

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, MAY 17, 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, SCOTT, MENCINI, ROBERTS, POINDEXTER, SALVATORE

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

Madam Coyne excused.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

March 1, 2022 Caucus Prior to Minutes.

March 1, 2022 Regular Council Minutes.

March 8, Special Council Minutes.

March 15, 2022 Caucus Prior to Minutes.

March 15, 2022 Regular Council Minutes.

Motion by Mr. Troyer, supported by Mr. Poindexter to approve all five sets of minutes as printed. **Unanimous.**

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Poindexter

Mr. Poindexter reported there is no legislation in committee and requested a moment of silence for the mass shooting victims in Buffalo, NY, sad day for our country.

Finance Committee - Chairman, Scott

Mr. Scott stated the Finance committee has four items on tonight's agenda. There were two Board of Control meetings since last report. May 6th Board of Control there were 25 items on the agenda with the three largest being Zambelli Fireworks for Home Days \$44,550.00; Buckeye Pumps for new pumps, control panels and parts for city pump stations \$86,962.00 and Contract PO vendor for the concrete restroom at Central Park \$78,955.00. The Board of Control also met earlier today with 11 items on the agenda three largest being Lesko Built Construction for the 6068 Middlebrook Blvd. Construction Project Performance Bond claim \$21,500.00; Euthenics for services from April 22nd for 38,851.92 and Best Truck equipment for plow blades and curb shoes \$38,851.92.

Legislative Committee - Chairwoman, Coyne

No report.

Reports from standing committees: cont.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini reported adult softball teams started last week, girls' softball teams will start next week and boys' softball to start the following week. Baseball and softball pictures will be on June 11th. Wanted to mention the parks are looking very good with many thanks to the service crews.

Planning Committee - Chairman, Troyer

Mr. Troyer reported the Planning committee has legislation on the agenda for a lot consolidation and split. Wanted to mention that there will train crossings closed at Eastland and Route 237 and also Sheldon Road at the end of the week. When crossings are closed the no horn rule goes out the door so during construction will hear train horns. Also, remiss last week in mentioning the six months from October please get your breast cancer checks.

Safety Committee - Chairman, Roberts

Mr. Roberts reported the safety committee had one item on the Caucus Prior to agenda that was placed back in committee.

Service Committee - Chairman, Poindexter

Mr. Poindexter reported the service committee has one item in committee that will appear on the next Caucus Prior to agenda.

Board of Zoning Appeals - Chairman, Salvatore

Mr. Salvatore stated no report.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini

Mr. Mencini reported the board met last Thursday and a few items touched on and mentioned in the past is costs rising 10%, 15% and 20% through Anthem insurance that is passed onto the patients. One thing the hospital is doing to relieve costs is having doctors stay longer on a daily basis which reduces nurses' assignments and patients. The hospital no longer has the program for high-school students for training but will keep the six-month nurses program for high-school juniors and seniors to give an idea of the medical field. The Olmsted Falls medical center will open in June with doctors on an as needed basis and nurse practitioners will be at the facility.

Berea Board of Education Representative, Coyne

Mr. Vecchio reported today was the last day for seniors with a few having testing the next couple of days. Prom will be held this Friday night and commencement will be on May 26th on the front lawn of the high school, maybe the first time in history.

Technology & Innovation Council Representative, Poindexter

Mr. Poindexter reported there was no meeting last week due to the special Council meeting so the committee will be meeting tomorrow.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Orcutt reported that a meeting was held between himself, Mr. Cingle and he and Mr. Cingle met with a NASA representative to discuss the importance of space exploration for the future. There have been 150 trees planted along I-71 from Sylvia Drive to Holland Road. May is Firefighters' Appreciation month and the city's firefighters and I had dinner and it was very nice to sit around the table with them. After June 4th the city engineer will be taking over the demolition plans for the Super 8 motel. Thanked the service crews and volunteers for the planting of flowers at Kennedy Park memorial and the gazebo.

Questions:

Mr. Poindexter stated to Mayor Orcutt with last week's presentation on the recreation center roof and walls has there been any headway with remediation of that project?

Mayor Orcutt responded a meeting is scheduled with Brewer-Garrett to go over the entire contract.

Mr. Poindexter asked Mayor Orcutt if he could review the entire building specifications.

Mayor Orcutt responded absolutely, that is public record.

Mr. Poindexter stated that there are rumors that city workers are not happy with their retro-pay and bonuses and are under the impression that City Council held that up. On Council's behalf could you state that Council did not hold them up.

Mayor Orcutt responded this is the first time I am hearing this and being in the office on a daily basis not one employee has mentioned that to me and that is not the case.

Mr. Troyer asked if there is any update and possibly having the gentlemen come back to Council for the Brookview school property and other city-owned properties for sale. Still waiting for information on the HMAP (Home Maintenance Assistance Program) public records requests don't have to be put in writing. Requesting all paperwork for the HMAP for existing years such as who applied, the application, what the applicant received, the costs as well as names and addresses. Know of one person interested in this year's program and would like the list of names and addresses of the people interested in this year's program. Also, requesting the Brewer-Garrett energy-savings audit that hasn't been seen in years, at least publicly.

Questions to the Mayor: cont.

Mayor Orcutt responded with the (former) Brookview school and other city-owned properties Cushman and Wakefield is the company that has that contract for brokerage. Met with them about a month ago to discuss the property and what kind of feels that are getting. There is one person interested in that property, unfortunately, is currently is having medical problems, once feeling better will be meeting with that person. My executive assistant and the economic development commissioner are currently putting together a matrix of all city-owned property with will be a very important tool for redevelopment, that has not been done since 1950. With the HMAP there is information needed from the finance department and the economic development commission is looking through boxes and files to get that information to you as soon as possible. A list is not being formed and when people call we tell them what has been presented and we're working through Council but can't tell them about the program because it is not passed. A list will not be generated because people in line the program would not be open to people interested for this year. The Brewer-Garrett audit has been received and hope to have representatives in front of Council to discuss how the numbers work.

Mr. Troyer continued would like to get the list of all city-owned properties that has been asked for in the past, never received.

Mayor Orcutt commented it's amazing to see how much property the city does own.

Mr. Troyer stated the list would be nice to have when talking with people.

Mr. Mencini stated to Mayor Orcutt it's good to hear about the matrix, the firefighters and all safety forces. Is something being looked at for the control of fireworks, not looking to ban them but will something becoming forward soon?

Mayor Orcutt responded am working with the law department and looking at a few other things and will coming before Council first week in June.

Mr. Mencini continued to Mayor Orcutt to meet after this meeting to discuss an address on Sylvia Drive. Also, wanted to address what Mr. Poindexter brought up that it was Council. I have been here since 1958, worked for the city for a very long time and am heavily involved as well as my family. Everyone knows where I live and have a lot of friends and probably there are people that don't like me, that's fine. Mr. Poindexter brought this up and I hear it was Council and hear that every time my name comes up. I am here to make this a better community and when blames goes around, not saying it was you and will not embarrass anyone, not that kind of guy. We need to work together to move ahead and not by bickering but when I get phone calls and we haven't talked about that in five of six weeks, maybe the non-contractual employees that I'm no not on board, that's all I

Questions to the Mayor: cont.

have to hear. We are all here to make this city a better community and need to work together because there is a lot to do to move this city forward.

Mayor Orcutt responded don't know what whispers you are hearing or what subject matter you are talking about. I will tell you that in this town I think this is too political and people are always poking but I will assure you that if I have something to tell you I'm coming to tell you and you know that first hand.

Mr. Troyer thanked Mayor Orcutt for the due diligence with the issue on Holland Road.

Mr. Orcutt responded there are a lot of issues and are working very hard on that.

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

Mrs. Horvath reported that the city has been named in a new lawsuit entitled Scott Asbury vs. City of Brook Park. It is a notice of appeal filed due to an administrative action of a denial of a variance from the Board of Zoning Appeals. The plaintiff seeks to have a trial and/or reversal of the Board of Zoning ruling. I have confidence that the city's position is a good one, in this case, and that the city has a strong position, in this matter.

Finance Director Cingle

Mr. Cingle reported the 2021 audit is continuing with no update to provide to Council. Am working on the 2023 tax budget with the budget commission asking for passage on or by July 15th. Also, the 2022 COVID-19 refunds have crossed the \$1 million-dollar mark total as of today with \$1,967,000.00 refunded. The COVID-19 refunds are \$916,826.00 attributed to people working from home.

Recreation Director Gonzales

Mr. Gonzales reported proud to announce the city's first Adaptive program for children with special needs; hours being 10:30 a.m. to 12:00 p.m. for exercise including basketball, football and other outdoor activities. This is a free program but registrations are required and there are no age restrictions. The Memorial Day parade will take place on Monday, May 30th with a ceremony to follow at the Kennedy Park memorial; anyone interested in marching registration forms are at the front desk or on online. The first drive-in movie will be held on June 3rd in the parking lot showing Encanto. The tentative date for the opening of the waterpark is June 6th and the city is in dire need of lifeguards and if needed can point interested people in the right direction for certification. Mr. Gonzales thanked the service crews for their tireless job efforts at the parks and playgrounds they look very good. Also, impressed with the Amphitheater and a June date has not been confirmed for the outdoor exercise equipment.

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

Mr. Beyer reported service crews have been very busy with summer operations; crews have been hot-patching the streets, the street sweeper and Vector have been out cleaning the catch-basins and main storm and sanitary lines. The concrete has been poured for the new outdoor exercise equipment behind the former press box that has been removed. Service crews in collaboration with Bartlett Tree Services have installed 150 trees from Sylvia Drive to Holland Road. The amphitheater area has been graded and seeded. Want to thank Liz Sayers for the planting of flowers and mulching around the gazebo and also to Denise Crane of the elementary garden club for planting of flowers at the Kennedy Park Memorial. Congratulations to former service director and Councilman, Brian Higgins, on his retirement. Mr. Higgins worked as service director in the City of Brook Park for 14 years and think 18 years for the City of Parma and set the bar high for both cities.

Engineer Piatak

Mr. Piatak reported update on projects from last year 2021 Roads Program, with the crack-fill project some material quantity was left over and installed last week. The Delores Blvd. project is complete, grass looks good. The Middlebrook Blvd. project the landscaping project was completed last week. The Sylvia Drive project is complete except for a few tree installations that will be done within the next week or so. The asphalt project is complete from last year except for a few markings missed by the contractor. With the Super 8 motel environmental testing has been completed and hope to have the report next week to follow up with bid specifications and advertising. The 2022 Roads projects the Middlebrook Blvd. is in the second week of advertising with bid openings next Tuesday. The Delores Blvd. project advertising began today with bid openings on June 3rd and the Hio Drive project will be followed up with advertising by the end of the month.

Questions:

Mr. Mencini asked Mrs. Horvath for an update on the Concealed Weapon legislation.

Mrs. Horvath responded due to family issues haven't been in over the past week but would like to meet to go over a few things.

Mr. Mencini asked Mr. Cingle any update on a new assistant?

Mr. Cingle responded that tax department employee, Mary Maykut, has been assisting on an interim basis. Interviewed one individual last week and will meet again next week. Mr. Healy has been coming back part-time during the audit.

Questions: cont.

Mr. Mencini asked Mr. Beyer how is the drop-off of yard waste going at the service garage?

Mr. Beyer responded yes, as a matter of fact the program began in mid-April and now instead of purchasing containers from Kurtz we are using city packers to take the yard waste. To date, five packers have been taken down in a month which is a significant savings to the city.

Mr. Mencini stated Kennedy Park looks good and thank the service crews. Mr. Mencini asked Mr. Piatak a general question about Delores Blvd if grinding that down not do any justice.

Mr. Piatak responded that is a judgement call and, in my opinion, grinding down an overlay may buy a year or two with people saying it was wasted money and should have been reconstructed. Reconstruction is more expensive and a more permanent fix. The segment from Holland to Rademaker is to reconstruct and won't get the money out of resurfacing.

Mr. Mencini responded need to have a dedicated roads program and also look at alternatives of possible cut-outs across the curbs and cement like on Rademaker; with the grinding down the center surface that held out well, need to look at the alternatives.

Mr. Scott thanked Mayor's Executive Assistant, Debby Doud, for her assistance and information provided. To Mr. Beyer commend the service crews for getting the roads patched and to the residents please be patient, there are over 200 streets and it takes time to get the roads done. Also, thank Jeff for the bang-up job with park signs.

Mr. Troyer stated to Mr. Cingle seems revenues appear to be better than last year; income tax?

Mr. Cingle responded income tax is progressing well and will probably be up due to the increase the county performed last year. It is still early in the year and with the refunds discussed a few minutes ago there is still a lot of work that needs to be completed for refunds, will give an update through June.

Mr. Troyer stated to Mr. Beyer with the outdoor work equipment pads when will that be done?

Mr. Beyer responded the sidewalk was poured today connecting the existing Kennedy Park and Hufsey-Forbes baseball fields. There are three pieces of

Questions: cont.

equipment that will be installed on both sides of that walkway. The equipment pads will be installed with the grant that was awarded.

Mr. Gonzales commented that the concrete pads will be poured and covered with mulch once the equipment is installed.

Mr. Troyer continued that work had to be done prior to the equipment being installed.

Mr. Gonzales responded yes, that's correct, that had to be done before the installers come.

Mr. Beyer stated the concrete was done today and now comes the cleanup and grading for preparation for the installers to come.

Mr. Troyer stated there are a few roads in Ward One that have not been patched and would like to see the crews on the roads.

Mr. Beyer responded yes and we talked about this topic earlier.

Mr. Poindexter stated to Mr. Gonzales, last year when serving on the Recreation committee the same subject came up with the lifeguard shortage. If it were to continue perhaps the city could entice people by paying for their training and certification classes. With all communities having the same shortage has there been any idea given to that?

Mr. Gonzales responded the Mayor, Mr. Cingle and I have been brainstorming different ideas for lifeguards. This shortage is all over Northeast Ohio, for example, the City of Mentor has three waterparks and only opening one with limited hours.

Mr. Vecchio stated to Mr. Gonzales, following up on that recently in Arizona and this is a problem across the nation. Seems like no one wants to be involved with lifeguarding. Also, to Mr. Beyer the service crews have been working their tails off on the streets, please tell them thank you.

Mr. Beyer stated to Council, the service crews have been tasked with projects never done before and are executing to the fullest, some better than the contractors.

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

New Legislation:

A Resolution honoring Joel Holesovsky for being chosen 2022 Citizen of the Year and declaring an emergency. Introduced by Councilman Roberts. Placed in Legislative committee.

An Ordinance approving the editing and inclusion of certain ordinances as parts of the various component codes of the codified ordinances; providing for the adoption of new matter in the updated and revised codified ordinances, publishing the enactment of such new matter; repealing ordinances and resolutions in conflict therewith; and declaring an emergency. Introduced by Council President Vecchio. Placed in Legislative committee.

A Resolution requesting Cuyahoga County to proceed with the resurfacing of Sheldon Road from Engle Road to Smith Road in the cities of Brook Park and Middleburg heights resolving to resolving to pay one hundred percent (100%) of the preliminary and design, engineering, construction and construction supervision of the waterline replacement and associated work within the City of Brook Park and declaring an emergency. Introduced by Mayor Orcutt. Placed in Service committee.

An Ordinance authorizing the consulting engineer to prepare plans and bid documents and the Mayor to enter into a contract/agreement for the Sheldon Road water main replacement project and declaring an emergency. Introduced by Mayor Orcutt. Placed in Service committee.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Carl Burgio

15073 Sylvia Drive

Mr. Burgio stated the last meeting was held in Berea, the next meeting will be held in Middleburg Heights. The upcoming fundraiser will be on June 10th with unlimited pizza, wings, salad and soft drinks, tickets are available for \$25.00. Getting students involved for a dog park logo and samples have been given to the advisory board to appear for signage, t-shirts and flyers; next meeting June 1st.

Elizabeth Sayers

23065 Cedar Point Road

Ms. Sayers thanked everyone for the acknowledgement of the gazebo and Mayor Orcutt for the flowers.

Remarks from the audience: cont.

Bonnie Poltz

5078 West 148th Street

Mrs. Poltz expressed concern with having AED defibrillators devices at all city parks, city buildings and other city locations. Also, advocated for a friend that lived in Brook Park, that recently passed away, denied access the city's senior programs due to having an adult son living with her that was disabled.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORDINANCE NO. 11257-2022

AN ORDINANCE APPROVING THE PARCEL CONSOLIDATION AND LOT SPLIT PLAT FOR PPN'S 344-03-039 AT 5121 WEST 148th STREET AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

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

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

NAYS: Unanimous.

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

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

NAYS: Unanimous. Ordinance No. 11257-2022, has passed under suspension of the rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 11258-2022

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE PATROLMEN'S BENEVOLENT ASSOCIATION AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mr. Troyer asked Mr. Cingle for an overview of the overall cost for hospitalization and holiday?

Mr. Cingle responded approximately \$23,000.00.

Mr. Troyer continued with the other four at 2 1/2%

Mr. Cingle responded 2 1/2% increase is \$343,000.00.

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

Unanimous

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

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

NAYS: Unanimous. Ordinance No. 11258-2022, has passed under suspension of the rules. Adopted.

Second Reading of Ordinances and Resolutions: cont.

2. ORDINANCE NO. 11259-2022

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE FRATERNAL ORDER OF POLICE LODGE NO. 15 AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

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

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

ROLL CALL: AYES: Troyer, Mencini, Roberts, Poindexter, Salvatore, Scott
NAYS: Unanimous. Ordinance No. 11259-2022, has passed under suspension of the rules. Adopted.

3. ORDINANCE NO. 11260-2022

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE TEAMSTERS UNION LOCAL 436 AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

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

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

ROLL CALL: AYES: Mencini, Scott, Troyer, Salvatore, Poindexter, Roberts
NAYS: Unanimous. Ordinance No. 11260-2022, has passed under suspension of the rules. Adopted.

4. ORDINANCE NO. 11261-2022

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH LOCAL 860 AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

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

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

ROLL CALL: AYES: Troyer, Mencini, Roberts, Poindexter, Salvatore, Scott
NAYS: Unanimous. Ordinance No. 11261-2022, has passed under suspension of the rules. Adopted.

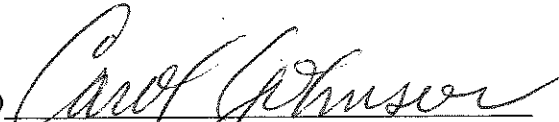
THIRD READING OF ORDINANCES AND RESOLUTIONS:

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

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

Council President Vecchio declared this meeting adjourned at 8:39 p.m.

RESPECTFULLY SUBMITTED


Carol Johnson
Clerk of Council

APPROVED

7-19-22

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