

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JUNE 21, 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, ROBERTS, SCOTT, COYNE, POINDEXTER, SALVATORE

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

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior to meeting minutes held on May 3, 2022.
2. Regular Council meeting minutes held on May 3, 2022.
3. Special Council meeting minutes held on May 11, 2022.
4. Caucus Prior to meeting minutes held on May 17, 2022.

Mass Motion by Mr. Mencini, supported by Madam Coyne, to approve as printed.
ROLL CALL: AYES: Mencini, Coyne, Scott, Troyer, Salvatore, Poindexter, Roberts
NAYS: Unanimous.

5. REGULAR COUNCIL MEETING MINUTES HELD ON MAY 17, 2022.

Motion by Mr. Salvatore, supported by Mr. Scott, to remove from agenda.

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

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Poindexter

Mr. Poindexter reported the Aviation & Environmental committee has no report and nothing in committee.

Finance Committee - Chairman, Scott

Mr. Scott reported the Finance committee has nothing on tonight's agenda. The Board of Control met earlier today with eight items on the agenda. Three largest being Patriot Aerial Services for drone training in the amount of \$15,046.80; Tri-Mor Corporation for the Sylvia Drive reconstruction project in the amount of \$17,814.00 and HemaSource pads in the amount of \$5,275.00.

Legislative Committee - Chairwoman, Coyne

Madam Coyne reported the Legislative committee has two ordinances under first reading, one under second reading and one under third reading. To Council President Vecchio on July 19th I have invited two gentlemen to speak on medical marijuana and want whoever is trained with the power point in attendance so there is no debacle. This is very important to me and these speakers have done this for a long time and I want this to run smoothly, so there are no problems as in the past. If someone could train me I would be willing to do this.

Reports of Standing committees:

Legislative Committee - Chairwoman, Coyne: cont.

Mr. Vecchio clarified there will be a power point presentation?

Madam Coyne responded there will be a power point presentation as well as the gentlemen speaking. This is important to the residents and Council that everyone sees this.

Mr. Vecchio responded will try to have that handled with the Mayor's office.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini reported that baseball and softball are in the third quarter of the season. I know people have heard there have been instances at games of arguments with the umpires and parents. The recreation staff is trying to keep this under control and overall the season is going pretty good. Football and cheerleader signups are coming up and I encourage people to check the sign-up times for registration, so there are no calls after the registration deadline to sign up.

Planning Committee - Chairman, Troyer

Mr. Troyer reported the Planning committee had one time moved from the Caucus Prior to agenda to letter M under First Reading.

Safety Committee - Chairman, Roberts

Mr. Roberts reported the Safety committee has two items on tonight's agenda under first reading. Also, on tonight's agenda is an appointment and confirmation for a new safety director.

Service Committee - Chairman, Poindexter

Mr. Poindexter reported the service committee has nothing in committee. There is one item under first reading for a partnership with the Illuminating company for street light replacement. Would like to purchase all the lights at once for a potential amount of \$46,000.00; to pay for themselves in three years and for a substantial savings to the city.

Mr. Troyer stated Point of Clarification the city can still join and change it later.

Mr. Poindexter concurred and reiterated would like to explore buying outright.

Mr. Troyer continued could use 717.02 energy savings that doesn't go against our credit.

Board of Zoning Appeals - Chairman, Salvatore

Mr. Salvatore stated no report.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini

Mr. Mencini reported there are no visitor restrictions in all facilities except COVID masks are encouraged in all COVID patient areas. The emergency room was below budget for the month of May as well as the case index being below budget. Improvements continue to be made in the surgical and C-diff areas.

Berea Board of Education Representative, Coyne

Madam Coyne reported at the June 13th meeting the Titan awards were presented as well as the five-year forecast from the treasurer. Also, the adoption of an Arts Program as well as personnel recommendations and resignations. During audience participation there were several concerns expressed and I would like to have someone from the school board come to one of Council's meetings to address those concerns, since the school board does not respond to audience concerns.

Mr. Vecchio suggested to Madam Coyne as school board representative you should reach out.

Madam Coyne responded I have to no avail.

Mr. Vecchio continued may want to try again and cc me and the Mayor on the email.

Technology & Innovation Council Representative, Poindexter

Mr. Poindexter reported the technology committee had a meeting last Wednesday on June 15th with some very good discussions of items. First being, Mayor Orcutt requested the technology committee to look into resolving the problems being experienced with the displays and presentations (at meetings). Secondly, the technology committee will be working on 3-D tours of city facilities that will be uploaded to the website; once the package comes back to see if it is feasible and affordable. The tech tip for this month is mostly for seniors who can't buy internet for their homes. There is a website internet.gov a funding source that seniors can go to see if they qualify for getting internet at their home. The next technology committee meeting is scheduled for July 13th.

Mr. Vecchio commented looking at the overhead projectors that answers Madam Coyne's question, short-term they have 28 days.

Mr. Poindexter stated hopefully they can work on that by then, no promises.

Madam Coyne reiterated would be willing to take this upon myself.

Mr. Vecchio stated it's not the training it's the issues being experienced with problems in this room.

Reports of special committees: cont.

Mr. Poindexter stated the problem is not being able to hook up with other programs or computers.

Madam Coyne stated more than one person should be trained on how to operate the system.

Mr. Poindexter concurred.

Motion by Mr. Poindexter, supported by Mr. Troyer, to go out of the regular order of business into executive session for personnel matters.

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

Motion by Mr. Poindexter, supported by Madam Coyne, to adjourn topic one and go back to the regular order of business.

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

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Orcutt stated proud to announce that on June 17th the City of Brook Park and the Ford Innovation site received 10 million-dollars in grant money from the State of Ohio. These monies will be used for public utilities, water, sanitary sewer and environmental cleanup of that land. The city will know in a few weeks on how that money will be disbursed from the state. On tonight's agenda is the appointment of Tom Sensel as safety director. Mr. Sensel has served as a patrolman, detective and sergeant on the city's police force; also served in the army for four years. Last week there was a meeting with Cleveland Hopkins Airport Director, Robert Kennedy, to discuss the airport construction project that will happen in phases over the next 20 years. This year's Home Days celebration will be held on July 9th and 10th and I encourage residents to come out and enjoy some of the activities.

Questions:

Mr. Poindexter suggested possibly the water park remaining open later on the very hot days, for instance, on the 90 degrees' days.

Mayor Orcutt responded absolutely, we ran into a problem last week with the heat index being over 100 degrees and the water main break in front of the recreation

Questions to the Mayor: cont.

center. Mr. Gonzales handled the problem with bringing in portable restrooms, due to the recreation center also being a cooling system.

Mr. Poindexter continued to Mayor Orcutt since not having a safety director for 4 1/2 years what differences will be seen?

Mayor Orcutt responded the purpose of the appointment is to increase efficiency in city operations of the police, fire, building department and animal control.

Mr. Mencini stated to Mayor Orcutt when coming back to a steady schedule would like to have department heads in attendance to answer any questions from Council and the residents.

Mayor Orcutt responded the service and recreation directors and city engineer are in attendance. If the safety director is confirmed he will also be in attendance; so all departments are covered.

Mr. Mencini continued I was looking at the police and fire chiefs and the building commissioner. Would like to know how he sees the progression of Brook Park, possibly once a year.

Mayor Orcutt responded not a problem and maybe twice a year. With the former Bally's site, a permit was pulled as well as the innovation center.

Mr. Mencini asked Mayor Orcutt with the former Ford property what is coming?

Mayor Orcutt responded there was probably some talk with the past administration and quite honestly I can't speak on that; there are things that developers use code words for. I can tell you that people are inquiring about the property and there are meetings on a daily basis with county officials and government agencies such as NOACA and I want to provide information to anyone. With that 208 acres of land people are looking at but some people are being very precautious with today's economy; when it's here with a signed contract then it's here.

Mr. Mencini asked Mayor Orcutt to thank Mr. Marnacheck for handing a resident with information and also thanks to Mayor Orcutt with a recent problem in his ward. Mr. Mencini continued with the family on busy corners in the city i.e. Michael and Holland and I know the city is somewhat limited with that and the vape shops. Mr. Vecchio had a good piece but that wouldn't stop the panhandlers from sitting on the tree lawn since they are not infringing or obstructing, your thoughts?

Questions: cont.

Mayor Orcutt responded let's talk about the family that is bouncing around busy corners in Brook Park; i.e. Holland and Michael, Holland and Middlebrook Blvd. and Smith and Snow Roads. There are children sitting in chairs on I-pads and the police can't ask them to leave the property owner needs to tell them to leave. From what I've seen is that motorists are not stopping properly at these intersections due to looking at this family. This same family is bouncing from Brook Park to North Royalton and Strongsville and legislation needs to be drafted on safety zones for panhandling. This is not welcome and how much help does this family need with children being on expensive technology. Would like to work with Mr. Vecchio to continue with his piece to create areas where people can do this in this city but not at busy intersections.

Mr. Mencini continued a good piece but doesn't cover certain areas. Also, with the vape shops is anything coming?

Mayor Orcutt responded something is coming tonight.

Mr. Troyer stated normal questions about the roof and walls (recreation center) and property up for sale; any new information on those situations?

Mayor Orcutt responded the roof and walls of the natatorium are going to cost the city \$3.1 million dollars. The (former) Brookview property is with the broker, Cushman and Wakefield. One person has shown interest in that property but needs to take care of something that is very important to him. With the former Brook Park school next door more discussion is needed. I believe that school needs to come down since it is costing the city \$70,000 to operate with the electricity, natural gas and insurance and the city has asked for a \$1.5 million-dollar grant for demolition. The matrix of city-owned property is continuing to be put together and will be pushed to all developers. The two lots in Ward 1 we are speaking with someone for purchasing of them.

Mr. Troyer asked what about the 4.6 acres on Cedar Point Road and Aerospace Parkway?

Mayor Orcutt responded there is interest being shown for those 18 acres from someone in England and will have a meeting in August.

Mr. Troyer asked what about the airport property that is in Brook Park?

Mayor Orcutt responded there has been talk of a joint venture with the City of Cleveland for the former condominiums on the west end.

Questions to the Mayor: cont.

Mr. Roberts asked Mayor Orcutt if there is any time line of the motel on Snow Road being demolished?

Mayor Orcutt responded the environmental testing is complete and the report came back to build the bid documents. The city engineer will provide an update of what will be happening in the next week or two with that project.

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

Mrs. Horvath reported would indicate to Mr. Mencini's questions the law department is reviewing a prior piece of legislation with regards to panhandling. With help from the Mayor, Council President Vecchio and others that will be forthcoming to Council.

Finance Director Cingle

Mr. Cingle reported on tonight's agenda is the Alternative Tax budget for Council's consideration to be sent down to the budget commission for review of the tax rates. The 2022 income tax refunds as of today the total amounts issued is \$1,250,369 rounded and the total amount of work from home is \$1,145,021 rounded; total of work from home refunds 544.

Recreation Director Gonzales

Mr. Gonzales addressed Mr. Poindexter's question and stated we will look at every avenue on hot days. Also, have to take into consideration the safety, health and welfare of the lifeguards that are in the grueling sun for seven hours a day. We will do everything possible to extend hours but have to take into consideration the lifeguards. The first adaptive program for those with special needs was a huge success this past Saturday with participants aging from 15 to 53; learning skills, drills, agilities and also playing basketball. The Golden Gloves boxing event was a huge success. This Saturday will be the dive-in movie beginning at dusk. The water park is open Sunday through Saturday from 11:00 a.m. to 6:00 p.m. Home Days will be held on July 9th and 10th with food, rides, and fireworks on Sunday at 10:00 p.m.; the city newsletter will be coming out with a list of all Home Days events.

Service Director Beyer

Mr. Beyer reported that last week bulk pickup totaled 98 tons; the next bulk pickup will be the week of July 11th. Just a reminder that mattresses and box springs need to be wrapped in plastic or can be brought to the service garage unwrapped for residents to put in the trucks. Service crews have been doing much needed concrete repairs on the Grayfriar Drive cul-de-sac. A code-red went out last Wednesday that Holland Road was closed on June 15th due to a high-pressure 12" water main break, many thanks to Cleveland Water department crews for repairing that line on the hottest day of the year.

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

Engineer Piatak

Mr. Piatak reported an update on the roads program there were four bids for the Hio Drive project today that ranged within a percent and a half of the estimate. We will be reviewing those bids and hope to have to the city within the next day or two. With the three projects sold for Hio Drive, Middlebrook Blvd. and Delores Blvd. the aggregate construction dollars, passed by Council, came in approximately a percent or a percent and a half of the estimate with price increases being anticipated. With the Super 8 hotel, as the Mayor stated the environmental study came back and we are now incorporating that into a report to prepare the bid documents, hope to have advertised within the next two weeks.

Questions:

Mr. Scott asked Mr. Gonzales the Home Days parade what day and time?

Mr. Gonzales responded Sunday, July 10th, at 1:00 p.m. kicking off from Brookgate shopping center, down Smith Road then down Holland Road to the recreation center; candy can be thrown but asking that candy not be thrown from a vehicle.

Mr. Troyer stated to Mr. Beyer on the far west end, they are feeling left out, due to potholes not being patched this year. Can you give a general idea for patching of the potholes?

Mr. Beyer responded crews continue to patch potholes and could continue to patch 365 days a year. Some may be left out, not intentionally, or pop back out. Crews have made an appearance on the west end and hope to be out there within the next week or two and I do know of one at Apollo and Aerospace Parkway.

Mr. Troyer continued there is a bad one by the fire station at Aerospace Parkway and Ruple Parkway that could cause issues to a vehicle.

Mr. Beyer asked on Ruple or Aerospace?

Mr. Troyer responded on Ruple Parkway when turning the corner, can't be seen until getting there.

Mr. Mencini stated to Mr. Piatak are we running late on those road projects?

Mr. Piatak responded I don't think so; we are ahead of schedule from last year. These projects do take time and I feel good that they will be completed in a timely fashion.

Questions to the directors: cont.

Mr. Mencini stated to Mr. Beyer tell the crews good job on bulk pickup, know that is a long week for them; most people follow the rules but there are some that don't. Is the Vactor for sewers out continuously as well as the road crews?

Mr. Beyer responded the Vactor and road crews are out weekly as much as possible.

OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):**Introduction of New Legislation:**

1. A Resolution placing a temporary moratorium, not to exceed twelve (12) months on vape and smoke establishments or shops within the City of Brook Park and declaring an emergency. Introduced by Mayor Orcutt. Placed in Legislative committee.
2. A Resolution approving the City of Brook Park's internship policy, authorizing the Mayor to execute such documents with universities and other institution of higher learning as may be needed to formalize the city's internship program with the institutions and declaring an emergency. Introduced by Mayor Orcutt. Placed in Legislative committee.
3. An Ordinance amending section 333.03 (j) (3) of the Brook Park codified ordinances entitled 'Maximum speed limits; assured clear distance ahead and declaring an emergency. Introduced by Mayor Orcutt. Placed in legislative committee.

Mr. Vecchio stated Mayor Orcutt has requested this be placed on tonight's agenda, but that's up to Council.

4. An ordinance amending Brook Park Codified Ordinance 2786-1967 and declaring an emergency. Introduced by Mayor Orcutt. Placed in Legislative committee.
5. A Resolution opposing HB 563, amending Section 5321.01 of the Ohio Revised Code limiting local regulation of short-term rental properties and declaring an emergency. Introduced by Councilman Mencini. Placed in Legislative committee.
6. A Resolution opposing Ohio's new concealed carry handgun law and declaring an emergency. Introduced by Councilman Mencini. Placed in Safety committee.

Verbal Approval:

1. DEPARTMENT OF LIQUOR CONTROL - CAVALRY AIR LLC, DBA FRONT ROW BBQ, 15119 SNOW ROAD AND PATIO, BROOK PARK, OH, 44142. **C TRFO 0915119. POSTMARK DATE 6/27/2022.**

Motion by Mr. Troyer, supported by Madam Coyne, to approve.

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

2. ALTERNATIVE TAX BUDGET

Motion by Mr. Troyer, supported by Mr. Scott, to approve.

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

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

1. Appointment of Safety Director - Thomas Sensel, Sr. - Mayor Orcutt.

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

Mr. Salvatore commented this is a great choice for the safety director position.

Madam Coyne commented outstanding person and great choice.

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

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Joan Markusic

Ms. Markusic expressed concerns with the ongoing problems with the recreation center and having an open meeting with the residents to address these issues. Also, having a fund strictly for the roads program that can't be used for anything else. Panhandlers should not be allowed in the city or off of highways.

Motion by Mr. Scott, supported by Mr. Troyer, to address the audience.

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

Mr. Scott stated to Ms. Markusic, I have received calls about panhandlers and did research and found some cities and counties enacting legislation not allowing panhandlers. The ACLU (American Civil Liberties Union) got involved with a ruling being unconstitutional, governed under freedom of speech and those cities and counties had to rescind that legislation. I agree that a dedicated fund is needed for roads and with something needing to be done with the recreation center after spending \$5.2 million-dollars.

Response to the audience: cont.

Mr. Mencini stated to Ms. Markusic, I agree with Mr. Scott on having a dedicated roads program. According to Facebook, I didn't know that Council should come up with a plan and design for the recreation center. This city has a lot of needs with many city departments being short-staffed i.e. police, fire and service departments and the time will come with asking what the residents want? With a recreation center or a roads program and as Mr. Cingle will tell you these things are very expensive. I received calls about panhandlers being on Middlebrook and Holland and if they can do that; unfortunately, they can. Will work on protecting the city's mainfare and preventing that as much as possible.

Mr. Troyer stated to Ms. Markusic, some people say that the recreation center should be torn down and given up on, it's a money pit. We have put \$5 million-dollars into this center so that is not an option. We are talking about getting the roof and walls fixed to make that room useful for something. There are ways of stabilizing that room by removing the roof but none of them work due to taking off the roof and leaving a hole in the ground. When that legislation comes forward I will be for it as long as its legal and makes sense to stabilize the building so it's not lost. Both options were brought to the residents, in the past, on where to get those monies and both of them went down. I would go with a 1/4%, not 1/2% but with anything having ramifications we don't want a negative ramification. There is one option to take away the tax credit, many up here don't want to hear that, if the city gets into a bind. Meaning on the backs of the residents and getting more money for the roads. Hope to continue to repair sections of the roads so they last, that will help the city a lot.

Madam Coyne stated to Ms. Markusic I like your enthusiasm and wish more residents would come and speak, that's the main reason I'm sitting up here. I have stated at various meetings about the roads and sewers. We do have to invest in what kind of city the residents want and will continue to fight about what residents want by bringing up the roads program and the HMAP program at various times.

Mr. Poindexter stated to Ms. Markusic working people are strapped for cash and houses are falling apart. If there is an increase to the income tax, there will be more panhandlers seen and getting rid of the tax credit does the same thing. I understand raising funds for roads but would be more likely to support a tax levy for property owners. Giving it had a clear and concise timeframe and clear and concise purpose. Talking about why not rebuild the recreation center that would be an investment of \$30 to \$40 million-dollars that is not feasible and we need to make the best out of what we have.

Response to the audience: cont.

Mayor Orcutt stated to Ms. Markusic, when it comes to the rebuilding of the recreation center that is not a Council issue that is a community issue. The administration has looked at other recreation centers that were built at a cost of \$20 million-dollars that is now above \$30 million-dollars, this city does not have the ability to borrow that. The roads are bad but also have to look at other things such as city buildings being old. Some rooftop units for heating and air-conditioning are over 40 years-old, so not only do roads need attention so do city buildings. With construction costs extremely high that is the reason the city can't borrow the needed monies. The panhandlers on Route 237 and Brookpark Road and also on I-480 and West 150th Street are Cleveland areas.

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

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

ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORDINANCE NO. 11266-2022

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.

Motion by Mr. Troyer, supported by Mr. Scott, anywhere in legislation where it says Southwest change to Statewide.

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

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

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

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

ROLL CALL: AYES: Mencini, Roberts, Poindexter, Salvatore, Troyer, Coyne, Scott
NAYS: Unanimous. Ordinance No. 11266-2022, has passed under suspension of the rules. Adopted as amended.

2. ORDINANCE NO. 11267-2022

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.

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

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

Ordinances and Resolutions: (First Reading): cont.

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

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

NAYS: Unanimous. Ordinance No. 11267-2022, has passed under suspension of the rules. Adopted.

3. ORDINANCE NO. 11268-2022

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.

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

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

NAYS: Unanimous.

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

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

NAYS: Unanimous. Ordinance No. 11268-2022, has passed under suspension of the rules. Adopted.

4. ORDINANCE NO. 11269-2022

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

Mr. Scott mentioned to Mrs. Horvath I wanted to make sure there are no issues with changing this from a U-7 zone to a U7-A zone?

Mrs. Horvath responded with the most recent zoning map the upper corner area is the U7-A zone, approximately 21,000 square feet, and the only area possible for something to go into that zoned area of the former Speedway. Speaking with the building commissioner earlier today he concurred that is the correct area. My concern is that this is a very small area with only one parcel for someone to come in and have a dispensary and possible someone could come in and say that is cupreous with having that area only. With the next meeting being July 19th I would like to do due diligence for a better decision to be made and would like more time to make sure that Council is placing this correctly as zoning goes and not opening doors for any mishaps.

Mr. Poindexter stated to Mrs. Horvath someone could come in and purchase the Boss Go-Cart parcels as well as the former Speedway?

Mrs. Horvath responded that is possible but there may be two or three companies that want to have dispensaries and with only having one spot is very limited.

Ordinances and Resolutions: (First Reading): cont.

Mr. Poindexter stated there is too much freedom in the U-7 zone being on Brookpark Road and Henry Ford Boulevard.

Mrs. Horvath responded that is not a bad spot but want to make sure that the spot Council picks there won't be any other issues that need to be considered.

Mr. Poindexter stated as Madam Coyne requested having presenters at the July 19th meeting. A change in this city of this magnitude should have three readings for residents to voice their concerns either for or against.

Mr. Salvatore stated to Mrs. Horvath that is why I brought this up at the last meeting so that there could be more research and bring the findings back to Council.

Mrs. Horvath stated all issues will be brought back to Council.

Mr. Troyer stated it has been ten months and everyone has had a chance to look at this and wanted a small area. I think we have the same situation with adult entertainment, same size area and could add a U-5 or more. This whole thing was explained last week with a Conditional Use Permit being given with more control because it goes to both Planning and Council with conditions. Would adding a U5-A help the situation?

Mrs. Horvath stated a mere suggestion at this meeting is not doing due diligence on these issues that need to be looked at; the U7-A is not a good spot and needs further consideration.

Mr. Troyer stated there has been ten months of consideration with this being in committee and everyone had a chance to change to U-7, everyone can see where it is.

Motion by Madam Coyne, supported by Mr. Troyer, to suspend.

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

NAYS: Coyne, Salvatore. Suspension failed by a vote of 5-2

Mr. Vecchio stated Ordinance No. 11269-2022 has had its first reading.

5. ORDINANCE NO. 11270-2022

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

Ordinances and Resolutions: (First Reading):

Mr. Poindexter stated to Mrs. Horvath it wasn't clear who would collect the fees for licenses and permits for medical marijuana operations. I discussed this with the Mayor and he thinks this should be the building department's responsibility. Would like to amend Section 720.08 by adding a letter D entitled 'Fees' to read all fees for licenses and permits are to be collected by the building department.
And

Mrs. Horvath asked is this 720.08 to add a subsection D I would have no objection for the building department to collect. Also, no objection to that amendment if the Mayor has no objection, I certainly don't.

Mr. Poindexter stated this was discussed at last week's Caucus meeting of it not spelling out who would be collecting the fees.

Motion by Mr. Poindexter, supported by Mr. Troyer, to amend 720.08 adding a subsection D under 'Fees' to read 'all fees will be collected by the building department'.

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

Mr. Vecchio stated Ordinance No. 11270-2022 has had its first reading, as amended.

6. RESOLUTION NO. 14-2022

A RESOLUTION REQUESTING APPROVAL OF THE PROPOSED LOT SPLIT FOR 14070 & 14080 BROOKPARK ROAD, PPN. 344-31-003 TO CREATE A NEW PARCEL A & PARCEL B AND DECLARING AN EMERGENCY. Introduced by Council as a Whole and Mayor Orcutt.

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

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

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

ROLL CALL: AYES: Mencini, Poindexter, Roberts, Salvatore, Troyer, Coyne, Scott
NAYS: Unanimous. Resolution No. 14-2022, has passed under suspension of the rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS: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

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

Second Reading of Ordinances and Resolutions: cont.

Mr. Troyer stated the problem is this should be a loan not a grant. Also having received no or low information asked for as the legislation states: City shall maintain complete records of this program and I never received the complete records. Bringing attention to the second page, section one at the bottom. Letter D reads during the term of the grant applicants must occupy said premise. What is the term of the grant? This is becoming a political football and this is all the residents' money. We talked about raising taxes earlier with a tax increase and now are giving \$50,000.00 of residents' money away with no way to recoup those monies. All this needs is to be called a loan to be put on the tax lien to recoup those monies. We are borrowing \$200,000.00 for police cars and this \$50,000.00 buys a police car. I will vote for suspension but am a no on this.

Mayor Orcutt stated this is a good program and helps rebuild neighborhoods. Someone may have a broken stoop and this assists with the repair of that \$22,000.00 stoop repair with \$11,000.00 from the city and \$11,000.00 from the resident. The neighbor next door may be selling their home and that stoop repair may make a difference for that sale. With the information requested, on May 3rd an email was sent to the economic development commissioner asking for specific information with no response received from you.

Mr. Troyer the second email went to bulk and the information asked for doesn't have to be in writing. I did receive limited information from 2013 and 2014 and as one Councilman stated this mostly helps the residents that are in need. I am concerned with how they have that information when I don't.

Mayor Orcutt stated there is no favoritism here and there has been no answer for 30 days to clarify.

Mr. Mencini stated there was talk about a half-hour ago about being that person on the tree lawn.

Mr. Poindexter interjected I said that.

Mr. Mencini continued this could be me going for this and when originated it was \$50,000.00. This is for people in need and goes into the community. This is an aging community and this helps residents make their property look nice. It all coincides with being an enhancement for people in need to enhance their property and has gone well.

The clerk called the roll on the motion to suspend.

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

Second Reading of Ordinances and Resolutions: cont.

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

Mr. Scott stated to Mayor Orcutt are you receptive to putting a five-year eligibility requirement?

Mayor Orcutt stated no problem.

Mr. Troyer stated I want to make it clear, having discussion about helping residents at 100% and reiterated this should be a loan and not a grant. This is grandstanding with helping the residents and stuff with no avenue to recoup the monies for this. This is a good program that has been changed too much and with the economy and city finances helps with the issue of a grant to a loan.

Mr. Salvatore stated I think the original legislation did have a five-year period.

Both Madam Coyne and Mr. Scott stated it was seven.

Mr. Salvatore will go along with the majority of Council.

Mr. Scott stated once a grant has been awarded to a recipient that recipient is not eligible for another five years in Section 1.

Mr. Poindexter stated that determination of the grant doesn't make sense because as Mr. Troyer stated 5-D reads 'During the term of the grant, applicants must occupy said premises.

Mr. Salvatore stated without that verbiage a grant could be given every year.

Mr. Vecchio stated every five years that a homeowner or occupant can only apply is every five years?

Madam Coyne stated I want to get this passed to help the people and as stated this could be any one of us. Loaning is not helping the people by expecting them to pay back. The whole reason for this program is to help residents and I am totally fine with five years.

Mr. Troyer stated all we have to do is have Councilman's Scott suggestion placed in letter D, eliminate what is currently in letter D and forget number six.

Mayor Orcutt thinks that what is currently in letter D needs to stay in there 'that during the term of the grant they must occupy said premise', so people don't rent out. By adding Mr. Scott's amendment that is good for people that receive this won't be able to apply for another 60 months.

Second Reading of Ordinances and Resolutions: cont.

Mr. Troyer asked Mrs. Horvath is letter D is enforceable?

Mrs. Horvath stated once someone is given money and does not occupy the home after three years; once money is given it becomes difficult to get that money back. There would have to be more documentation with the economic development commissioner that the people getting the grant remain there for as long as Council determines for the grant. That would not be supported in the legislation only with supported documentation.

Mr. Troyer stated the wording in here is to pay back.

Mrs. Horvath stated I am not concerned with the pay back the term of the grant would be how long they must live there. I don't know if anyone on Council is aware of a situation on Brookpark Road of someone being awarded a grant and the term of grant was not fulfilled for that specific business and the city was able to pull that money back. I would think most of the people getting this grant are appreciative of any assistance provided and would use to fix up their home and try to stay there as long as possible. I don't think they're trying to cheat the city and will point out again that once the money is given out it's hard to get back. I want them to stay for the determination length of the grant.

Madam Coyne stated this program is helping people and I don't want it to say matching. We are helping people with giving a grant, no loan or matching and with no expectations to pay back. The HMAP is to help people that can't fix up their properties so why should we expect them to pay back. Program with matching or loan is not the purpose of this, the purpose is to help people.

Motion by Mr. Scott, supported by Mr. Roberts, to amend Section 1 by adding a subsection 6 to read once a grant has been awarded to a recipient that recipient is not eligible for another five years.

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

NAYS: Troyer, Coyne. Amendment passed.

Motion by Mr. Troyer, supported by Mr. Mencini, to amend section 1, subsection 5 after the word landscaping, add patios, and continue with or sidewalks of a premise.

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

NAYS: Unanimous. Amendment passed.

The clerk called the roll by Mr. Mencini, supported by Mr. Roberts, to adopt.

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

NAYS: Troyer, Coyne. Ordinance No. 11250-2022, has passed under suspension of the rules. Adopted as amended.

Second Reading of Ordinances and Resolutions: cont.

Co-sponsors include everyone except Madam Coyne.

THIRD READING OF ORDINANCES AND RESOLUTIONS:

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.

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

ROLL CALL: AYES: Salvatore, Scott.

NAYS: Poindexter, Mencini, Roberts, Troyer, Coyne.

Mr. Vecchio stated Ordinance No. 11037-2018 has failed. **Defeated.**

NOTE: EXECUTIVE SESSION CALLED BY COUNCILMEN TROYER
REASON: COUNCIL PERSONNEL MATTERS

Motion by Mr. Mencini, supported by Mr. Roberts, to go into Executive Session - Part Two for Council Personnel Matters.

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

NAYS: Unanimous.

There being no further business to come before this meeting a **motion** by Mr. Mencini, supported by Mr. Troyer, to go back to regular order of business.

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

NAYS: Unanimous.

Council President Vecchio declared this meeting adjourned at 10:08 p.m.

RESPECTFULLY SUBMITTED


Carol Johnson
Clerk of Council

APPROVED

7-19-22

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

