

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, July 19, 2022
7:30 P.M.**

- A. ROLL-CALL OF MEMBERS**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:**
1. REGULAR COUNCIL MEETING HELD ON MAY 17, 2022.
 - NOTE: Moved from June 21st Regular Council Meeting.**
 2. CAUCUS PRIOR TO MEETING HELD ON JUNE 7, 2022.
 3. REGULAR COUNCIL MEETING HELD ON JUNE 7, 2022.
 4. CAUCUS PRIOR TO MEETING HELD ON JUNE 21, 2022.
 5. REGULAR COUNCIL MEETING HELD ON JUNE 21, 2022.
 6. SPECIAL COUNCIL & EXECUTIVE MEETING JUNE 30, 2022.
- D. REPORTS OF STANDING COMMITTEES:**
- Aviation & Environmental Committee - Chairman, Poindexter
 - Finance Committee - Chairman, Scott
 - Legislative Committee - Chairwoman, Coyne
 - Parks & Recreation Committee - Chairman, Mencini
 - Planning Committee - Chairman, Troyer
 - Safety Committee - Chairman, Roberts
 - Service Committee - Chairman, Poindexter
 - Board of Zoning Appeals - Chairman, Salvatore
- E. REPORTS OF SPECIAL COMMITTEES:**
- Southwest General Health Center Trustee, Mencini
 - Berea Board of Education Representative, Coyne
 - Technology & Innovation Council Representative, Poindexter
- F. REPORTS OF BOARDS AND COMMISSIONS:**
- G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**
- H. REPORTS AND COMMUNICATIONS FROM THE MAYOR:**
- I. REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS, AND OTHER PUBLIC OFFICIALS:**

- J. **OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):**
- K. **MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**
- L. **REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**
- M. **ORDINANCES AND RESOLUTIONS: (FIRST READING):**
- N. **SECOND READING OF ORDINANCES AND RESOLUTIONS:**
 - 1. ORDINANCE 11269-2022
ENACTING CHAPTER 1126 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'MEDICAL MARIJUANA DISPENSARIES', AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer.
 - 2. ORDINANCE 11270-2022
ENACTING CHAPTER 720 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'MEDICAL MARIJUANA OPERATIONS', AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer.
- O. **THIRD READING OF ORDINANCES AND RESOLUTIONS:**
- P. **ADJOURNMENT:**

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JULY 19, 2022**

The meeting was called to order by Council President Vecchio at 9:45 p.m., the clerk called the roll and the following Members of Council answered:

MENCINI, ROBERTS, SALVATORE, TROYER, COYNE, SCOTT

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

Councilman Poindexter was properly excused.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Council meeting held on May 17, 2022.

Moved by **motion** from the June 21, 2022 Council meeting.

Motion by Mr. Mencini, supported by Mr. Roberts, to approve as printed.

2. Caucus Prior to meeting held on June 7, 2022.

3. Regular Council meeting held on June 7, 2022.

4. Caucus Prior to meeting held on June 21, 2022

5. Regular Council meeting held on June 21 2022.

6. Special Council & Executive Session held on June 30, 2022.

Motion by Mr. Mencini, supported by Mr. Roberts, to approve as printed.

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

Mr. Troyer stated wanted to vote no.

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

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

NAYS: Unanimous.

The clerk called the **motion** by Mr. Mencini, supported by Mr. Roberts, to approve five sets of minutes as printed.

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

NAYS: Troyer.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Poindexter

No report.

Finance Committee – Chairman, Scott

Mr. Scott reported there is no legislation on tonight's agenda. The Board of Control met on July 7th nine items on the agenda, the three largest being Advanced Electronics for mobile data vehicle terminals equipment -

Reports from Standing Committees: cont.

\$94,950.44, Lake Erie Construction for a crash cushion on Route 237-Snow Road - \$16,875.00 and gas and diesel fuel - \$40,000.00. The board met earlier today with nine items on the agenda, the three largest being Fabrizzi Trucking & Paving - Delores Blvd. reconstruction - \$39,267.90; Euthenics engineering services from June 17th - July 11th - \$50,841.46; Hio Drive Reconstruction - \$496,183.05.

Legislative Committee - Chairwoman, Coyne

Madam Coyne reported there are two pieces of legislation on second reading for medical marijuana. The speakers that were to appear at the Caucus prior meeting could not make it and will be rescheduled.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini reported baseball and softball has ended, football and cheerleading are right around the corner. On August 5th there will be a drive-movie; August 6th the amazing race scavenger hunt, August 19th drive in movie and September 22nd the safety fair.

Planning Committee - Chairman, Troyer

Mr. Troyer reported the Planning committee has one item to be introduced under letter J.

Safety Committee - Chairman, Roberts

Mr. Roberts reported that he will be meeting with Safety Director Sensel regularly to form a safety committee.

Service Committee - Chairman, Poindexter

No report.

Board of Zoning Appeals - Chairman, Salvatore

Mr. Salvatore reported at the next meeting two items will appear on the agenda for a garage on Woodhill and a fence on Sheldon Road.

REPORTS OF SPECIAL COMMITTEES:**Southwest General Health Center Trustee, Mencini**

Mr. Mencini reported the new Olmsted township medical center located at 27076 Bagley Road open. Total surgeries were above budget, in-patient surgeries were lower and outpatient surgeries were higher. Emergency volume for both Southwest and Brunswick were below budget. Southwest was listed in the Plain Dealer as being one of the top work places for the last consecutive 13 years.

Berea Board of Education Representative, Coyne

Madam Coyne reported John Justice if approved by the board will be the new athletic director. At the July 11th meeting the superintendent reported they are prepping for next school. Still working on audience participation and still trying to have the school board appear before Council. The board did approve a summer program for working students to receive minimum wage.

Reports from special committees: cont.

Technology & Innovation Council Representative, Poindexter

Mr. Vecchio reported the technology committee met on July 13th and toured the recreation center and other city facilities and should have a third one before the August 10th meeting to approve the technology training in the Council Chambers, having more people know how to operate.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Orcutt reported July 9th & 10th was the home days' celebration which was a very large success and well attended; thanked all city employees for their assistance. July 14th was the Tri-City dog park ribbon cutting that was very well attended. Still working on legislation for the natatorium roof and walls and looking into grants. Ownership for the vacant building at 15666 Snow Road has transferred to Alpha Home Health Care services; thanked the economic development commissioner, building department commissioner and fire prevention officer Bennet for their assistance. The Home Maintenance Assistance Program (HMAP) has received 40 applications with one returned and being reviewed. The former Bally's fitness center title has been transferred to the new owners; abatement has started with demolition to follow.

Mr. Mencini stated to Mayor Orcutt when memos are received back from the building department there is no name of the inspector listed.

Mayor Orcutt responded there is only one property maintenance inspector, Reginald Simmons.

Mr. Troyer stated to Mayor Orcutt there was an incident a while back of a dispatcher giving my number on the recording. This has to be worked on because residents are afraid to call on their neighbors due to the fear of being recognized.

Mayor Orcutt responded now that is known if it happens again let's take immediate action on the issue. Will have the safety director call Strongsville dispatch to find out what their protocol is on those matters and rules that should be in place for anonymous calls.

Mr. Troyer stated it's an ongoing issue and if a resident calls in they should be able to remain anonymous.

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

Mrs. Horvath reported law department has no report.

Safety Director Sensel

Mr. Sensel reported the fire department did a great job on a house fire on Sandhurst on July 14th with no injuries. Putting a big emphasis on home inspection work orders, thanked Council for sending them. Officer Kosakowski is conducting safety town with graduation dates on July 22nd and July 29th. Thanked all safety forces on the home days' celebration. There have been several traffic special attention locations and making sure I get them back, being taken very seriously.

Finance Director Cingle

Mr. Cingle reported the total income tax refunds of July 7th are \$1,263,000,015, with 689 requests processed. The total work from home refunds are \$1,156,000,920 with 553 requests. The 2021 audit was completed in June with the city receiving a clean audit.

Recreation Director Gonzales

Mr. Gonzales thanked all city employees for an awesome home days', team effort. Congratulations to three Brook Park baseball teams 11-12th boys - Salvatore Muckdogs; 9th. Teaming up with the Titan Soccer Program the Brook Park recreation center soccer will be for boys and girls ages 8 – 14 and will run through September 10th – October 29th. On August 1st registrations started for co-ed volleyball that will start in last week of September and run through Thanksgiving. Working on the another adaptive program with more details forthcoming. Encouraged everyone to drive past the Brook Park script sign on Engle Road, thanked the former administration for starting this project that will continue.

Service Director Beyer

Mr. Beyer thanked all city employees for all their help for the home days' celebration and parade. Last month's bulk pickup was 63 tons. Reminded residents to not put yard waste in the blue recycle cans if there is yard waste in the recycle can it will not be emptied until the yard waste is removed; service department does keep track of violators. There have been 14 water breaks since first of the year and the City of Cleveland water department has reimbursed the city \$35,000.00 for concrete and asphalt repairs done by city crews. There has been some milling and filling repairs throughout the city; most noticeable Holland Road between Delores and Fry Road with 50 tons of asphalt removed and replaced.

Engineer Piatak

Mr. Piatak reported bids for the Super 8 demolition project are due next Tuesday and encouraged with the activity being seen; yesterday held a pre-bid site plan with 12 or 14 contractors in attendance. With the 2022 Roads Program Middlebrook Blvd. pavement removal took place yesterday with the

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

Engineer Piatak: cont.

concrete base today; Delores Blvd. project contracts have executed and in process of scheduling a pre-construction meeting. Hio Drive project was approved by the Board of Control earlier today and will be scheduling a meeting with the contractors. With last year's Middlebrook Blvd. there is a struggle with the grass coming in. A flyer was given to the affected residents asking to please cut and water the tree lawn until the contractor can return in the fall. Working with the sewer district on submitting some projects to a program they are looking called Infrastructure Investment Jobs Act; this program is for 100% qualifications to certain projects that Brook Park qualifies for. A list of the projects was submitted last Friday and this program is a loan and principle forgiveness with basically no cost to the city.

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

New Legislation:

A Resolution granting approval for a conditional use permit and site plan approval to construct a new full service car wash facility located at 5764 West 130th Street located in the U4-A3 zone and declaring an emergency. Introduced by Council as a Whole. Assigned to the Planning committee.

Motion by Mr. Troyer, supported by Mr. Mencini, to move to letter M on tonight's Council agenda under first reading.

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

Mr. Vecchio stated this will appear under M-5 as Resolution No. 18-2022.

A Resolution authorizing the City of Brook Park to apply for a grant through the Ohio Department of Natural Resources and declaring an emergency. Introduced by Mayor Orcutt. Assigned to Parks & Playgrounds committee.

Motion by Mr. Mencini, supported by Mr. Roberts, to move to letter M on tonight's Council agenda.

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

Mr. Vecchio stated this will appear under M-6 as Resolution No. 19-2022.

A Resolution opposing House Bill 563, which if passed will prohibit a municipal corporation from adopting or enforcing rental properties or restriction that prohibits short-term rental properties or regulates the number, duration or frequency or rental periods for short-term rental properties and declaring an emergency.

New Legislation: cont.

An Ordinance authorizing the Mayor to enter into a community cost-share agreement by and between the Northeast Ohio Sewer District (NEORSD) and the City of Brook Park for the Wedo Park retention basin and declaring an emergency. Introduced by Mayor Orcutt. Assigned to the Service committee.

An Ordinance amending section 331.45(d) of the Brook Park Codified Ordinances entitled 'Texting While Driving Prohibited' and declaring an emergency. Introduced by Mayor Orcutt.

An Ordinance authorizing the Mayor to enter into a community cost-share agreement by and between the Northeast Ohio Regional Sewer District (NEORSD) and the City of Brook Park for the Wedo Park retention basin and declaring an emergency. Introduced by Mayor Orcutt. Assigned to Service committee.

An Ordinance authorizing the Mayor to enter into an agreement with Greater Cleveland Auto Auction, Public Auctioneers, for the purpose of disposing of a 2012 GMC Terrain and declaring an emergency. Introduced by Mayor Orcutt. Assigned to Finance committee

An Ordinance amending Brook Park Codified Ordinance No. 2786-1967 and declaring an emergency. Introduced by Mayor Orcutt. Assigned to Finance committee

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Verbal Approval:

Southwest General Health Center Organizational List

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

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

NAYS: Unanimous.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Albert wolf

5880 Wengler Drive

Mr. Wolf expressed appreciation on the fabulous home days' celebration and appreciated all the efforts of city departments.

ORDINANCES AND RESOLUTIONS: FIRST READING

1. RESOLUTION NO. 15-2022

A RESOLUTION OPPOSING HOUSE BILL 563, WHICH IF PASSED, WILL PROHIBIT A MUNICIPAL CORPORATION FROM ADOPTING OR ENFORCING ANY REGULATION OR RESTRICTION THAT PROHIBITS SHORT-TERM RENTAL PROPERTIES OR REGULATES THE NUMBER, DURATION OR FREQUENCY OF RENTAL PERIODS FOR SHORT-TERM PROPERTIES AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini.

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

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

NAYS: Unanimous.

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

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

NAYS: Unanimous.

2. RESOLUTION NO. 16-2022

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.

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

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

NAYS: None.

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

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

NAYS: Unanimous.

3. RESOLUTION NO. 17-2022

RESOLUTION NO. 17-2022, 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 INSTITUTIONS AND DECLARING AN EMERGENCY.

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

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

NAYS: Unanimous.

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

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

NAYS: Unanimous.

First Reading of Ordinances and Resolutions: cont.

4. ORDINANCE NO. 11271-2022

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.

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

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

NAYS: Troyer. Suspension fails

Mr. Vecchio stated Ordinance No. 11271-2022, has had its first reading.

5. RESOLUTION NO. 18-2022

A RESOLUTION GRANTING APPROVAL FOR A CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL TO CONSTRUCT A NEW FULL-SERVICE CAR WASH FACILITY AT 5764 WEST 130TH STREET LOCATED IN THE U4-A3 ZONE AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

Mrs. Horvath stated codified ordinance section 1121.36(d) speaks about requirements and also allows Council to waive those requirements. Mrs. Horvath requested Council to have Sgt. Clean legal counsel speak.

Motion by Mr. Troyer, supported by Mr. Mencini, to allow legal counsel to speak.

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

NAYS: Unanimous.

Randy Krause

Legal Counsel - Sergeant Clean

Mr. Krause stated that we must comply with all laws of the State of Ohio and the issue with the codified ordinances is the site plan is not part of the conditional use approval. Suggested in section one after the word 'use' insert site plan in order to be consistent.

Mr. Troyer asked Mrs. Horvath if the aesthetic approval and driveways are set in stone?

Mrs. Horvath responded this would not affect any of the aesthetic approvals you are referring to.

Mr. Mencini asked Mrs. Horvath wouldn't the engineer have to be there with the site plan? Hasn't it always been done.

First Reading of Ordinances and Resolutions: cont.

Mrs. Horvath responded the engineer has addressed certain procedures that would have to be included with the construction and building of this business; it is not necessary to have everything be done as an ordinary matter.

Mr. Krause stated we will go through the engineer and site plan approval to make sure there is consistency, due to the issues with the Planning commission. Will comply with the city ordinances that's why trying to clean up the language to avoid any issues with the conditional use permit being approved but not the site plan, to make sure consistency of language.

Motion by Mr. Troyer, supported by Mr. Roberts, to amend section one after word permit insert 'and site plan'.

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

NAYS: Unanimous.

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

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

NAYS: Unanimous

Motion by Mr. Troyer, supported by Mr. Scott, to adopt as amended.

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

NAYS: Unanimous.

6. RESOLUTION NO. 19-2022

A RESOLUTION AUTHORIZING THE CITY OF BROOK PARK TO APPLY FOR A GRANT THROUGH THE OHIO DEPARTMENT OF NATURAL RESOURCE AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt and C/W.

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

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

NAYS: Unanimous

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

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

NAYS: Unanimous.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. 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 Mayor Orcutt.

Mr. Vecchio stated Ordinance No. 11269-2022, has passed under second reading.

Second Reading of Ordinances and Resolutions: cont.

2. 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.

Mr. Vecchio stated Ordinance No. 11270-2022 has had its second reading.

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, Salvatore, Troyer, Coyne, Scott

NAYS: Unanimous.

Council President Vecchio declared this meeting adjourned at 10:53 p.m.

RESPECTFULLY SUBMITTED *Carol Johnson*
Carol Johnson
Clerk of Council

APPROVED *September 20, 2022*

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