

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, MARCH 15, 2022**

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, POWERS, SCOTT, COYNE, POINDEXTER, SALVATORE

Also in attendance were Mayor Orcutt, Law Director Horvath, Finance Director Cingle, Service Director Beyer and Engineer Piatak.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior to meeting minutes held on February 1, 2022.
2. Regular Council meeting minutes held on February 1, 2022.

Motion by Mr. Poindexter, supported by Madam Coyne, to move to the April 5, 2022 Council agenda.

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

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Poindexter.

Mr. Poindexter stated no report.

Finance Committee - Chairman, Scott

Mr. Scott stated the Finance committee has one item on tonight's agenda.

Legislative Committee - Chairwoman, Coyne

Madam Coyne stated no report but commented that Mayor Orcutt will be speaking on a piece of legislation.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini reported that Spring into the Park – Easter Egg Hunt will take place from 12:00 to 3:00 on April 9th, the basketball season has ended and was a great season and midnight madness will be held this Friday from 8:00 p.m. to midnight.

Planning Committee - Chairman, Troyer

Mr. Troyer there are two items on tonight's agenda that I did not place there but there are representatives from businesses in attendance to explain what they are looking to do. Safety Committee - Chairman, Roberts

Mr. Roberts reported there is one item on tonight's agenda and commented that the nominations for the Citizen of the Year has been extended to March 31, 2022.

Service Committee - Chairman, Poindexter

Mr. Poindexter stated no report.

Reports of Standing Committees: cont.

Board of Zoning Appeals - Chairman, Salvatore

Mr. Salvatore reported that the zoning board met on March 7th and approved two items first one being a 17 square parking variance, parcel B, part of Brookgate Shopping center. Also the board approved an 8' height variance to construct a new class A self-storage facility at 14571 Snow Road.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini

Mr. Mencini reported the health center donated more than 300 medical life-saving equipment to Ukraine including bandages, face shields and coverings, very nice thing to do. Lifeworks has been recognized as one of the top fitness facilities in the country. Employee retention for the first year is just under target, will give a report at a later date. A primary care office will be located in Olmsted Township and will give a report upon construction completion.

Berea Board of Education Representative, Coyne

Madam Coyne reported that Rick Mack has replaced Steve Dockman and it's disappointing that no one from Brook Park serves on the board, feels there should be representation from all three cities. Will be meeting with Brook Park's Detective Sensel to discuss, toxic communication, harassment and bullying.

Technology & Innovation Council Representative, Poindexter

The technology and innovation committee met last Wednesday, April 9, 2022 and was expressed that an invitation to Economic Development Commissioner, Paul Marnacheck, to attend next meeting go over topics involving economic development that could potentially impact economic development in a positive way. Also, there was discussion of compiling the department's wish-list of new items to appear on the city's website. The next meeting will be held on April 13, 2022.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Orcutt reported that he is proud to announce that Patrolman, Trent Brown was awarded his PHD and the department now has a doctor working at the police department. On March 3rd two new police officers were sworn in and welcomed them to the City of Brook Park. On March 4th administration met with the Bartlett Tree Company for the planting of 160 trees that were delivered last Friday and will be planted through the months of March and April; starting on the east end

Reports and communications from the Mayor: cont.

of Brook Park Memorial. American Legion Park is undergoing aesthetics renovation from the city's service department. Also excited to announce that a \$50,000.00 grant has been awarded to the city from an application applied for earlier this year from Cuyahoga County. Many thanks to Cuyahoga County Councilman, Dale Miller, for his assistance and this grant will go towards the restrooms at the amphitheater.

Questions:

Mr. Poindexter stated great news about police officer that's a great honor and think there should be some sort of recognition.

Mayor Orcutt responded that could be done.

Mr. Mencini stated with contracts coming forward with a budget and inflation at 7.9% and barrel oil may go up with summer coming. Is the city prepared for this and looking at these things moving along?

Mayor Orcutt responded we have been preparing for a budget that is going to be extremely tight due to HB 157 that mandates income tax rebate checks. With inflation the administration is making sure that monies are being utilized and going to the best places.

Mr. Mencini continued with the fueling of safety and service vehicles, lighting for buildings and paying employees. Looking at those things they may get better or could get worse, hope not, and there is a lot in limbo.

Mayor Orcutt continued as stated before we are changing the way the city operates; we have no choice. There are things that need to get fixed around the city that have very high price tags and received high quotes for. That list has been turned over to the service director and service crews have been able to go in there saving the city thousands of dollars. Old heating units are being repaired by the service crews and this is being done because there is no other choice, so hats off to the service crews.

Mr. Troyer asked Mayor Orcutt when will the list of capital be brought forward?

Mayor Orcutt responded that is completed and ready for discussion and can be handed out tonight.

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

Engineer Piatak

Mr. Piatak responded no report.

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

Mr. Beyer reported that bulk pickup is this week on regular rubbish days; yard waste and trash drop off will begin on April 11th hours being Monday - Friday 7:30 a.m. to 7:00 p.m. and Saturdays from 10:00 a.m. to 2:00 p.m. Shred-it day will be on Saturday, April 16th from 10:00 a.m. to 1:00 p.m. at the service garage. Crews will be repairing tree lawns, from snow plow damage, the next couple of weeks. April 28th the asphalt plant will open up for hot patching of city streets. As the Mayor stated American Legion park is under renovations most of the park signs have been removed for refurbishing by the building maintenance department.

Recreation Director Gonzales

Mr. Gonzales reported basketball season concluded and congratulated the champions, there were six Brook Park teams that won championship. Thanked the Berea City School District for letting teams play their championship games at the high school. Midnight Madness this Friday from 8:00 p.m. to midnight this Friday for ages 8 - 13. Baseball/softball registrations have ended but there is still a need for children in certain age groups not signed up call or stop up at the recreation center to see if there is space for your certain age group. Open gym is continuing for co-ed volleyball and pickle ball. Tomorrow is the last day for registration for the Spring Flag football league and the annual Easter event entitled 'Spring into the Park' will be held this Saturday from 12:00 p.m. to 3:00 p.m. in the main gym.

Finance Director Cingle

Mr. Cingle reported the 2021 audit is ongoing and as of today the tax department has processed \$359,947.00 income tax refunds and \$325,531.00 COVID-19 refunds. There are numerous phone calls and people coming in with requests for refunds, especially throughout the aerospace industry. The tax filing date, without extensions, Monday, April 18th.

Law Director Horvath

Mrs. Horvath stated no report this evening.

Questions:

Mr. Roberts stated to Mr. Beyer know you're aware of Fayette and Smith Road issue and safety hazard. The same problem is occurring on Grayfriar and a few other streets that were all done by the same contractor.

Mr. Beyer responded that today the concrete crew took a look at that area and deferred to Mr. Piatak.

Mr. Piatak responded would like to do a site visit on Fayette, Grayfriar and a few other streets in the city that seem to have premature aging or failures, these streets were done in either 2009 or 2010. Would like to revisit and possibly

Questions:

Have some forensic testing from a concrete testing firm to determine what is going on. Obviously, with Fayette the safety issue needs to be addressed prior to that time.

Mr. Beyer stated the area has been cold-patched over the winter months and will put something temporary currently until coming up with a long-term plan until the issue can be resolved.

Mr. Troyer asked Mr. Beyer if there is a limit of rubbish cans per address?

Mr. Beyer responded I'm aware of one blue and one black can and residents are allowed to purchase one more can.

Mr. Troyer continued that there is a family on Sheldon Road that has three black cans and service crews only empty two of the cans.

Mr. Troyer continued residents have to use city cans?

Mr. Beyer concurred.

Mr. Beyer commented this is the first I'm hearing of this and it's always been past practice for the ordering of one more rubbish can. Will get the address from you and look into this.

Mr. Mencini asked Mr. Beyer will hot-patching be taking place every day?

Mr. Beyer responded when crews can get the asphalt hot-patching will take place every day, weather permitting.

Mr. Mencini asked Mr. Cingle with that \$359,000.00 in refunds, that is as of today, correct?

Mr. Cingle concurred and stated almost \$360,000.00 refunds have been processed as of today.

Mr. Mencini continued to Mr. Cingle with the tax deadline there may be more/

Mr. Cingle responded the refund requests has not slowed down, every day the tax department is receiving phone calls or people stopping in to drop off their requests.

Mr. Mencini stated to Mr. Piatak will there be some type of assessment for city streets?

Questions: cont.

Mr. Piatak responded with the changing of the weather and the snow melting, all city streets will be re-evaluated. I don't see a whole lot of change in the listing with exception of construction costs that have increased 25% to 30% from last year, construction industry is very volatile.

OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL

APPROVAL: (INTRODUCTION OF NEW LEGISLATION):

PLANNING COMMISSION RECOMMENDATIONS:

1. Agent, Steven Metcalf & Associates requests a 17-space parking variance at 15059 Hummel Road 'Parcel B – Clutch Auto' located in the U3-A5 zone. Approved at the Board of Zoning meeting of March 7, 2022.

Mr. Troyer stated the first two items are zoning items, not planning.

Mr. Salvatore stated the zoning board took action on them so nothing else needs to be done.

2. Agent, Steven Metcalf and Associates-Requests approval of the proposed lot split for "Parcel B- Clutch Auto," from PPN 344-13-001 located in the U3-A5 Zone.

Steve Metcalf
Neff & Associates
6405 Pearl Road

Mr. Metcalf stated he is the surveyor for this project at Brookgate Shopping Center and the owner's intent is to own the building, that he is currently leasing.

Motion by Mr. Poindexter, supported by Madam Coyne, to have proper legislation drafted.

ROLL CALL: AYES: Poindexter, Coyne, Scott, Troyer, Salvatore, Roberts, Mencini
NAYS: None. Unanimous.

3. Agent, Jason Linscott of Stein Investment Group-Requests an 8' height variance to construct a new Class-A Self-Storage Facility "The Space Shop" at 14571 Snow Road, located in the U3-A Zone.
A) Request project & aesthetic approval.
B. Request a Conditional Use permit to construct and operate "The Space Shop Self-Storage".

Other communications, petitions and verbal approval: Introduction of new legislation: cont.

Sam Coury
No address given

Mr. Mencini questioned the storm drains?

Mr. Coury responded that were able to secure a top-notch developing company to match the street corridor and the reason for the 8' height variance is to be more pleasing from the road. The back parking lot has been totally redesigned for green space for the abutting neighbors.

Mr. Poindexter commented in support of this project five months ago when presented to Council, the building has been vacant for many years, and in support today.

Madam Coyne thanked Mr. Coury for coming and in support of project.

Mr. Scott stated to Mr. Coury tell Jason thank you for bringing this project back.

Mr. Troyer stated to Mr. Scott since this is in your ward you're in support.

Mr. Scott responded wasn't the first time but am in support now.

Mr. Troyer commented voted no at the Planning commission meeting but will be voting yes on Council.

Motion by Mr. Poindexter, supported by Mr. Mencini, to have the proper legislation drafted.

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

Verbal Approval:

1. Cost of Electoral Redistricting - \$2,500.00

Motion by Mr. Poindexter, supported by Madam Coyne, to verbally approve.

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

NAYS: None.

ABSTENTION: Salvatore. Motion carried.

New Legislation:

An Ordinance to provide the appropriations of the City of Brook Park, State of Ohio, for fiscal year ending December 31, 2022. Introduced by Mayor Orcutt. Placed in Finance committee.

New Legislation: cont.

An Ordinance authorizing the Mayor to enter into a community cost-share agreement with Northeast Ohio Regional Sewer District (NEORS) and the City of Brook Park, for the Stormwater MCM #6 implementation and declaring an emergency. Introduced by Mayor Orcutt. Placed in Service committee.

A Resolution opposing Sub bill 519, amending the law regarding municipal income tax pre-exemption and declaring an emergency. Introduced by Mayor Orcutt. Placed in finance committee.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Ray Peterlin
5811 Wengler Drive

Mr. Peterlin expressed concerns with calling the Mayor's office six different times and not receiving the beep to leave a voice mail.

Lou Modic
14399 Fayette Drive

Mr. Modic expressed concerns that it would be nice to have the rear ballfield remain at the former Brookview school. Importance of revenue coming into the city and reason to have medical marijuana dispensaries in the city. New technology for street rating that the City of Berea is using at a cost of \$25,000.00.

Motion by Mr. Mencini, supported by Mr. Roberts, to address the audience.

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

Mr. Mencini stated to Mr. Peterlin technology needs to be addressed like in other cities. Two presentations given today and weren't able to see them that's what these screens are for; Council doesn't even have laptops up here. The phone system I think in 2014 needs to be addressed to be a good city. To Mr. Modic with redistricting it's all numbers. With the ballfield living by Kennedy Park don't see many children there only on Monday nights.

Mr. Troyer stated to Mr. Modic, have always stressed that anything done has to be geared for bringing in revenue.

Madam Coyne stated with technology, look at all this paperwork, so if we want to talk about saving money; do you know how much money can be saved if able to use these screens. Years back, meetings were on camera and are now livestreamed but this we need to keep this community informed with more ways to reach out to the community.

Response to the audience: cont.

Mr. Poindexter stated to Mr. Modic with redistricting always thought it should be done by borders. With the phone system the technology committee has not been asked to do anything with the phone system.

Mayor Orcutt stated items have been brought to my attention with emails in the cloud and the administration is looking into the phone system issues.

Mr. Mencini stated with the phones and new technology should have been done a long time ago.

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

ROLL CALL: AYES: Coyne, Poindexter, Mencini, Powers, Salvatore, Troyer, Scott
NAYS: None. Unanimous.

ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORDINANCE NO. 11242-2022
AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT THE DONATION AND TRANSFER OF LAND KNOWN AS PERMANENT PARCEL #344-03-103, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Motion by Mr. Troyer, supported by Mr. Poindexter, to amend the second Whereas to delete 5211 and insert the word 'on' West 149th Street.

ROLL CALL: AYES: Troyer, Poindexter, Mencini, Roberts, Salvatore, Coyne, Scott
NAYS: None. Unanimous.

Motion by Mr. Troyer, supported by Mr. Poindexter, to delete at 5211 and insert 'on' West 149th Street, anywhere in the legislation.

Mr. Salvatore asked Mrs. Horvath if the permanent parcel number been verified to match the property?

Mrs. Horvath concurred and stated the permanent parcel number is correct and there are no liens on the property. This was split at one point in time and the correct parcel number is for the vacant piece of property, no address.

Mr. Troyer stated the parcel number is for the corner lot; the address is on the house, two different entities.

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

Ordinances and Resolutions: (First Reading):

Motion by Mr. Troyer, supported by Mr. Poindexter, to suspend.

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

Motion by Mr. Troyer, supported by Madam Coyne, to adopt, as amended.

ROLL CALL: AYES: Troyer, Coyne, Scott, Mencini, Poindexter, Powers, Salvatore
NAYS: None. Ordinance No. 11242-2022, has passed under suspension of the rules. Adopted.

2. ORDINANCE NO. 11243-2022

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GREATER CLEVELAND AUTO AUCTION, PUBLIC AUCTIONEERS, FOR THE PURPOSE OF AUCTIONING A FORFEITED 2010 MAZDA 4-D VEHICLE AND A 2006 BMW 4-D 325 VEHICLE, AND DECLARING AN EMERGENCY.

Motion by Mr. Salvatore, supported by Mr. Troyer, to suspend.

ROLL CALL: AYES: Salvatore, Troyer, Coyne, Scott, Mencini, Poindexter, Powers
NAYS: Unanimous

Motion by Mr. Troyer, supported by Mr. Poindexter, to adopt.

ROLL CALL: AYES: Troyer, Poindexter, Mencini, Powers, Salvatore, Coyne, Scott
NAYS: None. Ordinance No. 11243-2022, has passed under suspension of the rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

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.

Motion by Mr. Troyer, supported by Mr. Poindexter, to suspend.

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

Motion by Mr. Mencini, supported by Madam Coyne, to adopt.

ROLL CALL: AYES: Mencini, Coyne, Scott, Troyer, Salvatore, Poindexter, Powers
NAYS: Unanimous. Resolution No. 4-2022, has passed under suspension of the rules.

Second Reading of Ordinances and Resolutions: cont.

ORDINANCE NO. 11240-2022

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

Motion by Mr. Scott, supported by Mr. Mencini, to suspend.

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

Motion by Mr. Mencini, supported by Mr. Scott, to adopt.

Mr. Troyer asked Mr. Cingle, this is already done, they're looking for their money?

Mayor Orcutt responded this is a lighting project that will go out for bid; this is to pay them for work done?

Mr. Troyer clarified this is for work that has already been done?

Mayor Orcutt concurred.

ROLL CALL: AYES: Mencini, Scott, Coyne, Troyer, Salvatore, Poindexter, Powers
NAYS: Unanimous. Ordinance No. 11240-2022, has passed under suspension of the rules. Adopted.

THIRD 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.

Motion by Mr. Poindexter, supported by Mr. Mencini, to adopt.

ROLL CALL: AYES: Poindexter, Mencini, Powers, Salvatore, Troyer, Coyne, Scott
NAYS: Unanimous. Ordinance No. 11237-2022 is adopted.

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.

Motion by Mr. Scott, supported by Mr. Mencini, to adopt.

Mr. Troyer stated not happy with this, didn't get all information requested but will vote for adoption.


ROLL CALL: AYES: Scott, Mencini, Powers, Poindexter, Salvatore, Troyer
NAYS: Coyne. Ordinance No. 11238-2022, is adopted.

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

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

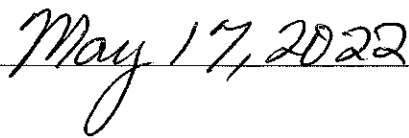
Council President Vecchio declared this meeting adjourned at 9:15 p.m.

RESPECTFULLY SUBMITTED



Carol Johnson
Clerk of Council

APPROVAL



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