

ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, AUGUST 23, 2022
7:00 P.M.

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III. DISCUSSION:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO LEASE AGREEMENT WITH GREENSCAPE USA, INC., AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.- PER COUNCIL PRESIDENT VECCHIO.

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PFUND SUPERIOR SALES CO., INC. FOR THE PURCHASE OF 2024 FORD E-450 LIFE LINE TYPE III AMBULANCE, MODEL "SUPERLINER", AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.- PER COUNCIL PRESIDENT VECCHIO.

3. AN ORDINANCE AUTHORIZING THE MAYOR TO CONTRACT FOR THE NECESSARY CONSTRUCTION OBSERVATION SERVICES FOR 16644 SNOW ROAD DEMOLITON PROGRAM, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.- PER COUNCIL PRESIDENT VECCHIO.

IV. FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ADMINISTRATIVE CODE TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR EMPLOYEES OF THE CIY, OTHER THAN ELECTED OFFICIALS OR THOSE COVERED UNDER NEGOTIATED LABOR CONTRACTS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt - PER COUNCIL PRESIDENT VECCHIO. Moved by motion from the February 8, 2022 Caucus Meeting.

2. AN ORDINANCE AMENDING BROOK PARK CODIFIED ORDINANCE 2786-1967, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt .

V. PLANNING COMMITTEE - CHAIRMAN, TROYER:

2. REQUEST APPROVAL OF THE PROPOSED LOT SPLIT FOR 18300 SNOW ROAD PPN: 342-18-004 TO CREATE NEW PARCEL "A" AND PARCEL "B" LOCATED IN U5-A ZONE. Introduced by Councilman Troyer and Council as a Whole.

VI. SAFETY COMMITTEE - CHAIRMAN, ROBERTS:

1. A RESOLUTION OPPOSING OHIO'S NEW CONCEALED CARRY HANDGUN LAW, AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini.
2. AN ORDINANCE AMENDING SECTION 331.45(d) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'TEXTING WHILE DRIVING PROHIBITED,' AND DECLARING AN EMERGENCY. Introduced by Councilman Roberts.

VII. SERVICE COMMITTEE - CHAIRMAN, POINDEXTER:

1. AN ORDINANCE AUTHORIZING THE CONSULTING ENGINEER TO COMPLETE THE FINAL DESIGN AND PREPARE CONSTRUCTION DOCUMENTS FOR THE WEDO PARK RETENTION BASIN PROJECT, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND THE CITY OF BROOK PARK, FOR THE WEDO PARK RETENTION BASIN, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

VIII. ADJOURNMENT

Posted: 8/19/22

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
HELD ON TUESDAY, AUGUST 23, 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:

MENCINI, ROBERTS, POINDEXTER, SALVATORE, TROYER, COYNE, SCOTT

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

DISCUSSION:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH GREENSCAPE, USA, INC. AND DECLARING AN EMERGENCY. introduced by Mayor Orcutt

Mayor Orcutt stated this company has been looking to come into Brook Park since January to set up operating to take in yard waste to make mulch and concrete that will be used as a subbase for roads. The city owns 2.4 acres on the westerly side of the service department that is zoned industrial. This company is interested in setting up operations and will need under an acre to operate. The company will pay the city \$1,000.00 a month for rent and as part of the concrete; they will take in all of Brook Park's yard waste and concrete at no cost to the city. The numbers provided by the service director for overall costs is \$27,900.00 dumping fees; \$5,000.00 leaf dumping; and \$1,147.00 yard-waste dumping fees, totaling \$34,047.00 in fees; in 2022 that number will be reduced to zero (\$0).

Mr. Mencini stated like the cost-savings with this. Will they be policed to keep the streets cleaned?

Mayor Orcutt responded they will have a curb-cut on Holland Road and pour concrete drive to a stone area; that is the biggest concern in keeping that drive and the street cleaned.

Mr. Mencini continued are there any wetlands or something like that?

Mayor Orcutt responded once you go in excess of one-acre then those items come into view.

Mr. Poindexter asked if \$1,000.00 is fair market value for rent in Brook Park?

Mayor Orcutt responded that's the agreement the city and this company agreed on with taking in yard waste, concrete and \$1,000.00 for rent.

Mr. Poindexter asked will this company build any buildings?

Discussion: cont.

Mayor Orcutt responded they will have a work trailer with their own metered electricity.

Mr. Poindexter stated this will be an outdoor operation?

Mayor Orcutt concurred

Mr. Poindexter stated with the OSHA laws how do they plan on crushing concrete.

Mayor Orcutt responded they will take all safety measures and follow all laws and regulations.

Mr. Poindexter asked will they have running water and utilities.

Mayor Orcutt concurred.

Mr. Troyer stated when talked the other day this sounded good on face value and after reading it have some concerns; my biggest concern is it states they can run operation 24-7. With crushing concrete and the machinery will disrupt the residential neighborhoods close by. Also, think this should go through Planning commission first. To Mrs. Horvath if we enter into a contract stating they can do these things doesn't that make the planning commission ineffective?

Mrs. Horvath stated will check into this again but looking at the Planning commission they are looking at the buildings of buildings and structures. This company has a trailer and utilities but not buildings. That is how I looked at this and will give a second look and review so that your concerns are answered.

Mr. Troyer continued still looking if a conditional use permit is needed.

Mrs. Horvath responded it is zoned industrial what would your concerns be about a conditional use permit?

Mr. Troyer responded being next to a creek and the noise. U5-A mentions noise for the residents even though its industrial.

Mrs. Horvath requested an email be sent detailing all of your concerns so they are addressed.

Mr. Troyer reiterated this would be great to have and believe it would be detrimental to Ward One residents.

Mayor Orcutt stated this is an extension of the service department that residents are taking yard waste put into a rear-loader costing fuel and wear and tear on vehicles. That same department can take that rear-loader 50 yards for yard waste dumping to

Discussion: cont.

make mulch and save the city \$34,000.00 plus a \$12,000.00 in rent, this is an industrial area and zoned for that. There are industrial areas all over the city one being by Wedo Park that runs three shifts that the neighborhood doesn't hear. When it comes to making sure it's done right by OSHA standards the city will make sure it's done correctly, safely and profitably for the city.

Mr. Poindexter stated Point of Clarification to the Mayor you stated its part of the service department and it's not.

Mayor Orcutt stated its right outside of service department land and on city property. Setting up an area outside the service department gate will be a cost-savings and make money for the city.

Mr. Poindexter reiterated not part of the service department.

Mayor Orcutt stated the contract reads they have 180 days to cancel and if they leave maybe the service department can take up the process.

Mr. Troyer stated not the same this is a separate company and the service department doesn't do work 24/7, this is a concern. On surface it's a great thing and it's not about the money. My concern is with the noise nuisance working 24/7.

Mayor Orcutt commented there are at time crews are working at an area closer to the residents that works 24/7; with front-end loaders and back-up signals. There is activity in that yard, especially with all the activity this past winter, with no complaints.

Mr. Troyer stated that's usually in the winter and overnight but they are not crushing concrete, service department doesn't do that. That's my biggest concern is the crushing of concrete and if there was some limitation in this contract maybe 8:00 a.m. to 8:00 p.m. Residents have to put up with the train noises and with the shaker and crushing of concrete, again, they may not be able to do it at that time but this agreement allows them to do it at that time.

Mayor Orcutt responded the company has not given the city any indication of evening work when the conversation of power came up is just to the trailer. Don't think this will be a third shift operation on a lot smaller than one-acre?

Mr. Troyer stated if this contract could be changed and another question is will there be bathrooms in the trailer?

Mayor Orcutt responded understand your concerns and yes, there will be bathrooms.

Mr. Salvatore asked this is a ten-year agreement?

Discussion: cont.

Mayor Orcutt responded 60 months.

Mr. Salvatore continued a five-year option at the end of the first term.

Mayor Orcutt responded yes, overall.

Mr. Salvatore stated there are no (rent) increases, staying the same all the way through?

Mayor Orcutt responded yes.

Mr. Salvatore asked is there a security deposit?

Mayor Orcutt responded no.

Mr. Salvatore asked if this company leaves will they return the property back to the way it was?

Mayor Orcutt responded with the curb-cut would like to keep it that way for future city operations and to extend the area.

Mr. Salvatore asked how many jobs?

Mayor Orcutt responded two to three.

Mr. Salvatore asked if a salary range was given?

Mayor Orcutt responded no, but looking at income tax the city is not paying any dumping fees of \$34,000.00 and gets \$12,000.00 annually.

Mr. Roberts asked if this would be a deal-breaker to refrain from crushing concrete per times listed in the codes for excessive noise?

Mayor Orcutt responded don't think it would be but this is an industrial area where noise is made.

Mr. Mencini stated with two to three employees don't think they would be working at night. Some time ago there was a stamping place that created noise and the city addressed it.

Mr. Poindexter asked if there is a timeframe they would like to begin operations?

Discussion: cont.

Mayor Orcutt responded would like to get started and have concrete poured as soon as possible and did tell myself and economic development commissioner if there are any issues they will move onto another site.

Motion by Mr. Poindexter, supported by Mr. Troyer, that this was discussed.

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

NAYS: Salvatore, Scott, Roberts.

- 2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PFUND SUPERIOR SALES CO., INC. FOR THE PURCHASE OF A 2024 FORD E-450 LIFE LINE TYPE III AMBULANCE MODEL 'SUPERLINER' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated in the 2022 capital budget Fund 413 - Fire Department there was a line-item for a new ambulance that will be ordered in 2022. Monies will be placed in the 2023 budget for the first payment. Total price is \$288, 845.00 with a trade-in of a rescue vehicle \$5,000.00 with the intent to do a three-year lease.

Mr. Troyer asked Mayor Orcutt is there any reason to get this done tonight?

Mayor Orcutt responded with the market and parts I think we need to move quickly to get the price locked in. Also, there is an issue with the pumper that is being built so think it would be best.

Troyer Poindexter discussed Salvatore no

Motion by Mr. Troyer, supported by Mr. Poindexter, that this was discussed.

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

NAYS: Salvatore

- 3. AN ORDINANCE AUTHORIZING THE MAYOR TO CONTRACT FOR THE NECESSARY CONSTRUCTION OBSERVATION SERVICES FOR 16644 SNOW ROAD DEMOLITION PROGRAM AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. **(Super 8 motel)**

Mayor Orcutt stated this is to fulfill the bill with Euthenics for administration fees as part of the ordinance already passed but there was a line item in their bill that would be determined later.

Mr. Poindexter stated this is to oversee the demolition correctly and abated correctly?

Mayor Orcutt responded yes, and for the public the environmental testing for asbestos came back negative.

Discussion: cont.

Mr. Troyer stated to Mr. Cingle this was paid out of money appropriated for demolition that came in underestimate?

Mr. Cingle responded correct.

Mr. Troyer clarified the money has been appropriated?

Mr. Cingle concurred.

Motion by Mr. Troyer, supported by Mr. Poindexter, to amend section two and remove the words 'to be appropriated'.

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

Motion by Mr. Troyer, supported by Mr. Mencini, that this was discussed.

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

FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ADMINISTRATIVE CODE TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR EMPLOYEES OF THE CITY, OTHER THAN ELECTED OFFICIALS OR THOSE COVERED UNDER NEGOTIATED LABOR CONTRACTS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. **Note:** Moved by motion from the February 8, 2022 Caucus meeting.

Mayor Orcutt stated do believe adjustments need to be made to this and speaking with finance director he also has adjustments for his department, would like to have new piece introduced at a meeting in September.

Mr. Poindexter asked to take in consideration an increase to the boards and commissions to \$2,400.00 annually per member; \$200.00 a month. There are some members that put a lot of personal time in to serve on those boards and commissions.

Mr. Salvatore stated to follow-up with increasing the boards and commissions would like to compel them that have to attend the meetings, in order, to get paid.

Mr. Poindexter concurred and stated if they don't attend the meetings they shouldn't be on the board or commission.

Mayor Orcutt stated we will see what we can do to get that done.

Mr. Troyer stated per meeting attended.

Motion by Mr. Troyer, supported by Mr. Salvatore, to place back in committee until new information is brought forward.

Finance committee - Chairman, Scott: cont.

Mr. Scott stated ran the zoning board for 12 years and attendance was an issue, if they don't show up for the meeting they don't get paid.

Mr. Poindexter concurred and stated if they are not there they shouldn't be on the board or commission.

Mr. Mencini stated serving on the Planning commission and one-time chairman of zoning didn't have an attendance issue; but have many residents ask how they can get on a board or commission.

The clerk called the roll on the **motion** by Mr. Troyer, supported by Mr. Salvatore, to place back in committee.

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

- 2. AN ORDINANCE AMENDING BROOK PARK CODIFIED ORDINANCE 2786-1967 AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this updates an ordinance from 1967 by removing the acronym COE and also the minimum and maximum pay rates set forth in the salary schedule.

Motion by Mr. Troyer, supported by Mr. Poindexter, to move to the Council agenda under letter M.

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

Mr. Vecchio stated this will appear as Ordinance No. 11272-2022 under M-1.

PLANNING COMMITTEE - CHAIRMAN, TROYER:

- 1. REQUEST APPROVAL OF THE PROPOSED LOT SPLIT FOR 18300 SNOW ROAD PPN: 342-18-004 TO CREATE NEW PARCEL 'A' AND PARCEL 'B' LOCATED IN A U5-A ZONE. **Note:** (former Ford Motor company).

Mr. Poindexter asked is this lot split for sale of parcel, what is the purpose?

Mr. Troyer responded the intent is not to sell or lease out.

Mayor Orcutt stated this is for the 364,000 square-foot building that is being constructed; shifting of lines for financial reasons.

Motion by Mr. Mencini, supported by Mr. Poindexter, to have the proper legislation drafted and placed on next meeting.

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

SAFETY COMMITTEE - CHAIRMAN, ROBERTS:

1. A RESOLUTION OPPOSING OHIO'S NEW CONCEALED CARRY HANDGUN LAW AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini, Roberts, Scott, Coyne, Poindexter, Salvatore, Council President Vecchio and Mayor Orcutt.

Mr. Mencini stated been working on this since January and somewhat took a long time to get through the process. This was somewhat taken from Cleveland City Council, never an easy subject. The first 'Whereas' reads Senate bill 215 passed by the Ohio General Assembly and signed Governor DeWine will take effect on June 13, 2022, already in effect, allows Ohioans 21 and older to carry concealed handguns without a license and the necessary safety training. Also eliminates the requirement for a concealed handgun carrier to notify a police officer that they are armed when stopped, unless asked. Current Ohio law requires a license to carry a concealed handgun across Ohio that includes eight hours of necessary safety and firearm training. This bill was signed over objections from law enforcement groups including the Fraternal Order of Police, county sheriffs, Mayors' alliance and community leaders emphasizing the danger that taking away licensing and training requirements poses to law enforcement officers and communities. Gun violence is considered to be one of the major threats to public health and safety in communities across the county and Ohio. According to the Centers for Disease Control and Prevention the rate for firearm deaths in the State of Ohio was 15.2 per 100,000 in 2020 which exceeded the national rate of 12.0. Believe everyone has a right to bear arms this doesn't have anything to do with second amendment. A patrol officer should be aware of all the factors of that concealed weapon.

George Sakellakis

Director of the Ohio Benevolent Police Association

Mr. Sakellakis stated to be clear I'm speaking as a union official, not a police officer. The history of this bill is in 2000 debate was started about concealed carry in the State of Ohio that required a good amount of training and firearm efficiency. Over the years, the bill has been dwindled down to eight hours of training but still required going to the county sheriff to obtain a license demonstrating when the law can be used and also demonstrate the proficiency of a firearm. As of June 13th of this year that all went away and everyone is deemed to be a concealed handgun license permit holder. Reason why organizations oppose this is because they are worried about the removal of duty to notify a law enforcement officer of carrying a concealed weapon; that duty now falls on the person carrying the weapon if the law enforcement officer asks, there are several constitutional problems with that. Another problem with this is people are now empowered to carry a concealed weapon with zero training and zero demonstration on firing that pistol, zero knowledge of the law as to when that weapon can be pointed at someone with potential use. Public safety issue of this is we're most worried about.

Mr. Mencini clarified you do oppose this?

Safety Committee - Chairman, Roberts:

Mr. Sakellakis responded yes, we've opposed this since it started and have been active at the state house, met with many legislators, however politics got in the way with the governor basically being forced to sign.

Mr. Mencini stated if a law enforcement asks they must reveal its' concealed how will that be in the future?

Mr. Sakellakis responded the worry is the law enforcement officer has to ask and the duty of them notifying a law enforcement officer has worked in pretty well in the past. The constitutional issue is the fifth amendment of a felon with a protection order to carry a weapon and we ask them are you carrying a weapon we're worried about their requirement to essentially incriminate themselves and whether that will be upheld.

Mr. Mencini continued for example, in the middle of night in a bad area have to be little nervous on asking or not asking; personally think all law enforcement officers should have a right to know what someone may have that can cause damage.

Mr. Sakellakis responded the public safety issue is a concern of ours and what might happen to them. Reviewing the Brook Park police blotter since June 13th there is story after story i.e. man points pistol at car wash employee; shell worker arrested after threatening a woman and daughter with handgun; resident arrested after firing a handgun on July 4th and it goes on and on. When are one of these people going to use the weapon, they don't know how to use it, when to present it and someone gets hurt or worse.

Madam Coyne thanked Mr. Sakellakis for coming and for his service. This is a very, very important issue especially with everything going on in the world. Being a former military I do believe an officer should be informed of someone carrying a weapon and without training this day and age; everyone has the right to bear arms and should go through the proper obstacles.

Mr. Troyer thanked and stated also an attorney and wish it wouldn't have been changed but it has. I like the constitution and abide by the constitution that if someone is pulled over, possible drunk driver. The officer asks for license and registration and is it incriminating to also ask them how many drinks they've had?

Mr. Sakellakis responded no, that's not a custodial investigation.

Mr. Troyer continued not seeing the issue to me it's more training and better the police officer and getting a reply, a criminal won't reply with the affirmative if they shouldn't have one.

Safety committee - Chairman, Roberts: cont.

Mr. Sakellakis responded that's how it was before this was passed but don't think it's too burdensome of someone taking the training and test know they should notify the law enforcement officer.

Mr. Troyer stated there are a lot of instances of the cost of the training and the weapon. Are there any programs to look at for training i.e. gun safety at schools?

Mr. Sakellakis responded can't speak on the schools and the safety department is not going to get in on training and don't think the eight-hours commitment was too burdensome.

Mr. Troyer stated its cumbersome to get the license and the constitution gives that right already.

Mr. Sakellakis responded the eight-hour training requirement and ability to go to any Sherriff in the State of Ohio. The other issue is constitutionally no one has a right to carry a firearm weapon the Supreme Court has never declared that. This is not concealed carry this is constitutional carry by them making a law saying people can carry.

Mr. Troyer continued would think keep and bear arms encompasses the whole thing. Also, don't like people walking down the street with lawn guns.

Mr. Vecchio stated being a Concealed Carry Weapon (CCW) owner do support this legislation and in support of the fact that people should go through proper training. When a law enforcement officer pulling over a vehicle and runs the plate does it not come back that the person is a CCW?

Mr. Sakellakis responded yes, but officers are not always able to run the plate.

Mr. Vecchio continued I know there are elements out there that are different and this is making officers in more danger and think being a responsible gun owner should go through the training.

Mr. Sakellakis agreed with Mr. Vecchio and the attorney general agrees as well and has issued guidance. Also, there are benefits that come from the license that this bill does not do.

Mr. Poindexter stated wholeheartedly is support of this legislation and if this was available when I was younger might not be sitting here today. This is terrible for workers and constitutional carry sounds patriotic but this is a terrible idea, one person may be having a bad day and this could become a nightmare with a shootout on I-90.

Mr. Sakellakis stated that's what we worry about the most.

Safety Committee - Chairman, Roberts: cont.

Mr. Poindexter continued CCW people are being trained and have some accountability and traceability and if someone was carrying without having a license there were penalties. Another point I want to make if someone is not carrying their weapon and there is a high stress situation that person may walk the other way but if that person had his weapon may run in there and put yourself and more people in danger, that's the mentality a gun gives certain people. Am 100% in support of gun ownership but don't think city streets should be eager to brandish their weapons at will.

Mr. Salvatore stated am a big supporter of police officers, have family members that are police officers. This is a resolution and won't change anything but let's the people know how we feel.

Mr. Mencini agrees with all colleagues that training teaches mental things such as the power of the gun and when to use and not use.

Motion by Mr. Poindexter, supported by Madam Coyne, to place on the Council agenda immediately following under first reading.

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

NAYS: Troyer.

Mr. Vecchio stated this will appear under M-2, Resolution No. 20-2022.

2. AN ORDINANCE AMENDING SECTION 333.45(d) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'TEXTING WHILE DRIVING PROHIBITED' AND DECLARING AN EMERGENCY. Introduced by Councilman Roberts.

Mr. Roberts stated there have been accidents this summer at the intersections of Fry and Snow, Smith and Snow and Engle and Sheldon with people not paying attention. Looked into this with the law director and currently this is listed as a minor misdemeanor with a \$100.00 fine. With these amendments would take it to a 4th degree misdemeanor taking it to \$250.00 and 30 days in jail.

Madam Coyne stated safety first and know people don't realize it's a privilege to drive not a right. People don't take into consideration or the seriousness of one text being life or death; texts can wait and with increasing the penalties will resolve this.

Mr. Mencini stated seen four or five incidents today, being the first day of school, and people think nothing of this. To Mrs. Horvath will be this be a companion piece to the distracted driving piece of legislation.

Mrs. Horvath stated it's just not texting or talking on phone there are other ways of being distracted and increasing the penalties and perhaps jail time will be effective. If you want to sit down and look at the distracted driving legislation for changes that can be done.

Safety Committee - Chairman, Roberts: cont.

Mr. Mencini continued it's all comes down to enforcement.

Mr. Troyer clarified this will now be a M-4 with a \$250.00 fine.

Mr. Roberts responded maximum fine \$250.00 at the discretion of the judge.

Mr. Troyer asked if it's known how many citations have been issued the last year or so?

Mr. Roberts responded did not.

Mr. Troyer continued am good with this and most annoying is sitting at a light and the light changes and the person in front just sits there, being on the phone. To Mr. Sensel it is legal to pull over in a legal parking spot on street to talk on the phone?

Mr. Sensel responded yes and recommended it.

Mr. Troyer asked if a person was harassed the harasser would be at fault?

Mr. Sensel responded depending on the circumstances.

Motion by Mr. Poindexter, supported by Madam Coyne, to place on tonight's Council agenda under first reading.

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

NAYS: Unanimous.

Mr. Vecchio stated this will appear under M-3, as Ordinance No. 11273-2022.

SERVICE COMMITTEE - CHAIRMAN, POINDEXTER:

1. AN ORDINANCE AUTHORIZING THE CONSULTING ENGINEER TO COMPLETE THE FINAL DESIGN AND PREPARE CONSTRUCTION DOCUMENTS FOR THE WEDO PARK RETENTION BASIN PROJECT AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this is to create the construction documents through the engineering department. The administration fees \$94,704.00; title and research is \$1560.00 and soil boring is \$9,350.00 for a grand total of \$105,614.00 coming from fund 459 totally funding this project.

Mr. Troyer asked Mr. Piatak there are some other numbers listed that are not included in the proposal, should those numbers be taken into consideration?

Mr. Piatak responded don't anticipate needing those services that's why they were not included.

Service Committee - Chairman, Poindexter: cont.

Motion by Mr. Troyer, supported by Mr. Poindexter, to amend section 3 after the word 'purpose' insert 'not to exceed \$105,614.00.

Mr. Mencini asked Mayor Orcutt for his thoughts on the amendment.

Mayor Orcutt responded in section 2, last sentence reads, 'shall be in accordance with exhibit A showing the grant total of \$105,614.00, so it's already there.

The clerk called the roll by Mr. Troyer, supported by Mr. Poindexter, to amend section three (3).

ROLL CALL: AYES: Troyer, Poindexter

NAYS: Roberts, Mencini, Salvatore, Coyne. Failed.

Mr. Mencini stated this may not resolve the flooding problems but will definitely help.

Mr. Roberts stated to Mayor Orcutt am 100% for this and residents of Ward 3 are asking and praying for this, the quicker this gets done the better.

Motion by Mr. Roberts, supported by Mr. Troyer, to place on tonight's Council agenda under first reading.

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

NAYS: Unanimous.

Mr. Vecchio stated this will appear under M-4 as Ordinance No. 11274-2022.

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND THE CITY OF BROOK PARK FOR THE WEDO PARK RETENTION BASIN AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this is a companion piece that goes along with the construction documents for this project. To Mr. Roberts you can tell your constituents that we're moving as quickly as possible with this project. Worked with NEORS to see if the city could be reimbursed and am also looking into any grants or other funding that may be available to the city.

Mr. Piatak stated this allows the city to draw on the community cost share dollars that district holds for the city. The district is in support of this project with this phase and future phases.

Mr. Troyer stated in favor of this. To Mr. Cingle there is approximately a 10% balance in the community cost share fund

Service committee - Chairman, Poindexter: cont.

Mr. Piatak stated last seen the unencumbered dollars in that account were 800,000.00 or \$900,00.00, with other projects coming out of that fund such as street sweeping and other uses for the service department.

Mayor Orcutt mentioned that ditch-cleaning also comes out of the cost sharing fund.

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

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

Mr. Vecchio stated this will appear under M-5 as Ordinance No. 11275-2022


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

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

Motion by Mr. Poindexter, supported by Mr. Mencini, for a seven-minute recess.

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

Council President Vecchio declared this meeting adjourned at 8:26 p.m.

RESPECTFULLY SUBMITTED 
Carol Johnson
Clerk of Council

APPROVED October 18, 2022

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