 available for clarification that they are just adding sec D. to what is already there. This is identifying these type of workers in this section and enhancing the ordinance that is already in place.

Mrs. Horvath concurred that this will enhance the current ordinance by identifying the utility worker and she will provide counsel with Ohio Revised Code section.

LEGISLATIVE COMMITTEE – CHAIRWOMAN, COYNE: cont.

Mr. Salvatore asked if there is any existing verbiage in the section pertaining to gaining access to someone's homes without their permission.

Mrs. Horvath responded that there is a separate section for breaking and entering that does not pertain to this topic. It is a separate trespass section. This just deals with the idea of aggravated menacing which is an enhance threatening of someone.

Mr. Mencini stated that this needs tweaking but it is heartbreaking to even have to put type of ordinance forth. These people need to be able to do their jobs knowing they will be safe.

Mayor Orcutt asked if this just pertain to Utility workers. Post office workers have also been attacked on a regular basis so would this going to be expanded to other workers as well.

Mr. Taboo responded that Postal workers may already have elevated levels of protection under the Ohio Revised Code.

Mayor Orcutt responded that this would definitely be good to have in place and he will support this.

Madame Coyne reiterated and asked for confirmation that this ordinance has no issues concerning being passed it by the Council.

Mrs. Horvath confirmed that there are no issues.

Madame Coyne thanked the presenters for coming.

Mr. Salvatore asked to make a motion to place on the next Council agenda.

Mr. Troyer stated that he has an amendment to this ordinance.

1. Under "D" the third line down written as "If the victim is engaged in the performance". Place 'lawful' between 'the' and 'performance'.

Motion by Mr. Troyer, supported by Mr. Mencini, to amend third line of AGGRAVATED MENACING Ordinance to place the word "lawful" between 'the' and 'performance'.

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

NAYS: None. Motion approved.

LEGISLATIVE COMMITTEE – CHAIRWOMAN, COYNE: cont.

Mr. Troyer pointed out a typo on line four that read 'it' should read 'if'.

2. Five sentences down reads "Intent to obstruct" change to "Intent to unlawfully obstruct the operation of the utility".

Motion by Mr. Troyer, supported by Mr. Mencini, to amend fifth (5) line down reads "Intent to obstruct" change to "Intent to unlawfully obstruct the operation of the utility".

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

NAYS: None. Motion approved.

Mr. Troyer asked if co-sponsors on this topic is being accepted.

Mr. Poindexter replied in the affirmative and stated that he will accept anyone who would like to be on it.

Madame Coyne asked if anyone would like to Co- Council this topic.

Council as a whole and the Mayor showed interest in being Co-Council on this topic.

Madame Coyne asked what was the Council's pleasure.

Motion by Mr. Salvatore supported by Mr. Troyer, to place on next Council meeting's agenda.

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

NAYS: None. Motion approved.

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

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

NAYS: None. Motion approved.

Madame Coyne read item 10.

10. A RESOLUTION URGING OUR RESIDENTS TO ENROLL THEIR STUDENTS IN BEREA CITY SCHOOLS AND DECLARING AN EMERGENCY. Introduced by Councilman Poindexter.

LEGISLATIVE COMMITTEE – CHAIRWOMAN, COYNE: cont

Mr. Poindexter gave a brief overview of this resolution in conjunction with the proclamation from Mayor Orcutt declaring January 23rd through the 29th was School Choice Week. This resolution is just to urge residents to choose Berea City Schools. Strong public schools are the cornerstone of a good community, maintaining home values, develop pride in the community, and bringing communities together with the unification of three districts. Mr. Poindexter would like for the school funding to stay within the district.

Mr. Scott asked if the other districts have adopted this type of resolution.

Mr. Poindexter responded that he didn't have that information but met with the district CFO who assures him that the School Board supports this resolution.

Mr. Scott agrees with the resolution with the exception of the verbiage in Section 1. which states "The Council urges the residents to continue to enroll their students in Berea School District". This seems like giving an opinion to residents to guide them to Berea Schools. People should have a choice.

Mr. Poindexter reiterated that he is not against having a choice but is against using public funding to fund private schools.

Mr. Mencini stated that the Berea City Schools is a great school system but people do have a choice.

Mayor Orcutt restated that this piece is in conjunction with the resolution that was passed. Mayor Orcutt is in favor of school choice.

Mr. Troyer stated that the proclamation should not have been read at Council because it made it appear that it was Council's action. Mr. Troyer suggested that this resolution goes back in committee.

Mr. Salvatore stated that he is a product of the Brook Park City Schools but he is pro-choice. Everyone should have the right to choose where they want to send their children.

Mr. Poindexter reiterated that he is not against school choice but he is against public money being used for private schools.

Mr. Vecchio stated that there is another element to this issue and that is students who are attending school virtually. This means that households are incurring expenses now.

Mr. Poindexter stated that school choice was started by a foundation that

LEGISLATIVE COMMITTEE – CHAIRWOMAN, COYNE: cont.

supports Charter Schools. The Gleason Foundation started the campaign for school choice week.

Mr. Troyer stated for clarification that when the children in this community are engaged in remote learning, then it is still through the Berea Public Schools.

Mr. Poindexter stated that he would like to place this resolution on the Council agenda for first reading.

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

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

NAYS: One, Poindexter. Motion approved.

Mr. Vecchio stated the Council will move forward to the Finance Committee.

FINANCE COMMITTEE- COUNCILMAN SCOTT:

1. AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ADMINISTRATIVE CODE TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR EMPLOYEES OF THE CITY, OTHER THAN ELECTED OFFICIALS OR THOSE COVERED UNDER NEGOTIATED LABOR CONTRACTS AND DECLARING AN EMERGENCY.

Introduced by Mayor Orcutt. Placed in committee 2-1-22.

Mayor Orcutt gave an overview of the ordinance and explaining House Bill 157 and the impact it has had on the city. One solution for this is to save money by streamlining various departments. These adjustments were made for a couple of years to help get through financial impact from the results of the pandemic. One of the results is that the number of income tax funds have been compromised.

Mr. Troyer stated that he has a couple amendments on the first page.

Amend to:

1. Section 4 "The money need for the aforesaid transaction shall be paid from funds number 100, 210, 264, and 255.

Motion by Mr. Troyer supported by Mr. Poindexter, to amend section 4 to read The money need for the aforesaid transaction shall be paid from funds number 100, 210, 264, and 255.

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

NAYS: None. Motion approved.

FINANCE COMMITTEE- COUNCILMAN SCOTT: cont.

Amend to.

1. Section 2 "The compensation provided in the "Salary Schedule" for the year 2022 shall remain in effect until March 1, 2023."

Mr. Cingle asked what was the purpose for the amendment. Is it to have the budget brought back next year?

Mr. Troyer replied that this was correct. That the Charter requires the budget to be brought forward every year. It needs to be done before the budget so that the budget can reflect those salaries that is why March 1st.

Mrs. Horvath confirmed that this is what is stated in the Charter, however this may not be the best plan because it does not leave room for any changes that may occur and this may impact salary pay.

Mayor Orcutt reaffirmed that this does need to be brought before the Council annually. If this ordinance is passed, then Council should revisit it next January to follow the Charter.

Mr. Salvatore stated if the clause that states "... shall remain into effect until duly changed" is removed and an expiration date is put in its place, as a result, if something happens then the city will not be able to pay anyone. Everything remains the same until duly changed including Council Rules. The schedule does have to come forward every year but Mr. Salvatore stated that he cannot support that amendment. The clause is a safety net in case something happens.

Mr. Poindexter stated that it is the Council's duty to review the budget every year. The budget would not be overlooked if we are doing our due diligence therefore, he supports the amendment.

Mr. Troyer stated that Council Rules do expire every year. Also, if there is a problem then the Council will amend it.

Mr. Vecchio suggested that if a date is added then also keep the phrase "until duly changed".

Mr. Salvatore asked for point of order concerning changing the rules. If the rules don't change, then nothing changes. The rules remain in effect until they are changed.

FINANCE COMMITTEE- COUNCILMAN SCOTT: cont.

Mrs. Horvath stated Mr. Salvatore is correct the rules would stay in effect unless there is a catalyst for change. Removing that clause and adding a date would be asking for problems especially since no one knows what the future holds for example how COVID struck. No one can predict what may happen to cause the change. Council and Administration together should be the catalyst for change.

Mr. Cingle stated that it can be reviewed when the tax rebate is reviewed in December. The concern is that somewhere along the line, this will get missed and may come up in an audit and the Finance Director will have to answer for it. Does a new ordinance have to be created every year or does it just have to be reviewed? If it just have to be reviewed, then review it at the same time as the tax rebate.

Mr. Mencini stated that "duly changed" is not a desirable clause. But putting a date on it is not a good idea either.

Mr. Troyer contended that after March 1, 2023, there would be no salary schedule so administration can pay these positions anything they want. The reason for this is that it brought up as the Charter states every year and it should be before the budget in order for it to be budgeted appropriately.

Mr. Roberts stated that since the Mayor mentioned completing budget before March 1st, then why not set the date for review for December as the Finance Director suggested.

Mr. Troyer responded that Council will just amend it.

Mr. Scott stated that the clause "duly changed" should remain and that there should not be a date added to it.

Mr. Vecchio asked Mr. Cingle if salaries used to be discussed after contract negotiations.

Mr. Cingle confirmed that that was correct.

Mr. Vecchio stated that this presents another conundrum.

Mayor Orcutt stated that this isn't a conundrum at all. This ordinance is put in front of this body annually for review. It is something that can be reviewed in December and at that point it would be after the time of the union negotiations. Mr. Poindexter concurred that if this legislation is reviewed in December, then

FINANCE COMMITTEE- COUNCILMAN SCOTT: cont.

March 1st will be plenty of time to get it reapproved or amended as there will be three months of deliberations and Council meetings before the ordinance is approved.

Mayor Orcutt stated that Administration is currently working with the Unions right now and will be working with the unions through March 2022. Mayor Orcutt suggested to bring this back for review again in December of 2022 to review for the year 2023.

Motion by Mr. Troyer supported by Mr. Poindexter, to amend section 2 to read "The compensation provided in the "Salary Schedule" for the year 2022 shall remain in effect until March 1, 2023."

ROLL CALL: AYES: Troyer, Poindexter

NAYS: Coyne, Roberts, Mencini, Salvatore, Scott. Motion failed.

Mr. Poindexter made motion to amend the following: 147.01, 149.03, 1101.06, 11725.01 to an increase of \$200 a month.

Mayor Orcutt agreed with this change and stated that the reason this ordinance is brought before Council today is in an effort to streamline city government in every department that the city can. The amendment though needed, may not be the best thing to do at this time. This is something that should be reviewed and will be reviewed with the possible caveat that if commissioners don't show up, then they will not get paid. Also, union negotiations are still going on and they need to be taken care of because of their sacrifices. In addition, House bill 157 is going to compromise the revenue coming in and this ordinance is for fiscal responsibility.

Mr. Poindexter asked Mayor Orcutt when would this be revisited?

Mayor Orcutt responded let's get pass this summer for the accountants to know how the system is going to be for the rebate checks. It will probably take some time after April 15th for everyone to catch on. Mayor Orcutt asked Mr. Cingle to speak on the rebate notices.

Mr. Cingle stated that he receives call at least three times a week.

Mayor Orcutt stated that the accountants will probably know more after April 15th and be able to revisit this during the summer to make these adjustments.

Mr. Salvatore stated that he was against cutting the Board of Commissions salary but he agrees that these adjustments should not be done during union negotiations. Also, he is in agreement that commissioners should not be paid if they do not show up for meetings.

Mr. Troyer stated that there can be a low-high salary range that the Mayor can adjust when funds permit.

FINANCE COMMITTEE- COUNCILMAN SCOTT: cont.

Mr. Poindexter remained firm on the motion and understood the points to wait on amending this as given through the requested of Mayor Orcutt.

Mr. Troyer asked for point of clarification as to whether the \$2400 dollars was the low or the high in the salary range.

Mr. Poindexter responded that he would like it to be both the low and the high by increasing the current pay by \$200.

Mr. Troyer withdrew his second on this motion.

Mr. Poindexter did not get another second on his amendment.

Mr. Salvatore asked his colleagues to give this a little time before approving this to get through the union negotiations first.

Mr. Mencini agreed.

Motion by Mr. Poindexter supported by Mr. Salvatore, to amend salaries for Board of Commissioners: 147.01, 149.03, 1101.06, 11725.01 to an increase of \$2400.

Mr. Troyer made a motion to change the high to \$1800 a year. Double compromise.

Mr. Troyer did not get a second on his motion.

Mr. Troyer asked if bringing this back in August would interfere with negotiations.

Mayor Orcutt responded that it would not interfere with negotiations at that time.

Mr. Poindexter rescinded his motion on the condition that a date is set to revisit this amendment in the August Caucus meeting prior to the Council meeting.

Motion by Mr. Poindexter supported by Mr. Mencini, to revisit the salary ordinance at the August 23rd Caucus Prior To meeting.

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

NAYS: None. Motion approved.

Motion by Mr. Salvatore supported by Mr. Roberts, to move to next Council agenda.

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

NAYS: None. Motion approved.

FINANCE COMMITTEE- COUNCILMAN SCOTT: cont.

2. AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2022 ENERGIZED COMMUNITY GRANT(S) FUND, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. Placed in committee 2-1-22.

Mayor Orcutt gave an overview of the ordinance. The City is applying for a grant from NOPEC for \$ 41, 897.00. This will be used for energy conservation utilized in two places: (1) Brook Park Elementary for crosswalk lights this will be approximately \$7,000 and (2) the remainder will be used for the Snow Road lighting project.

Mr. Salvatore asked if there is a time frame for this grant.

Mayor Orcutt responded yes and they want to be first in line to receive this grant.

Mr. Salvatore asked if the grant was just limited to lighting.

Mayor Orcutt responded that it is not. The cost of the street lamps are approximately \$10,000 each.

Motion by Mr. Mencini supported by Mr. Salvatore, to move to February 15th meeting.

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

NAYS: None. Motion approved.

Mr. Troyer asked for the Mayor to put this in writing.

SERVICE COMMITTEE- COUNCILMAN POINDEXTER:

1. A RESOLUTION APPROVING THE STORM WATER MANAGEMENT AND ACCESS EASEMENT AGREEMENT, BETWEEN PAWUK REALTY LIMITED AND THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. Placed in committee 2-1-22.

Mayor Orcutt state that this is an important piece need to finalize what the Planning Commissions passed and City Council in the area of Brook Park Road and immediately west of the Cleda ditch.

Mrs. Horvath stated that this is the last puzzle to resolve all of the issues put into play in the case of Pawuk Realty vs. the City of Brook Park. This piece is the last thing to do to resolve all of the issues as a result of the law suit. She asked Council to consider pacing this onto the next Council meeting to move this forward and end all of the issues between the parties.

SERVICE COMMITTEE- COUNCILMAN POINDEXTER: cont.

Motion by Mr. Troyer supported by Mr. Roberts, to move to the next Council meeting for Suspension and passing.

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

NAYS: None. Motion approved.

VII. ADJOURNMENT:

Motion by Mr. Mencini supported by Mr. Coyne, to adjourn.

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

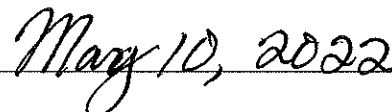
NAYS: None. Motion approved.

Mr. Vecchio adjourned the meeting at 9:28pm.

RESPECTFULLY SUBMITTED


Carol Johnson
Clerk of Council

APPROVED



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