

**REGULAR CAUCUS MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
HELD ON TUESDAY, OCTOBER 24, 2017**

The meeting was called to order by Council President Astorino at 7:00 p.m., the clerk called the roll and the following Members of Council answered:

**SCOTT, BURGIO, SALVATORE, TROYER, POWERS, McDONNELL, MENCINI**

Also in attendance were Law Director Horvath, Finance Director Cingle and Building Commissioner Hurst.

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**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. REVISED REGULAR CAUCUS MEETING HELD ON SEPTEMBER 26, 2017.

(**Note:** Moved by motion from the October 10, 2017 Caucus agenda)

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

**ROLL CALL: AYES:** Mencini, Troyer, Powers, McDonnell, Scott, Burgio, Salvatore

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

2. REGULAR CAUCUS MEETING HELD ON OCTOBER 10, 2017.

Mrs. Powers noted a typographical error on page 19 to amend the vote to 4-2.

**Motion** by Mr. Mencini, supported by Mr. Burgio to approve as amended.

**ROLL CALL: AYES:** Mencini, Burgio, Scott, Salvatore, Troyer, Powers

**NAYS:** None.

**ABSTAIN:** McDonnell. The motion carried with a vote of 6 with one abstention.

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**DISCUSSION:**

1. REQUEST FOR PROJECT APPROVAL TO CONSTRUCT AND A CONDITIONAL USE PERMIT TO OPERATE A MULTI-TENANT BUILDING AT PERMANENT PARCEL NUMBER 344-16-008. (Vacant lot at the corner of West 130<sup>th</sup> Street and Middlebrook Boulevard located in a U3-B ZONE.) **In attendance: Mr. Abe Abdulla (Note:** Moved by **motion** from the October 10, 2017 Caucus agenda)

Abe Abdulla  
13353 Snow Road

Mr. Abdulla stated at the last meeting his engineers were in attendance and he has the project papers that give up the two exits on Middlebrook and will have one exit on West 130th Street, hoping that satisfies everyone.

Mr. Mencini stated he is pro-business, asked Mr. Abdulla long he has owned that lot and has he ever tried to make a left turn off of Middlebrook onto West 130th Street?

Mr. Abdulla stated several years and yes, my office is on West 130th Street.

**Discussion: cont.**

Mr. Mencini continued to make the left towards Snow Road can be rough and stated that you say that you're bringing Chipolte and Starbucks and in the mornings and afternoons could get crowded.

Mr. Abdulla stated he has no contracts, no commitment from nobody and doesn't know where that is coming from. One of the units will be my office and there will be a couple of spaces that will be advertised for rent for any kind of office i.e. dental, travel or cellphone. The civil engineer has complied with all the EPA (Environmental Protection Agency) and have done everything by code; this is a \$1 million-dollar project.

Mr. Mencini stated he wants to know what is going there since it is a major intersection with a lot of traffic.

Mr. Abdulla stated that should be good for the city with a lot of traffic and business to the city.

Mr. Mencini stated we are not here to debate that's not what we're here for. But, that section of town is a heavily traveled area and as a city leader I don't want to look back years from now and ask why I voted for that because it's not working out. Mr. Mencini continued there is Brookgate and restaurants that close at 3:00 p.m. that have a lot of traffic; I have a lot of residents, not in my ward, that aren't too happy with that being built there.

Mr. Abdulla commented what makes this unique is that he owns the produce building and the exit street from West 130th Street and owns this lot. The reason he purchased this location was it has a lot of exposures and for exiting on Middlebrook or straight from West 130th to the produce market on Snow Road. Mrs. Powers claims that I own the land next to the produce market, to clarify I do not own that land. I don't see an issue with traffic because there are three or four exits that will be there. I've been in Brook Park for 27 years and have a lot of investment in this city and am not going anywhere; it was suggested that I should move to Westlake, North Royalton or Strongsville. I will comply with anything the residents, Council and the city wants to be done I will do it, this will be a nice looking building.

Mr. Mencini stated I don't doubt your work that it's not going to look nice, I've seen some of the things you do and you do invest in this community. My concern, as a Councilperson, is the intersection; you're not 100% sure what is going in there, correct?

Mr. Abdulla responded yes.

Mr. Mencini continued my concern is if something quick is in there, for example, Dunkin Donuts there tends to be a lot of traffic coming in and out at certain times. Also, cutting through the Plum Market is not a very big area, a great place, but again it's not a very big area and it is a heavily traveled intersection.

**Discussion: cont.**

Mrs. Powers stated to Mr. Abdulla, that in the weeks you have been coming here, you have seen the number of residents that come to state their concerns. This is a residential area and no matter what you put in there, it will increase traffic. Would you be willing to put in writing that you will not put anything in like a restaurant or coffee shop that will have continuous all-day long traffic. Both Middlebrook and Crestway are very long streets and the only ingress is right at West 130th and Snow Road; it is such a long strip that there is a lot of traffic and congestion. I think something else could be worked out where you don't have a lot of huge lights shining in residents' windows and don't have a lot of traffic. If it's only office buildings, as mentioned, then there wouldn't be that much traffic because there would be no drive-thru. I was told by someone that you did own the land next to the Plum Market but still the concern is the residents and I agree with Mr. Mencini that business is needed here but it's the kind of business; and we have to be cognizant of what is best for the residents to enjoy their homes. Also, there are school buses that load and unload at West 130th and Middlebrook that creates more traffic, hazards, noise and congestion for the residents.

Mr. Abdulla stated I own a house at 5850 Middlebrook by the curve.

Mrs. Powers stated if you live near the curve, you have easy access to Dalebrook. Residents living at Crestway and Middlebrook are on the corner of West 130th and unless you drive a mile or so to Dalebrook; it is different living further back on Middlebrook than living behind the Plum Market. Would you be willing to put it in writing that when the building is put in it would only be for office spaces and not heavy traffic businesses.

Mr. Abdulla responded I am a real-estate broker for 27 years and don't think I can do that, I cannot discriminate.

Mrs. Powers asked if the land is for sale, there is a for sale sign.

Mr. Abdulla responded absolutely not, as explained my office will be taking 1/3 of that location, the other two would be rented.

Mrs. Powers stated she still prefers to know in writing what type of businesses will be going in there, we do not need any more traffic there.

Mr. Abdulla asked if he has the right to develop his land?

Mrs. Powers stated within certain parameters, it has to go through Planning and Zoning and other city requirements; that decision is made by the city.

Mr. Abdulla asked if he has the right to lease to anybody qualified to pay the rent, occupy the premises and keep it maintained.

Mr. Troyer thanked Mr. Abdulla for coming and remembers where the idea of a Chipotles or Starbucks came from because in the original package that the Planning Commission

**Discussion: cont.**

received. It was mentioned that you contacted these businesses and were working with them to get them to fill those bottom spaces. I appreciate the fact that you, along the way, coming from something that wouldn't work at all and tried bringing this into something that could work for the neighborhood. I don't think it can work this way and everybody should know that what Mr. Abdulla is looking for is a Conditional Use Permit. The reason he needs that is this area is zoned office and this building will be used for retail. That is against the current zoning and Council would be giving a Conditional Use Permit to go against the zoning. Mr. Abdulla could go pull the appropriate building permits and build an office building under the current rules and regulations. The problem is he wants to have a retail establishment which is not what the area is zoned for. In my opinion, this is going to cause problems for the residents of the area with too much traffic, especially with a drive-thru. It is sad that my opponent didn't stand up for these people, even though it is another ward, like I did; I was the only one on the Planning Commission that opposed this for the residents. We want business, construction, development and all that but not at the expense of the residents; maybe their real representative should do so also. It's sad that the whole Planning Commission voted to bring this forward and my opponent is on that commission, this is not going to work in that area.

Mr. Scott commented I have spoken to the residents about this, Mr. Abdulla is this going to be used specifically for your office and retail only?

Mr. Abdulla responded yes.

Mr. Scott asked how imperative is that exit on West 130th Street? Is it imperative that you have to have that?

Mr. Abdulla responded yes, because it is going to cost almost \$1 million dollars to build and really don't want to have a traffic jam inside.

Mr. Scott stated my main concern is I don't like that coming out of there. I met with you last year to start working on this but my main concern is that coming out to West 130th Street right by Middlebrook; because people will go down Middlebrook and pull into the driveway to turn around and come out on West 130th Street. We talked about this a long time ago and changes have been made but that is my issue of coming out on West 130th Street, and wish something could be done.

**Motion** by Mr. Salvatore, supported by Mr. Troyer, to go out of the Regular Order of Business to allow audience comments.

**ROLL CALL: AYES:** Salvatore, Troyer, Powers, McDonnell, Mencini, Scott, Burgio

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

**Audience Comments:**

Steve Thomas  
13517 Middlebrook Blvd.

Mr. Thomas stated there is a major problem making a right hand turn out of there, that is a major problem. Traffic is too heavy and trying to go left is like dodging cars. We don't want nothing like that in our neighborhood. Everyone is trying to improve their homes in that neighborhood and as soon as this goes our property values will drop. I spent \$35,000 on my home and if I would have known this proposal was going to go into my neighborhood I wouldn't have spent those monies. We don't want any right-hand turn or retail on that property, we want what it is zoned for and that's what should go in there.

Brandy Reynolds  
6060 Middlebrook Blvd.

Ms. Reynolds is a long-time resident of Middlebrook and does not see the problem with exiting at that corner. There is already an exit for Plum Market on the West 130th Street and for Romeo's plaza. I believe what he is trying to do is use the same exit as Plum Market because it's an alley-way. I don't think traffic is going to be as bad as everyone is saying because the only time I have a problem getting out is when the church farther up on West 130th Street lets out and usually police are directing traffic. If we're trying to develop for the city I think the full picture needs to be looked at and not just if it's going to be hard to get out of there or not.

Melanie Thomas  
13517 Middlebrook Blvd.

Ms. Thomas stated there is going to be a problem and my husband and I take drives and see all kinds of empty buildings all over the place; somewhere around there he could put his building. It doesn't have to be at this location because there are empty buildings just sitting there all over the place; new and old. This is not the area to do this.

Pat Prinkey  
13377 Crestway

Ms. Prinkey stated she lives at the corner of Crestway and Middlebrook, a few feet from where this will be built. I see past the Crestway intersection frequently to turn out of Middlebrook onto West 130th Street, especially in the mornings and evenings. Sometimes, there is a backup from where the school bus has to stop, so the school bus has to wait in traffic to get to the bus stop to pick up the children. Retail does not belong in this area, Mr. Abdulla has every right to develop his property as a business, not as retail. As I understood, the plans had two exits on West 130th, the current Plum Market and one closer to Middlebrook. Either way if we're forcing everyone to turn right out of the parking lot there going to go down Middlebrook, around Crestway and come back out Middlebrook. Or they're going to be cutting up Dalebrook or turning around in driveways which I experience quite frequently; this is the wrong place for this.

**Discussion: cont.**

Tammy Biltz

13538 Middlebrook

Ms. Blitz stated when she went to work this morning at 8:00 a.m. and tried to make a left it was backed up past Middlebrook Blvd. If I had known we were going to be able to talk tonight, I would have taken a picture. I can't imagine the traffic on West 130th Street heading north trying to pull in there blocking it even more, it's going to be a nightmare.

Joan Markusic

13911 Bellbrook

Ms. Markusic stated I use that intersection very often, in fact, more than the exit on her street onto West 130th Street because of the traffic light wait period of three to five minutes. I think a lot of the problem is that there should be 'No Right Turns on Red' at that intersection because you getting out of there is difficult. Rush hour is rush hour and it's going to be rush hour whether there is a business on that corner or not. I think a lot of is the timing of the light at the top of my street (Bellbrook) and all the lights that go to that intersection. A lot of the issue too is when the mosque, I have nothing against any religion, has their special holidays traffic is absolutely unbearable. I don't care how many police officers are put there they don't let you through and people have told the officers that the side streets are backed up. If businesses are to be put in there that is a good thing and I'm sure he will take a lot of this into consideration when gets tenants into that building. I think we need to stop putting the cart before the horse and let him figure out what is going in there and stop jumping ahead that he is going to have a ton of traffic all day. He said he wants businesses and that doesn't necessarily mean fast-food and coffee shops; they could be real estate, dentists, lawyers and so forth. You're not letting him build on his property and put things in there that are maybe within the zoning, give him a chance. Traffic is going to be there no matter what he builds or doesn't build, traffic is not going anywhere. I don't like people racing up my street and since Bellbrook has a light it has now become a driveway; I don't like that either. But, I am not complaining about that or about stopping business or people from doing anything because nobody does anything anyway. I don't like having to wait to get out of that street like anybody else but the traffic is going to be there.

George Biltz

13538 Middlebrook Blvd.

Mr. Blitz stated I've lived here for 29 years and some of these people are not making sense. We are all coming to Bellbrook because that is where the light is because we won't be able to get out. He wants to build his space he doesn't need any zoning changed, build it; he is the one that wants the changes.

Mr. Abdulla stated regarding the lady who was going to take a picture of the traffic on Middlebrook. I am there every single day and you want to see traffic I took a picture two days ago of the Dunkin Donuts on Snow Road, with traffic jammed to Smith. So if those people can get an approval I should get approval. Mr. Abdulla had pictures of buildings built in Westlake, Brecksville and North Royalton and doesn't see anything wrong. It complies with the EPA and zoning and building regulations and thinks it is

**Discussion: cont.**

going to look nice for the city. If I am denied today, I will be back because I want to build this and will keep coming back until approved and don't care about the cost. I'm not going anywhere because I came from a country completely destroyed by civil war; this is my country and my city.

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**Motion** by Mr. Salvatore, supported by Mr. Scott, to go back to the Regular Order of Business.

**ROLL CALL: AYES:** Salvatore, Scott, Burgio, Troyer, Powers, McDonnell, Mencini

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

Mr. Salvatore stated to Mr. Abdulla there will be no vote taken tonight, this is a Caucus work session and votes can only be taken at a Council meeting. The best case scenario is that this would be moved to another agenda and voted upon then or placed in committee for more research and questions to be answered. To summarize what happened here this evening, Councilwoman Powers suggested you come with a letter of intent to not put any retail there; the fact is that wouldn't be worth the paper is was written on because it wouldn't be transferrable to any new owner if ever sold. There would be no deed restrictions so anybody could put anything there that they wanted and I wouldn't recommend considering that. The Conditional Use Permit is going to be based on the ability for you to do things that are not permitted in that particular zone. Currently, if you want to build that building and put your real estate office, insurance office or any other kind of business that you could capture; without the other things that are not permitted in that zone such as a restaurant because that is not compatible with the zoning. What I'm hearing here tonight is there is concerns with having retail, carry-out restaurants that don't fit there and that's the reason we're here today is to accommodate that particular type of business. We don't have that type of business in front of us because there is nothing there. I heard let the building be built and put something in there at a later date. It doesn't work that way to get a Conditional Use Permit we need to know what the conditions is. My personal feeling is I would prefer that the project be brought to Council with a tenant in order to make a sound decision based on that. If you want to build your building and put your office in there, I hope you do and wish you the best. I'm in the real-estate business as everyone knows and we could use a real-estate building in Brook Park, put in a nice location, and that area is the perfect fit. Good luck with your project and I think the residents feel strongly as to their feelings and right now there is no project to look at.

Mr. Burgio concurred with Mr. Salvatore and commented the main concern is the right turn at West 130th and the congestion it could cause. If there could be some kind of mutual satisfactory compromise on something like that then I would be satisfied with that also but am not sure what that is. I'm also not sure of there being another cut off of West 130th Street, the engineer would have to talk about that. If there is something that we can continue to work on with the engineers and so forth I would like to take a look at that. As Councilman Salvatore stated if it's a non-retail that sounds like the best

**Discussion: cont.**

way to go at it this time, but would like more time to look at it so that traffic is not a problem for the residents'.

Mr. Scott stated as mentioned my main concern is the right turn onto West 130th and hopefully we can work on that. There is no guarantee of retail being turned into the office building because as mentioned we don't know what is going in there. If we had an idea of what is going in there, then we could have discussions but right now that is a moot point because we don't know what is going in there.

Mr. Mencini appreciates anyone that brings businesses into Brook Park and does business, you have three properties in my ward. I was elected to do the right thing for the city, the residents' and the community. To put offices in no approval is needed but when I was elected it was to make the decisions for the residents' and do the proper thing for the city and our future. I have no issues with the people on Planning and Zoning and they will think what they think is right. One of the things is somebody brought up the lights (traffic), which are a big thing, because what the engineers do with the lights (traffic) is try and time them so there isn't congestion at one that is relieved to then have congestion at another. A lot of the lights (traffic) on the major roads lead to other cities and I don't want to relieve the problem at West 130th and Snow to have the intersection of Pearl and West 130th have a traffic jam or backlog. The same could happen at West 130th and Brookpark Road so whatever is done to one light (traffic) will affect other intersections. We want the lights (traffic) timed so there is no congestion at one light to leads to problems at another traffic light.

Mrs. McDonnell thanked Mr. Abdulla for coming to tonight's meeting and for his passion for Brook Park, it is a very great place to live. This decision is two-fold for me because one of the reasons is I live on Dalebrook and know what is being talked about with cars, traffic and all different issues. I like to have a lot of information and one of the things that I still have some questions about is the existing zoning that could build what should be going in there. Before I can make any decision about changing rules additional information will be needed because I see the concerns about different businesses that might lead to more in and out traffic.

Mrs. Powers stated with the traffic issue everyone talks about coming out of your establishment and turning right, no one has addressed turning left. If turning left they will have to cross two lanes and a turning lane of traffic to get northbound on West 130th Street. The best solution would be that any business that goes in there must use the Snow Road exit, which should not be a problem if you own Plum Market and use that driveway. Coming out on Snow motorists would be farther away from the traffic light for crossing the two lanes and turning lane of traffic on Snow Road.

Mr. Troyer stated to be clear on what's been said tonight, myself and a few people made the point that if this is passed Council will be granting a Conditional Use Permit. Council's next move is to have legislation drafted and placed on a Council agenda. The reason that Mr. Abdulla is asking for a Conditional Use Permit and stated he is a realtor; office won't work there.

**Discussion: cont.**

Mr. Astorino clarified Mr. Abdulla is putting his office there and doesn't know what the other two tenants will go in there.

Mr. Troyer continued if office is going in there then he does not need a Conditional Use Permit; the Conditional Use Permit is for retail and it wouldn't make sense going through all of this if retail is not going in there. This project is not where it needs to be and more information is not going to get it where it needs to be. Only changes could possibly get it where it needs to be for myself and others to grant any kind of Conditional Use Permit. It makes no sense to wait on information I think what we need is to know what new drawings or what changes are going to be made to make this viable for retail establishments; currently office can go in there. This would still have to go to Planning (Commission) for aesthetic approval for a new building, it is a beautiful building and will look nice there. But, we can't have this kind of traffic in a residential area or bordering a residential area. So, again, if it was office it would be formalities and could be built but because Mr. Abdulla is asking for a Conditional Use Permit that is why we're running into this issue. A Conditional Use Permit allows for it to be retail; more information is not going to help. What will help is changes to the plan so that everyone can say this is good and will work; I think that will even have to go back to Planning (Commission) with changes made and brought back to Council when more appropriate.

Mr. Astorino stated there are three options; one is a motion to draft legislation, one to say this was discussed and it will be completed, or we can make a motion to place it in Committee for questions to be answered and to get more information. It would also allow Council to continue discussions with Mr. Abdulla as to what changes that Council would agree with.

**Motion** by Mr. Troyer, supported by Mrs. Powers to say this was Discussed.

**ROLL CALL: AYES:** Troyer, Powers

**NAYS:** McDonnell, Mencini, Scott, Burgio, Salvatore. The motion failed with a vote of 5-2. Defeated.

**Motion** by Mr. Scott, supported by Mr. Mencini to place in the Planning Committee.  
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Mr. Troyer stated Mr. Abdulla is waiting for an answer; these people here tonight must know where they stand and where Council stands.

Mr. Salvatore disagreed, and thinks the people know where we stand. We want to represent everyone openly and fairly as well as the business district; we are looking for common ground, putting it in committee is the right thing to do.

Mr. Troyer stated it is not that he does not like it because the residents do not want it.

Mrs. Powers concurred with Mr. Troyer.

**Discussion: cont.**

The clerk called the roll by Mr. Scott, supported by Mr. Mencini, to place in the Planning Committee.

**ROLL CALL: AYES:** Scott, Mencini, McDonnell, Salvatore, Burgio

**NAYS:** Powers, Troyer. The motion carried with a vote of 5-2.

Mr. Troyer asked as the Chairman of the Planning Committee he would like to bring this forward tonight.

Mr. Astorino replied he does not think that is possible since the vote was to put it into the Planning Committee; so the committee can discuss at a later date.

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There being no further business to come before this meeting a **motion** by Mrs. McDonnell, supported by Mr. Scott to adjourn.

**ROLL CALL: AYES:** McDonnell, Scott, Burgio, Salvatore, Troyer, Powers, Mencini

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

Council President Astorino declared the meeting adjourned at 8:05 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*  
Michelle Blazak  
Clerk of Council

APPROVED *November 14, 2017*

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