

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, MARCH 1, 2022**

The meeting was called to order by Council President Vecchio at 7:38 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, Service Director Beyer, Recreation Director Gonzales and Engineer Piatak.

**REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee – Chairman, Poindexter

Mr. Poindexter reported the Aviation & Environmental Committee has no legislation on the agenda, no report.

Finance Committee - Chairman, Scott

Mr. Scott reported the Finance committee has one item on tonight's agenda and the Board of Control (BOC) met earlier today and also on February 18th. On the February 18th BOC there were 14 items approved; three largest being TAC computer, Inc. software crime mapping photo system for \$19,5721.60; Brilliant Electric Sign for Script Brook Park sign in the amount of \$29,998.00 and diesel fuel for \$40,000.00. The March 1st BOC approved 12 items; three largest are Southwest Council of Government annual membership for \$22,500.00; Stryker Sales Corporation for ambulance equipment inspection and maintenance for \$23,416.34 and \$13,973.11 to Euthenics for several construction projects.

Mr. Vecchio asked Mr. Scott what department the TAC computer software was for?

Mr. Scott responded the police department.

Legislative Committee - Chairwoman, Coyne

Madam Coyne stated no report from the Legislative committee. Thanked everyone who showed up at the Night at the Races, awesome event for the Boosters.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini reported basketball playoffs begin this week, Pickleball and a lot of programs are offered at the recreation center. Party room(s) are available for parties, weddings and so forth.

Planning Committee - Chairman, Troyer

Mr. Troyer reported the Planning commission agenda for March 7th has two new business items. One being Steven Metcalf of Neff & Associates lot split for Clutch Auto, this will separate the business from Brookgate. Second is Jason Linscott of Stein Investment Group for a storage facility 'Space Shop' at 14571 Snow Road and also a Conditional Use Permit for the self-storage.

**Reports of Standing Committees: cont.**

Safety Committee - Chairman, Roberts

Mr. Roberts reported there is no report from the Safety committee, do need one more Council representative to serve on the Citizen of the Year committee. Have been informed that several nominations have been received; if interested get your nominations into the Council office for review.

Service Committee - Chairman, Poindexter

Mr. Poindexter reported the Service committee has nothing on tonight's agenda nor in committee. Did thank service crews for hard work this past winter, getting ready for spring.

Board of Zoning Appeals - Chairman, Salvatore

Mr. Salvatore reported the next meeting is scheduled for March 7th.

**REPORTS OF SPECIAL COMMITTEES:**

Southwest General Health Center Trustee, Mencini

Mr. Mencini went to board meeting and was impressed with the staff and how the meetings were conducted, very informative. Southwest is experiencing a staff shortage and trying to get recruitments from other hospitals. The operating cash flow for 2020 was \$6.2; in 2021 \$8.9. Patient volumes newborns in 2020 were 1,200 and in 2021 - 1,100. Inpatient surgeries in 2021 - 3,900 and in 2021 - 4,000; outpatient in 2020 - 23,300 and in 2021 21,800. Emergency room visits in 2020 - 47,000 and in 2021 - 50,000.

Berea Board of Education Representative, Coyne

Madam Coyne reported attended the February 22nd meeting nice to be in person, due to board meetings held on Tuesdays and in conflict with Council meetings. Unfortunately, on February 23rd Steve Dockman, stepped down, did not see that coming. There is a need for a Brook Park representative to serve on the board and be a voice for Brook Park. I have reached out to someone and if anyone is interested on serving, please do so. I spoke with Assistant Superintendent, Mike Draves, on the topic of telecommunication harassment and was informed this is hard to do because if it is not on school property; it is a police issue. Mr. Draves stated there is a peer to peer harassment and bullying video on the website. Also, with the conflict resolution there is a peer mediation program that the schools try, at the lowest level, to handle conflicts; if this becomes more involved the schools will cease and desist. The schools also take very seriously any threats online and social media and take into consideration for closing of the schools.

Technology & Innovation Council Representative, Poindexter

Mr. Poindexter reported the next meeting will be held on Wednesday, March 9th. The monthly tech-tip concerning Internet phishing and answering questions on social media being dangerous. If someone sees a post asking for information i.e. rock star name, birth date and last four of phone number. A later post then asked for your birth year. Hackers are storing that data and now have your complete birthdate and phone number; these hackers are storing that data and will use that information

**Reports of special committees: cont.**

over time. There is a lengthy link that I'm hoping to get on the city's website for people to look at.

Mr. Mencini recognized and congratulated Mr. Salvatore for serving on several committees at Southwest General Health Center.

**REPORTS OF BOARDS AND COMMISSIONS:**

**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**

**REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Orcutt reported on March 4th I met with Bartlett tree company to complete paperwork on the 100 trees in the parks. The economic development commissioner submitted a second grant for more trees. Met with First Energy representative about pole outages and switching to LED lighting. There is a program with no cost to the city that when a light burns out First Energy crews will automatically switch to LED lighting. The intent is to have all LED lighting by the year 2030. Will have Brewer-Garrett representatives to a future Caucus meeting to discuss the energy audit. All department heads have completed their capital budget lists. Requesting an executive session prior to adjournment for collective bargaining matters.

Mr. Mencini thanked Mayor Orcutt for having police doing radar and being seen at stop sign and red lights, good to see. Asked Mayor Orcutt if there has been any talk on Brook Park Memorial (BPM)?

Mayor Orcutt responded there has been a lot of discussion for BPM and the cost to the city for the vacant building, that is not entirely moth-balled. After the budget the committee will be scheduling this month to discuss what to do with the building and start looking at the liability of the city having a vacant building.

Mr. Mencini continued there is a lot of central park area accounted for and need to know what will be going there.

Mr. Troyer asked is the Brewer-Garrett audit from September, 2021?

Mayor Orcutt responded this is from January, 2022 and covers 2021.

Mr. Troyer continued its generally September to September.

Mayor Orcutt responded that is for the same time period but waited until I took office in January; This is done annually and needs to be accepted by the city.

Mr. Troyer asked for an update on roof and walls in the recreation center.

**Questions to the Mayor:**

Mayor Orcutt responded the construction company will start this week getting the bids prepared.

Mr. Troyer asked how the city will pay to have the roof and walls repaired.

Mayor Orcutt responded that will be for a future meeting for discussion.

Mr. Roberts asked for an update on the Super 8 motel; is there an actual date for closing?

Mayor Orcutt responded new information came in today and deferred to the law director.

Mrs. Horvath stated the final package has been received from the title company and the deed needs to be prepared. Also, need to talk with the Mayor on several issues and meet with the finance director for wiring of the monies, we would like to see closed as soon as possible.

Mr. Vecchio stated with the closing of the motel the city now has three buildings that are not fully moth-balled. What is going on with the former Brookview school?

Mayor Orcutt responded everyone knows the former administration hired a broker to look for developers. Met recently with an interested party to purchase that property for turning into a school, 55 and older living spaces or a mixed-use retail and office space for medical. The city is open to any developers that want to do something on Snow Road.

Mr. Salvatore are these interested parties coming through the broker or straight to City Hall?

Mayor Orcutt responded through City Hall.

Mr. Salvatore mentioned no broker involved, need to look at that contract.

Mayor Orcutt concurred and mentioned there have been some inquiries and are scheduling with the broker to meet.

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS, AND OTHER PUBLIC OFFICIALS:**

Service Director Beyer

Mr. Beyer reported that approximately \$46,000.00 has been reimbursed to the city from the Northeast Ohio Regional Sewer District (NEORS) community cost-share program, for cleaning of catch-basins and street sweeping for 2021. The 2022

**Reports and communications from departments, commissions and other public officials:**Service Director Beyer: cont.

application has been submitted in the amount of \$200,000.00 and received word from NEORSO that amount has been approved. Bulk pickup is the week of March 14th, second full week of the month. Service crews are in the process of repairing plow damaged areas, broken asphalt and potholes; currently it is cold-patching. If any calls are received, please call the service department to be put on the compiled list for these repairs.

Engineer Piatak:

Mr. Piatak reported that a pre-application has been submitted to the Emergency Management Agency - Hazard Mitigation for the Wedo Park retention basin and should hear back from them sometime in April. The combined agreement for the Abram Creek, Sheldon Road, NEORSO, Public Works, and the Cities of Middleburg Heights and Brook Park is still being worked on and needs to go to their board for approval. The city auditors have requested a listing of all construction projects for last year that will be forwarded once compiled.

Recreation Director Gonzales

Mr. Gonzales reported that baseball and softball registrations have been extended; anyone interested in sponsoring a baseball team call the center. Midnight Madness will be held on March 8th from 8:00 p.m. to midnight for ages 8 - 13. Co-ed adult volleyball will be held on Friday evenings from 6:00 p.m. to 8:00 p.m. Pickleball is being offered beginning March 9th from 9:00 a.m. to 11:00 a.m. The Easter event will be held on April 9th from 12:00 p.m. to 3:00 p.m., donations are being accepted. Home Days will be held the weekend of July 9th - 11th, letters have been sent to vendors.

Law Director Horvath

Mrs. Horvath stated the active civil litigation list has been provided to Council and the city is fortunate to have four cases; one being a bankruptcy settlement, two are foreclosures and one what I consider a nuisance. Mrs. Horvath thanked Council for passing legislation to resolve the case of Pawuk vs. Brook Park.

Finance Director Cingle

Mr. Cingle reported the audit continues with no update, the 2022 budget is continuing to be worked on and the first batch of work from home refunds checks totaled a little less than \$95,000.00.

Mr. Salvatore asked Mr. Cingle what is in place to prove if a refund is given?

**Reports and communications from other departments, commissions and other public officials:**

Finance Director Cingle: cont.

Mr. Cingle responded refund checks being issued the city will alert the Regional Income Tax Agency (RITA), the Central Collection Agency (CCA) and any independent agency operated by other cities with a file listing the name and dollar amount. Those agencies will notify the City of Brook Park of someone, for example, that works in Strongsville and working from home in Brook Park to double-check if they filed.

Mr. Salvatore asked Mr. Cingle for a report as to what is coming back and what is being refunded.

Mr. Cingle concurred.

Mr. Mencini stated to Mr. Beyer when tree lawns are repaired suggested something given to the resident on how to take care of either the topsoil, seed or sod.

Mr. Beyer responded it is better to replace with sod it catches better. Topsoil and seed needs attention and would hope the residents knows to water, something given to the resident can possibly be explored.

Mr. Mencini asked Mr. Piatak if a street assessment will be coming this year. Also, when streets are partially done, for example, Delores Blvd. Does that lower the street on the database?

Mr. Piatak responded that would have a negative segment and the street database will be coming out shortly.

Mr. Mencini asked Mr. Gonzales how is the co-ed football program going?

Mr. Gonzales the Brook Park portions are slow and don't have any numbers due to being a joint program with Middleburg Heights and Berea, part of the Tri-C Titans program.

Mr. Mencini stated to Mr. Gonzales would like to see a resident vs. non-resident listing.

Mr. Gonzales responded the majority of people in the facility are members or residents. Due to COVID-19 the center was not accepting non-residents but that has recently been reopened.

Mr. Mencini asked with the grants where does that money actually come from.

**Questions to the directors: cont.**

Mayor Orcutt responded the city has applied for seven grants and is working on an 8th. Mitigation monies come from the State of Ohio; the Community Development Block Grant (CDBG) monies come from the county; Solid Waste for recycle rubbish cans; lighting and crosswalk project for Brook Park elementary is through NOPEC and the trees for the central park area comes from Cuyahoga County. There is a brand new grant through AARP and if granted those monies will be put into the HMAP program.

Mr. Mencini asked Mr. Cingle with the state grants is that through city tax dollars?

Mr. Cingle responded mainly sales and income tax dollars.

**OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):**

New Legislation:

An Ordinance authorizing the Mayor to enter into a change order with Protegis Fire and Safety for two fire alarm system panels and declaring an emergency. Introduced by Mayor Orcutt. Placed in Safety committee.

An Ordinance authorizing the Mayor to enter into an agreement with Cleveland Auto Auction, Public Auctioneers, for the purpose of the auctioning a forfeited 2010 Mazda 4-D vehicle and a 2006 BMW 4-D vehicle and declaring an emergency. Introduced by Mayor Orcutt. Placed in Safety committee.

An Ordinance authorizing the Mayor to accept the donation of land known as permanent parcel no. 344-03-103 and declaring an emergency. Introduced by Mayor Orcutt. Placed in Legislative committee.

An Ordinance authorizing the finance director to issue payment to Marovich and Pusti, Architects and declaring an emergency. Introduced by Mayor Orcutt. Placed in Finance committee.

**Motion** by Mr. Mencini, supported by Mr. Scott, to pull the Marovich and Pusti legislation and place under letter M.

Mr. Troyer asked why such a rush?

Mr. Mencini looking at this and know what it is for but the cost of materials is skyrocketing. Would like to see this get done before prices go up, would like to see the gazebo lit up.

Mr. Troyer continued did look this over and there are issued with it; will have to be read in full.

**New Legislation: cont.**

Mr. Mencini interjected first reading only.

The clerk called on the roll on the motion to place on letter m.

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

**MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**

**REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**

Louie Modic

14399 Fayette Blvd.

Mr. Modic expressed concerns with salary legislation under second reading; Brookview school property keeping the corner ballfield; road program ratings done by independent service.

Ray Peterlin

5811 Wengler Drive

Mr. Peterlin expressed concerns of speeding and auto accidents on Snow and Fry Roads possible solution lowering speed limit on Snow Road.

**Motion** by Mr. Poindexter, supported by Mr. Roberts, to address the audience.

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

Mr. Poindexter stated to Mr. Modic appreciate the ballfield but if a developer buys the property there is no guarantee on saving that field. There is a need for economic development in this city more than saving a ballfield, possibly something can be worked out with the developer. The road rating is done by the city engineer and ward members fight for the streets in their ward, at large Councilmembers looks at the entire picture. The salaries this year were not appropriated to the maximum and with the safety director position think those monies should be appropriated at the time the position is filled.

Mr. Troyer stated to Mr. Modic looking for revenue for the (former) school and this is the reason the city purchased the motel so the city controls what goes on the property. Would prefer a mixed use for the school property and the builders would have to include a retention basin. With the traffic lights a traffic study would have to be done and would have to look at the police reports. Few years ago the city was supposed to get the computerized system to control traffic flow.

Mr. Mencini stated to Mr. Modic understand with the ballfield but there are two playgrounds in that area. Even with the ballfields at Kennedy Park not seeing a lot of people using them very much. Mr. Piatak does a very good job on the street



**Response to audience: cont.**

assessments. To Mr. Peterlin speeding and running red lights those are highly traffic areas and those things are going to happen, lost a very good friend four months ago.

Mr. Vecchio stated with the traffic and accidents traveling all over Northeast Ohio on a daily basis 75% is by distracted drivers. Until the ignorance of the operator is addressed nothing can be done for stop signs and red lights.

Mayor Orcutt stated to Mr. Peterlin agree there are too many accidents at Fry and Snow Roads and is a safety issue. Increase in police activity with pulling people over informing people can't speed in the city. The city will be annual upgrading of the computers for the traffic lights, a little bit at a time.

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

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

**ORDINANCES AND RESOLUTIONS: (FIRST READING):**

**1. RESOLUTION NO. 4-2022**

A RESOLUTION APPROVING PARTICIPATION IN REGION 3 GOVERNANCE STRUCTURE UNDER THE ONEOHIO MEMORANDUM OF UNDERSTANDING, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt and C/W.

Mr. Vecchio stated Resolution No. 4-2022 has had its first reading.

**ORDINANCE NO. 11240-2022**

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO ISSUE PAYMENT TO MAROVICH & PUSTI, ARCHITECTS, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mr. Vecchio stated Ordinance No. 11240-2022 has had its first reading.

**SECOND READING OF ORDINANCES AND RESOLUTIONS:**

**1. ORDINANCE NO. 11237-2022**

AN ORDINANCE AMENDING SECTION 537.05 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'AGGRAVATED MENACING' AND DECLARING AN EMERGENCY. Introduced by Councilman Poindexter, C/W and Mayor Orcutt.

Mr. Vecchio stated Ordinance No. 11237-2022, has had its second reading.

**Second Reading of Ordinances and Resolutions: cont.**

**2. ORDINANCE NO. 11238-2022**

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

**Motion** by Mr. Troyer, supported by Mr. Poindexter, to amend 139.01b - Director of Public Safety zero out \$77,000.00 and zero out \$92,000.00.

**ROLL CALL: AYES:** Troyer, Poindexter,

**NAYS:** Coyne, Roberts, Scott, Salvatore, Mencini. The amendment failed.

**Motion** by Mr. Troyer, supported by Mr. Poindexter, to amend 131.08c - Commissioner of Administrative Services change the 2022 maximum from \$79,000.00 to 72,597.50.

**ROLL CALL: AYES:** Troyer, Poindexter,

**NAYS:** Coyne, Roberts, Scott, Salvatore, Mencini. The amendment failed.

Mr. Vecchio stated Ordinance No. 11238-2022 has had its second reading.

**THIRD READING OF ORDINANCES AND RESOLUTIONS:**

**Motion** by Mr. Poindexter, supported by Mr. Mencini, to go into executive session for collective bargaining matters.

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

**NAYS:** Unanimous vote at 9:01 p.m.

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

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

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

**NAYS:** Unanimous.

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

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

Council President Vecchio declared this meeting adjourned at 9:21 p.m.

RESPECTFULLY SUBMITTED Carol Johnson  
Carol Johnson  
Clerk of Council

APPROVED May 17, 2022

THESE MEETING MINUTES ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.