

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, JUNE 14, 2022**

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

SCOTT, COYNE, TROYER, POINDEXTER, ROBERTS, MENCINI

Also in attendance were Mayor Orcutt, Law Director Horvath, Finance Director, Service Director Beyer, Recreation Director Gonzales and Economic Development Commissioner Marnacheck. Councilman Salvatore arrived at 7:16 p.m.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING HELD ON MAY 10, 2022.

Motion by Mr. Mencini, supported by Madame Coyne, to approve the minutes.

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

NAYS: None

DISCUSSION:

1. DEPARTMENT OF LIQUOR CONTROL-CAVALRY AIR LLC, DBA FRONT ROW BBQ, 15119 SNOW ROAD & PATIO BROOK PARK, OH 44142, C TRFO 0915119 POSTMARK DATE: 6/26/22. Moved by **motion** from Caucus prior meeting held on June 7, 2022.

Mrs. Horvath stated that after review, she sees no reason why this transfer should not go through, therefore, Council can vote to allow it to do so.

Motion by Mr. Troyer, supported by Madame Coyne, to place on next Council meeting under verbal approval.

Mr. Mencini asked Mrs. Horvath if the requester has an occupancy permit?

Mrs. Horvath responded it is her understanding this is something that has to come back to the person it is being transferred to. Because of the business deal and doesn't think there is anything right now that is going to open there; it was tried as a venture deal that didn't work.

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

NAYS: Unanimous.

2. ALTERNATIVE TAX BUDGET

Mr. Cingle gave a quick overview of the Tax Budget and thanked Council of their review of this legislation.

Discussion: cont.

Motion by Mr. Poindexter, supported by Mr. Mencini, this was discussed.

Mr. Cingle interjected this would need verbal approval.

Mr. Poindexter withdrew his motion.

Motion by Mr. Troyer, supported by Mr. Roberts, to place on June 21st Council agenda under verbal approval.

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

NAYS: None.

Motion by Mr. Mencini, supported by Mr. Poindexter, to go out of regular order of business to the Service Committee.

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

NAYS: None.

SERVICE COMMITTEE- COUNCILMAN POINDEXTER:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN LED STREET LIGHTING AGREEMENT WITH THE CLEVELAND ELECTRIC ILLUMINATING CO., IN CONNECTION WITH REPLACEMENT OF CERTAIN LIGHTING UNITS WITHIN THE CITY OF BROOK PARK, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. Presentation by Dave Conley, Regional External Affairs for the Cleveland Electric Illuminating Company.

Mr. Vecchio announced that there are communication issues preventing the power point presentation, therefore, handouts were provided.

Mayor Orcutt gave an overview of the LED Lighting legislation.

Dave Conley

Regional External Affairs for the Illuminating Company

735 Bradley Rd Westlake, Ohio.

Mr. Conley is a liaison between First Energy Illuminating company and city officials in the western suburbs of Cuyahoga County and the northeast area of Lorain County. Mr. Conley explained various types of street lighting programs; the operations and charges including cost saving options, for these programs.

Questions:

Mr. Poindexter stated to Mr. Conley that he was under the impression that Brook Park already had a replacement program implemented by the previous administration.

Mayor Orcutt clarified that this is a new program brought forward to this administration a few months ago.

Questions: cont.

Mr. Vecchio commented that what Mr. Poindexter is referring to was implemented for campus lighting only.

Mr. Poindexter asked Mr. Conley approximately, how many company-owned lights are there in the City of Brook Park.

Mr. Conley replied that there are approximately 1,945 company-owned lights in Brook Park and if the city were to pay upfront, the cost would be around \$460,000.00.

Mr. Poindexter asked if the lighting would be replaced immediately?

Mr. Conley replied it would take some time to develop the job for replacement, so it would not exactly be right away.

Mr. Mencini asked Mr. Conley if there are any other local cities have utilized this program.

Mr. Conley replied in the affirmative referenced the City of Strongsville, as one example.

Mr. Mencini asked Mr. Conley about the pricing disparities in the presentation handout and asked to elaborate on the different pricing.

Mr. Conley explained why the lights are priced in that manner and explained the differences in the watts and designs, which leads to the different retail prices.

Mr. Mencini asked about replacing the lighting using different fixtures and styles that may be different from the other light fixtures.

Mr. Conley replied that they would replace lighting fixtures with what is currently in the fields and not with a different style.

Madame Coyne asked about the total cost that Brook Park is currently paying for lighting and what would the difference be? If this program would reduce the amount of lighting the city needs because of the stronger, brighter lighting?

Mr. Conley replied that he could not answer the first question about the total amount that the city would spend on this project due to not having the information of the choice of lighting preferences. Could not answer the second question because it would depend on the choice of lighting the city prefers.

Mr. Troyer asked which cobra head is most prevalent in the city?

Questions: cont.

Mr. Conley replied currently, Brook Park has a 175 watt-mercury overhead wood pole with cobra vapor lighting.

Mr. Troyer stated the cost of that lighting is \$739.00 per month does that cover maintenance plus the electricity.

Mr. Conley replied that it covers the light itself and maintenance hours, but the electricity is separate; the kilowatt-hours are separate and the mercury vapor lighting uses 69-kilowatt hours per unit.

Mr. Troyer continued that would be replaced by?

Mr. Conley responded that would be replaced by 50-watt LED lighting. The distribution of the fixture charge changes from the mercury rate of \$739.00 to the high-pressure sodium of \$797.00; and is confirmed that this pays for the fixture and maintenance.

Mr. Troyer asked how the city is charged for the electricity use of the lighting?

Mr. Conley responded the lighting uses 69-kilowatt hours; that is what is being charged. A 59-cobra head LED uses 18-kilowatt hours and it's a tariff flat rate for this style of lighting.

Mr. Troyer asked for more clarification that if there is not metering involved and that being a flat rate. Is it more in the winter because it is used for longer hours?

Mr. Conley responded no, that number stays the same, it is not seasonal. That number is set in the tariff and is a flat rate throughout the year. More information could be provided concerning the billing method for the kilowatt usage. The Illuminating Company is not able to replace mercury vapor lights with mercury vapor lights in the field; this is called out in the tariff as well. Those lights would be replaced with a high-pressure cobra sodium lighting at 50-watts at a cost of \$10.29 distribution fixture charge.

Mr. Troyer stated that for the LED lighting, you can't just replace a bulb, you also have to replace the fixture? The city has a savings there and in the energy-use.

Mr. Conley concurred and suggested that cities interested in this LED program that are indecisive about how to proceed could replace lighting failures first. Then down the line if they decide to do so replace all the lighting on one street.

Mr. Scott the pole is owned by Cleveland Electric correct?

Mr. Conley concurred.

Questions: cont.

Mr. Scott asked if the city would be charged for the head?

Mr. Conley replied no.

Mr. Vecchio asked Mr. Conley if there were other suppliers besides GE (General Electric) that would be comparable and if these other suppliers are available through the Illuminating Co.

Mr. Conley replied that the only supplier available through the Cleveland Illuminating Co. is GE at this time.

Mr. Vecchio asked Mr. Conley about the average turn-around time for repairs?

Mr. Conley replied that company has an internal standard to address an initial attempt issue within three (3) days; underground service wire repairs take longer.

Mr. Vecchio asked if the city signs up for the program and chooses the colonial or acorn post which are obviously underground electrical that electrical is separate and not on the Illuminating company.

Mr. Conley concurred.

Mr. Poindexter asked for the average price for a kilowatt hour.

Mayor Orcutt stated that the average price for the city varies between \$0.8 & \$0.11 with over 70 entities that are being charged throughout the city.

Mr. Poindexter asked what is life expectancy for the new lights?

Mr. Conley replied he doesn't know the exact number there are lights that could go out tomorrow and there lights that last for ten years and have heard numbers five, seven or ten years.

Mr. Poindexter asked if the city goes with the repair as needed option, then is there a certain time-frame that all of the lighting has to be replaced?

Mr. Conley replied there is no time frame for that.

Mr. Poindexter asked if the city were to go with the upfront package, then would this change the monthly charge per fixture?

Mr. Conley replied no, what the city would be paying for with that upfront package is the remaining life of the existing fixtures that are out there; not the installation charges of the new lighting.

Questions: cont.

Mayor Orcutt stated that this is a win-win situation for the city and thanked Mr. Conley for the presentation about LED lighting. Doing certain areas i.e. Smith and Snow Roads at one time is an option for replacement with LED lighting.

Mr. Poindexter asked Mr. Conley about the possibility of using smart-lighting?

Mr. Conley stated that it is compatible and there is another team that can present on smart homes and smart cities; the tariff allows for this to be implemented. If choosing to replace all lighting up-front then the smart initiative should take place at the same time to save on costs. If not done at the same time city pays for the labor to get the trucks out there at a later date.

Mr. Poindexter asked Mr. Conley if the city went with the smart system, then would the tariff remain the same.

Mr. Conley responded there is a smart system basic distribution charges are the same.

Mr. Mencini asked Mr. Conley what other cities use smart-lighting and where were that be in parts of the city or community? Where would managing the dimness of lighting using smart-lighting apply?

Mr. Conley stated that he hasn't seen it specifically, all comes down to the interest of the city.

Mr. Salvatore wanted to summarize what he heard in the presentation for LED lighting. This program is mainly for replacement and failure of lighting. It seems it will be more manageable and a cost saving venture.

Motion by Mr. Scott, supported by Mr. Troyer, to place on June 21st Council agenda for first reading.

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

NAYS: Unanimous.

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

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

NAYS: Unanimous.

FINANCE COMMITTEE- COUNCILMAN SCOTT

1. ORDINANCE NO. 8863-2002

AN ORDINANCE AUTHORIZING THE MAYOR TO WORK WITH THE CUYAHOGA COUNTY TREASURER TO ISSUE TAX CREDITS TO HOMEOWNERS', AND DECLARING AN EMERGENCY. Introduced by former Councilman Patten & Mooney.

Finance committee - Chairman, Scott: cont.

Mr. Mencini remarked that there was a reason, at the time, for this legislation but the city may not be in that financial situation again. However, if ever Council wanted to implement again it could be reconsidered.

Madame Coyne stated for clarification this legislation is annual consideration and there is no need for a new ordinance.

Mr. Scott stated that it was pulled out of committee because of (Council) rule no. 5. Is it something the city should keep? Possibly. Will Council ever be able to use? I don't see that we will due to the lack of revenue sources to supplement this initiative. Until the city does come up with enough dedicated source of revenue, it will not be put to use.

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

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

NAYS: Coyne.

2. AN ORDINANCE ENACTING A NEW SECTION 141.19 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'POLICE CHIEF AND POLICE CAPTAIN BENEFITS,' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mayor Orcutt remarked that noting the date this Ordinance was introduced by his Predecessor; there is nothing in the 2022 budget for these ordinances at this time.

Motion by Mr. Troyer, supported by Mr. Roberts, to have read in committee.

Madame Coyne commented that she sees no reason that Council cannot just get his done.

Mayor Orcutt responded that he wants to analyze these pieces and make sure funds are available.

The clerk called the roll by Mr. Troyer, supported by Mr. Roberts to have read in committee.

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

NAYS: Unanimous.

Finance committee - Chairman, Scott: cont.

3. AN ORDINANCE ENACTING A NEW SECTION 143.13 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'FIRE CHIEF AND ASSISTANT FIRE CHIEF BENEFITS,' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Motion by Mr. Poindexter, supported by Madame Coyne, that this be read in committee.

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

NAYS: Unanimous.

4. AN ORDINANCE ENACTING NEW SECTION 153.29 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'ADDITIONAL EMPLOYMENT BENEFITS,' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Motion by Madame Coyne, supported by Mr. Poindexter, that this be read in committee.

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

NAYS: Unanimous.

5. AN ORDINANCE TO PROVIDE A BONUS FOR FULL TIME EMPLOYEES OF THE CITY WHO WERE EMPLOYED IN 2021, OTHER THAN ELECTED OFFICIALS OR THOSE COVERED UNDER NEGOTIATED LABOR CONTRACTS, AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Troyer stated to clarify that the money for these items is not appropriated in this budget.

Motion by Madame Coyne, supported by Mr. Poindexter, this be read in committee.

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

NAYS: Unanimous.

6. AN ORDINANCE AUTHORIZING THE MAYOR TO PROVIDE COVID-19 GRANT ASSISTANCE TO BROOK PARK RESIDENTS, AND DECLARING AN EMERGENCY. Introduced by Councilman Orcutt and Salvatore.

Mr. Salvatore stated that Council should not kill this item but keep it in case another breakout happens, recommended kept in place in case residents need it.

Mayor Orcutt stated that this is a very good piece for the residents and recommend keeping it until we are free and clear of this pandemic.

Mr. Poindexter stated that in Section (2) the money would come out of the Cares Act Fund and it's my understanding those monies from that fund is already been allocated elsewhere. Therefore, there is no need to hold on to this piece of legislation; a new legislation could be drawn up if needed.

Finance committee - Chairman, Scott: cont.

Mayor Orcutt remarked that this piece can be amended.

Mr. Troyer stated that he would like to change this legislation to benefit veterans.

Motion by Mr. Poindexter, supported by Mencini, that this be read in committee.

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

NAYS: Salvatore and Scott.

LEGISLATIVE COMMITTEE- COUNCILWOMAN COYNE

1. ORDINANCE NO. 11250-2022

AN ORDINANCE AMENDING ORDINANCE NO. 11143-2020, AUTHORIZING THE IMPLEMENTATION OF THE BROOK PARK HOME MAINTENANCE ASSISTANCE GRANT PROGRAM (HMAP), AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Madame Coyne provided handouts showing amendments and read them for clarification the amendments that include requirements to qualify for the 'grant'. First Whereas to read; City Council shall appropriate \$100,000.00 from the Economic Development Fund No. 243 in the 2022-2023 municipal budget to provide home maintenance assistance to Brook Park residents. Section 1, subsection 4, amend to \$10,000.00 in grants and eliminate matching fund language. Insert a new section five (5) - Qualifications to read priority shall be given to applicants to correct property maintenance violations provided they meet one or more of the following requirements:

A. Owner-occupant is 70 years of age or older.

B. Owner-occupant is a veteran of the United States military with an honorable discharge. Insert a new section two (2) to read once grant has been awarded to a household; that household is not eligible for another assistance award for a period of seven (7) years, all following sections would be re-numbered as necessary.

Mayor Orcutt stated this legislation will help out a neighborhood and expressed concern with not getting this legislation out in enough time for residents to find contractors. For clarification to Madam Coyne, with the proposed amendments the city will pay for residents' repairs up to \$10,000.00 in grants and eliminate matching funds?

Madame Coyne confirmed.

Mayor Orcutt asked if there will be a time line for the two groups, veterans of honorable discharge and 70 years. of age or older, to apply for the grant before others outside of these groups able to apply.

Madame Coyne replied that income would factor into who qualifies but veterans will

Legislative committee - Chairwoman Coyne: cont.

have priority in securing the grant or cited by the building department. Most people aged 65 years of age are still currently working. For instance, a resident needs help and there is a neighbor is a veteran the veteran gets priority.

Mayor Orcutt stated that this is a very good program for the residents and this legislation should be as simplified as possible; therefore, I think it is fine the way it is written now. If these amendments are accepted, then Mayor Orcutt would need more clarification on who is eligible for the program.

Mr. Mencini remarked this is a simple program and it should help the people that need it regardless of age or employment status. This was created for people who need it and should go towards helping those people. This is being chopped up and there are good things brought up and my take is don't beat it up.

Madame Coyne replied the only reason for the \$100,000.00 suggestion is because I don't think \$50,000.00 not enough.

Mr. Scott asked Mr. Marnacheck in any past years was the \$50,000.00 used up?

Mr. Marnacheck responded am not sure, there was a year where there was a time lapse due to delay of contractors.

Mr. Scott responded we should leave at \$50,000.00 and if more monies are needed we find a way to get them and bring it back. Agree with Mr. Mencini to keep this simple and by using a matrix we are going way beyond the gamut of this legislation. I explained this program to six (6) veterans and all six (6) did not like being moved to the front of the line due to being compensated for their service. Seniors citizens we could discuss that and am good with either the five or seven years, can go along with either one. Think this is coming out too late and once passed should be recurring legislation to be amended as needed. Leave this as is at \$50,000.00 and a grant.

Mr. Poindexter stated I believe in the matching funds it's important that people do for themselves, not a sweepstakes. Want to help people but people also have to help themselves a little bit; especially, since this is a first-come, first-serve basis.

Mr. Troyer offered an amendment and stated have talked about this being a grant versus a loan. Have heard if this was a loan there would be interest and such stuff. If a loan all that would do is put a lien on the home and when the home is sold the monies come back to the city.

Motion by Mr. Troyer, supported by Mr. Poindexter, to change wherever it says 'grant' to loan' in the legislation.

ROLL CALL: AYES: Troyer, Poindexter

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

Legislative committee - Chairwoman, Coyne: cont.

Mr. Troyer stated to Mr. Marnacheck did not appreciate an email received on May 16th and don't appreciate this being used in a political way saying that Council is not getting this done. A resident called me stating what the difference would be between a loan and a grant and if a loan those monies are paid back. Had another resident call me that she wants a back porch and asked Council if back porches are included, response from some no; so why does this resident think she can get a back porch? I represent a whole ward and Council just turned down a loan to a grant to bring money back. Will suspend next Tuesday but will be a no vote if this is a grant.

Mr. Roberts asked Madam Coyne if changed to \$100,000.00 where is that other \$50,000.00 coming from to put into this program?

Madam Coyne responded Fund 243- Economic Development Fund, don't think all the monies in that fund are exhausted.

Mr. Roberts asked Mr. Cingle if he agrees with that?

Mr. Cingle responded as stated two months ago there are two fund sources for this program. Transfer monies from the general fund or utilizing monies from city-owned properties that have been sold.

Mr. Vecchio agreed with several Councilmembers and stated we all know the intent of this is to help people out. By the time this is passed, will be down to 188 days left in the year and people still have to apply and get approved; that could be 30, 60 or 90 days and could be encroaching on the winter months.

Madam Coyne agreed and stated this could have been done.

Mr. Vecchio suggested whatever major proposals are to be put them together, bring them forward so we can get this done.

Madam Coyne agreed and stated I think that all Council and Mayor feels strongly about this and wants the city to have this.

Motion by Mr. Salvatore, supported by Mr. Roberts, to place on the next Council agenda.

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

NAYS: Unanimous.

Legislative committee - Chairwoman, Coyne: cont.

2. ORDINANCE NO. 11037-2018

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

Madam Coyne stated would like to have read in committee.

Mr. Poindexter agreed but once legislation has a reading must be defeated on the Council floor.

Mr. Salvatore stated I think this should go before the voters' excellent piece and starts the process of streamlining; beginning with Council; this should have been on the ballot several years ago. Taking a look at the seven voting Members of Council and a Council President that calls the roll, places items in committee and adjourns the meeting. Would be a savings of a salary and other benefits. Other cities have a voting Council President and it works and am in favor of letting the residents decide.

Mayor Orcutt stated I do support this legislation as an introducer and if it would have passed prior there may have been a \$80,000 cost-savings for the community. Legislators think more representation is needed and my focus when introducing this is the city that went from a 30-plus population to a 19-plus population, needs to be looked at again.

Mr. Mencini stated I have made my thoughts on this well-known and are asked a lot of questions and receive an email on why Council did this or that and gets lambasted when leaving a meeting or in public places. We are representatives and people want to see us and no one has proven to me that this doesn't work well; if somebody wants this on the ballot convince me since this is from 2018 almost five years.

Mr. Troyer asked Mr. Salvatore what would the cost be with printing and mailing to the electors?

Mr. Salvatore responded if this was done when we wanted to language was sent out and this could have been added to those other amendments. Don't have the information of what one amendment would cost.

Mr. Troyer continued would like to know that to make a wise decision.

Mr. Salvatore continued it's been sitting around here because no one wanted to do anything with it.

Legislative committee - Chairwoman, Coyne: cont.

Motion by Mr. Poindexter, supported by Mr. Troyer, to place on the next Council agenda under third reading.

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

NAYS: Scott, Salvatore.

3. AN ORDINANCE AMENDING SECTION 351.13 OF THE BROOK PARK CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini.

Madam Coyne asked Mr. Mencini did you meet with the police and what is the status.

Mr. Mencini responded the reason for bringing this forward is I have received many complaints with buses, two trucks and work trucks being brought home. Don't want to restrict but want to keep the standards. Mayor Orcutt and I met with Police Captain Powers and the city's building commissioner and I realized there are a lot of things on the books. Mr. Troyer gave great input on this and heard from Mr. Roberts that he is starting to receive complaints. A lot of this is enforcement and if this is enforced then it's not a problem.

Mayor Orcutt stated we have a very thorough meeting and learned a lot. One thing we did find out is the city has a law on the books about not having a vehicle parked on the driveway that weighs too much and one way to check is by the vehicle identification number (VIN) so a lot of this is education. I think we need to look at the building codes for updating that could be tough for legislators and the building commissioner, don't think that can be done in-house. The building codes are out of date and think we need to hire someone to come in to modernize the codes; for the new buildings coming into the city. Also, found out that there is no appeal process if there is a problem with a building design that is denied and an attorney asks what the appeal process is.

Mr. Scott asked if there is another piece of legislation being worked on?

Mr. Mencini responded there could be a piece brought forward if there is a good legal opinion.

Mayor Orcutt concurred.

Mr. Troyer stated to Mr. Mencini this was a great piece and want to clarify that one of the biggest problems is currently with section 351.13. If a contractor is working on a home they can only have their commercial vehicle in the driveway to load and/or unload. That needs to be changed and know that is not what you're doing.

Mr. Mencini responded that was discussed and this all comes to enforcement. The 6,000 pounds was also discussed and wouldn't want to tell a carpenter or a roofer that

Legislative committee - Chairwoman, Coyne: cont.

they must move their vehicle. All of those things were discussed and there are some gray areas.

Mr. Troyer commented only for loading and unloading.

Madam Coyne stated for clarification if a contractor is doing a job at a home they can't have their company vehicle parked in the driveway?

Mr. Vecchio responded correct, if holding to the letter they can't park in the driveway. There are a lot of things of this nature on the books that have not been looked at in years.

Motion by Mr. Troyer, supported by Mr. Poindexter, to have read in committee.

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

NAYS: Unanimous.

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

Motion by Mr. Mencini, supported by Mr. Roberts, to have read in committee.

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

NAYS: Unanimous.

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

Madam Coyne asked Madam Horvath why there are two different ordinances and can they be combined?

Madam Horvath responded I would say that part of the reason that there are two pieces of legislation is Council, at the time, may not have been in consensus as to which direction to go. I don't know if Council has formed a better focus not only with these pieces but the topic as a whole.

Madam Coyne stated to Madam Horvath from a legal standpoint, if agreed on, can they be put together of doing this on their own, is that possible?

Madam Horvath responded would probably involve a third piece to put these together and march through the legislative process accordingly.

Mr. Mencini suggested a five-minute recess due to the possible lengthy discussion of this topic.

Motion by Mr. Mencini, supported by Mr. Troyer, for a five-minute recess.

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

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

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

Mr. Vecchio stated currently in Legislative committee item number five (5).

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

Madam Coyne stated before I address the sponsor, I would appreciate if my colleagues and have already talked to two gentlemen that have spoken to several cities and set up so many dispensaries. As well as another gentleman that represents the veterans. I know Council is in summer session but both gentleman are available on July 19th, even though Council is in summer session.

Mr. Mencini asked for clarification what are we doing here?

Mr. Vecchio responded if that is something that is part of this discussion it could have been added to the agenda.

Madam Coyne stated I wanted to get that out there to possibly call for a special meeting.

Mr. Vecchio responded a special meeting can be called at anytime with three of your colleagues.

Mr. Mencini stated always go to the sponsor first.

Mr. Vecchio reiterated always go to the sponsor first to see if the sponsor wants to move forward or defeat the legislation.

Madam Coyne apologized and stated being chairperson I thought I could run meeting as I wanted.

Mr. Troyer stated definitely don't want to defeat but would like to offer an amendment to the second page. 1126.03 (a) that reads U-7 Medical Marijuana dispensaries may be located only in U-7 districts and change to U7-A.

Mr. Vecchio asked if this is the Brookpark Road corridor.

Legislative committee – Chairwoman, Coyne: cont.

Mr. Troyer responded no, this is the former Speedway (gas station) location, across from Ford Motor. Change instead all of U-7 it would be U7-A.

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

Mr. Salvatore asked what is the size of the area? There was a situation like this on Brookpark Road in the past and want to make sure we follow the guidelines so the city isn't sued. If we're going to do so let's make sure we're doing it right.

Mr. Troyer responded I can't tell you the size, it is the former Speedway.

Mr. Salvatore stated it's limited only to one parcel.

Mr. Troyer responded yes, one available parcel because there are other buildings on those lots.

Mr. Salvatore deferred to Mrs. Horvath and stated there was a problem in the late 1990's with stipulations of the amount of area, and would want that to be looked at the prior to moving forward.

Mrs. Horvath stated this is relatively a small lot and don't know how many other parcels are dedicated to the U7-A zone, that may be the only parcel. Think it is prudent to take a look at the size of the parcel and how many other areas may be available for this type of dispensary, would be happy to look into that and bring back to Council.

Mr. Troyer continued there is also a small area near RTA, the former vacant lot where Speedway was and the go-kart parcel, where there are no homes.

Mr. Vecchio asked Mrs. Horvath with this amendment Council can dictate this is the only area by that zone and where we want it, correct?

Mrs. Horvath responded in theory yes, but think it's a bit more complicated and as the saying goes better to mind your p's and q's prior to making a decision, probably best to look into all angles.

Mr. Vecchio continued this would be no different than with the adult entertainment area?

Mrs. Horvath stated yes but if picking out parcels of land that are way too small to have a facility like this could be a problem.

Mr. Vecchio continued and not having a footprint with this being a small lot how big do these facilities have to be?

Legislative committee – Chairwoman, Coyne: cont.

Mrs. Horvath stated I think it's important that Council know before making a decision.

Mr. Troyer continued looking at the map the U7-A is bigger than the adult entertainment area of U7-F. Also, keep in mind that we have conditional use and other ways for different areas of the city for consideration. Conditional use comes to Council and Planning (Commission) that does not limit it actually to that. For over ten months this has been sitting here and probably missed a good chance of getting a facility. Either vote no on the amendment or change to U-7A or leave as is.

The clerk called the roll on the motion by Mr. Troyer, supported by Mr. Poindexter, to amend.

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

NAYS: Roberts, Salvatore, Scott.

Mr. Scott requested Mrs. Horvath to look into this and there won't be any legalities in the future.

Motion by Mr. Troyer, supported by Madam Coyne, to place on the next agenda, as amended.

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

NAYS: Salvatore.

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

Mr. Troyer stated there is an amendment, as law director stated things have changed. In 720.08 Fees can eliminate the entire letter C or leave the \$2,500.00 in to see if we get it.

Madam Coyne interjected when applying for a medical marijuana license that fee is paid to the designated state; the dispensary generates income from the grower.

Mr. Troyer continued that's aside from this and is based on the City of Lakewood, who has gone through this and will leave alone to see if we can get it.

Mr. Vecchio clarified so you're not amending that.

Mr. Troyer concurred.

Legislative Committee – Chairwoman, Coyne: cont.

Motion by Mr. Troyer, supported by Mr. Poindexter, to amend 720.08 c by removing the verbiage after renewal, `plus an amount equaling to recordkeeping forms.

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

NAYS: Unanimous.

Mr. Troyer stated I just want everyone to know that the \$2,500.00 fee may not be forthcoming. Also would like to say that my reason is not about the cash because the city will get revenue aside from that \$2,500.00 but will not be substantial. My reason for having this is to take care of the residents that need this type of medication.

Mr. Roberts stated if we don't get it then why is it in here; could that be a cost of a dispensary?

Mr. Troyer responded they would get the first one and then don't get it again.

Mr. Roberts continued they will still be able to come in, correct?

Mr. Troyer continued if this is placed on first reading I would have to make some calls to see how it's working currently.

Mr. Scott asked who collects the fees, the law or building department?

Mr. Troyer responded probably the building department.

Mr. Scott continued that should be stated in the legislation. I talked to an eastern city and asked that question and nobody know who was collecting the fees. Talking with several departments in that city no one knew. I think it should be in here.

Mr. Troyer stated I will contact the City of Lakewood and ask how they do this? Council can amend this as much as needed.

Motion by Mr. Troyer, supported by Mr. Roberts, to place on the next Council agenda.

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

NAYS: Salvatore, Scott.

Madam Coyne requested calling a special meeting.

Mr. Vecchio responded for a special meeting all you need to do is have two other colleagues and yourself call the meeting.

Madam Coyne responded just wanted to address Council because all the questions being asked these two gentlemen would be able to answer; it's important for all to attend to have questions answered.

Legislative Committee – Chairwoman, Coyne: cont.

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

Mayor Orcutt stated this legislation was brought forward by the former Mayor and this is a program through NOPEC that increases costs for the residents of Brook Park. Did have a representative from NOPEC at City Hall and this topic came up and with how much this would cost the residents' suggest the legislation be defeated.

Motion by Mr. Troyer, supported by Mr. Mencini, to have read in committee.

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

NAYS: Unanimous.

PLANNING COMMITTEE- COUNCILMAN TROYER:

1. REQUEST APPROVAL OF THE PROPOSED LOT SPLIT FOR 14070 & 14080 BROOKPARK ROAD PPN: 344-31-003 TO CREATE NEW PARCEL "A" AND PARCEL "B".

Mr. Troyer stated this is the Acura and former Mini dealerships with the Mini dealership being sold to a different entity for a new dealership; have been told there are no non-conforming conditions.

Mayor Orcutt concurred and stated this lot split is needed for a new dealership, since one owner owns both parcels.

Motion by Mr. Mencini, supported by Madam Coyne, to have the proper legislation drafted and placed on the next Council agenda.

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

NAYS: Unanimous.

SAFETY COMMITTEE- COUNCILMAN ROBERTS:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ADVANCED ELECTRONIC DESIGN, INC., FOR THE PURCHASE OF 15 POLICE VEHICLE COMPUTERS, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated included in the legislation are three quotes one being for Advanced Electronic Design, Inc., Connection and CDWG. The reason I bring this is up is the figures for Connection and CDWG are \$87,796.00 with a fourth quote in the amount of \$29,438.37. For the mobile routers that that need to be installed on top of the quotes received from Connection and CDWG. The quote for Advanced Electronic Design, Inc. includes the mobile routers at a cost of \$94,950.00; being the lowest and best bid

Safety committee – Chairman, Roberts: cont.

received. There is an amendment to the first 'Whereas' to include three bids were obtained for police vehicle and'.

Motion by Mr. Poindexter, supported by Madam Coyne, to amend the first 'Whereas' as stated.

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

Mayor Orcutt continued with a second amendment to the first Whereas after the word vehicles insert a comma (,) 'and had the lowest and/or best bid'.

Motion by Mr. Poindexter, supported by Mr. Mencini, to amend as stated.

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

Mr. Troyer stated looking at exhibit page one (1) under operating system is Windows 10; shouldn't this be Windows 11?

Mr. Vecchio responded not necessarily most computers are still using operating system of Windows 10 and can be upgraded to Windows 11.

Mr. Troyer commented still get eight years?

Mr. Poindexter commented the city will be okay.

Motion by Mr. Troyer, supported by Mr. Mencini, to place on the next Council agenda.

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

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SOUTHWEST FORD LINCOLN FOR THE PURCHASE OF 6 POLICE VEHICLES, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated several quotes have been provided and the company is Statewide Ford Lincoln for the purchase of five patrol cars at \$52,634.00 and one detective vehicle at \$41,302.00. Statewide Ford Lincoln, out of all the quotes, is the only company that will have these vehicles available in 2022, probably October or November. Also, there is a quote for Hall Public Safety quote for watch guard upfitting charges of \$800.00 for the watchguard patrol cameras. Valley Truck Centers quote is \$70,524.00 and one detective vehicle at \$61,482.00 but have none in stock and the price is higher. Montrose Ford is the state contract with none in stock. Hall upfitters provided a quote \$12,100.62 and \$5,232.31 for the upfitted cameras. Bob Gillingham Ford provided a quote is \$39,608.00 and

Safety committee – Chairman, Roberts: cont.

35,638.00 plus the upfitting charges with no vehicles in stock. Montrose Ford has no vehicles in stock. For clarification, Statewide Ford Lincoln includes the upfitting charges.

Mr. Troyer asked Mr. Cingle how will this work, appropriate \$110,000.00?

Mr. Cingle responded with three-year financing.

Mr. Troyer asked Mr. Cingle what would that figure be per year?

Mr. Cingle responded since the vehicles won't be received until October or November of 2022. 30 days prior to delivery I will call the local financial institutions requesting a quote for three-year financing. Received a quote last week from Key Bank that is over four-percent (4%) with the annual debt service being \$108,000.00 approximately.

Mr. Troyer continued roughly \$100,000.00 but there will be no payment made this year due to the lateness?

Mr. Cingle responded once the vehicles are signed off by the police department a payment will be made to the bank and with what we're seeing there will be a possible increase for three-year financing, when this gets closer I will let Council know.

Mr. Troyer continued to Mr. Cingle, what have the notes, what are the liabilities and has anything been paid off in the last year?

Mr. Cingle responded as we discussed earlier today and I talked to Mayor late this afternoon and will provide to Council all the outstanding bonds, other financings and current leases in place for 2022. In 2023, the last payment on one of the rubbish-packer leases, the final payment of the Vactor lease and a final payment on a plow truck lease. The payoff amount for the plow truck will be \$90,323.00, the Vactor payoff lease is \$52,507.00 and the plow truck lease is \$58,547.00. There will be a few leases added; one for the squad lease of \$105,000.00, first payment of a three-year lease. Also, the pumper truck's first payment of a ten-year lease, this analysis will be provided to Council.

Mr. Troyer continued we keep borrowing money that comes out of capital first and if we want to do roads we can't keep spending these monies. My concern is that these will be 2022 vehicles and would like to know the cost of the 2023 vehicles. Also, why does the detective car need to be replaced why not use an older police vehicle.

Safety committee – Chairman, Roberts: cont.

Mr. Mencini stated have seen police vehicles and they are dated and the police need new vehicles. This is for the safety of our community and should be fulfilled, without a doubt.

Mr. Poindexter asked Mr. Cingle will the full \$110,000.00 appropriated be spent, is that the intent?

Mr. Cingle responded the full \$110,000.00 will be spent and maybe an increase based on the rate increase.

Mr. Poindexter continued would rather pay the full amount and to the Mayor not on this round but possibly look at trying out an electric vehicle.

Madam Coyne asked why didn't we purchase instead of lease is leasing more cost-effective.

Mayor Orcutt responded what was appropriated for the 2022 police capital budget was \$110,000.00 for vehicles and \$29,000.00 for radar; at that price the city would obtain only two vehicles. The need for more vehicles is there now and on top of that the \$305,000.00 was not appropriated for all six vehicles.

Mr. Troyer mentioned I was remiss in stating and maybe the reason to get more of them. These eco-boost vehicles perform much better and am not against getting them. A few things that stand out is these will be a year-old when received and why the need for a new detective vehicle.

Mayor Orcutt responded the eco-boost package is needed and the other thing anticipated is the costs of not only steel but also other things that may increase. The \$110,000.00 purchase may be \$140,000.00 to \$150,000 next year. Would like to the department more than six but have to negotiate with the monies available and also have to depend on the Service Department Foreman, John Pensis, and his expertise on city vehicles.

Motion by Mr. Mencini, supported by Madam Coyne, to place on the next Council agenda.

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

NAYS: Unanimous.

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, Coyne, Scott
NAYS: Unanimous.

Council President Vecchio declared this meeting adjourned at 10:15 p.m.

RESPECTFULLY SUBMITTED Carol Johnson
Carol Johnson
Clerk of Council

APPROVED September 13, 2022

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

