

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, SEPTEMBER 6, 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:

**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 and Recreation Director Gonzales.

**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. Special Caucus meeting minutes for March 22, 2022.
2. Special Council meeting minutes for March 22, 2022.

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

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

**NAYS:** Troyer, Coyne.

**REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee – Chairman, Poindexter

Mr. Poindexter no legislation on tonight's agenda and no report.

Finance Committee - Chairman, Scott

Mr. Scott stated the Finance committee has one item on tonight's agenda. The Board of Control met on August 29th with four items on the agenda, three largest being: Micro-Center computer programs for police and fire - \$9,909.77; Westview Concrete for sidewalk replacement program - \$8,000.00 and Health & Fitness equipment center - \$4,592.40. The Board of Control met on September 6th with four items on the agenda three largest being: Konstruction King, Inc for 2021 asphalt resurfacing project - \$26,923.29; City of Middleburg Hts. for leaf dumping fees went up \$2000.00 to \$7,000.00 and Versalift East, LLC miscellaneous repairs to aerial lift truck and annual inspection of street lighting - \$3,500.00.

Legislative Committee - Chairwoman, Coyne

Madam Coyne reported there are two Medical Marijuana pieces on tonight's agenda per the Mayor's veto.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini reported Co-ed volleyball has started for grades second through sixth. A few dates to remember is the recreation center 50th birthday bash on September 17th, Fall-fest on October 9th and Christmas holiday celebration on November 25th.

Planning Committee - Chairman, Troyer

Mr. Troyer reported there are two items on tonight's agenda under letter M. The next Planning commission meeting will be on Monday, September 12th, with two items on the agenda.

**Reports of standing committees: cont.**

Safety Committee - Chairman, Roberts

Mr. Roberts reported there are two items on tonight's agenda under both first and second reading. Also, the Ward 3 picnic will be held at Wedo Park from 1:00 p.m. to 4:00 p.m. and extended an invitation to all colleagues.

Service Committee - Chairman, Poindexter

Mr. Poindexter reported there is one item on agenda dealing with the collection of fees for the city to maintain properties.

Board of Zoning Appeals - Chairman, Salvatore

Mr. Salvatore reported the next meeting will be September 12th at 7:00 p.m.

**REPORTS OF SPECIAL COMMITTEES:**

Southwest General Health Center Trustee, Mencini

Mr. Mencini stated with Covid-19 the hospital tested 64,000 people since the beginning in 2020. The hospital treated more than 9,000 positive patients with 248 dying from Covid. Southwest employees attended five summer festivals in several cities. Southwest General is doing a new program called Student Shadowing and pushing the schools to provide students of different medical careers and settings.

Berea Board of Education - Representative, Coyne

Madam Coyne reported there is a meeting this evening and will give a report next Council meeting.

Technology & Innovation Council Representative, Poindexter

Mr. Poindexter reported the technology committee has not met since last report; next meeting will be next Wednesday at 6:00 p.m. in Council Chambers.

**REPORTS OF BOARDS AND COMMISSIONS:**

**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**

**REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Orcutt reported the Brook Park Recreation 50th birthday bash will be held on September 17th from 5:00 p.m. to 9:00 p.m. at the amphitheater, encourage all to attend. The administration has met with Brewer-Garrett about the performance of the contract and will be in attendance at the September 13th Caucus meeting. Welcome to the city's police officer sworn in on August 31st.

**Questions:**

Mr. Poindexter asked Mayor Orcutt if the voids in the roof are covered under warranty?

Mayor Orcutt concurred and stated they have been out to fix the areas and will continue to come out.

Mr. Poindexter asked if there are any updates on the police chief?

**Questions to the Mayor: cont.**

Mayor Orcutt responded same status given last week. Civil Service Commission made a ruling and Captain Powers has been sworn in as interim chief.

Mr. Mencini thanked both the safety director and police officers for resolving the issues on Agnes. Also, mentioned the train noises starting at 4:00 a.m. on Saturday and continuing through the morning hours.

Mayor Orcutt responded we have been receiving calls, as wells and what is being done is work orders are being put in for repairs at the railroad crossings. What occurred is wires were disconnected prior to the components being replaced so that is why the horns are sounding, due to mechanisms not being in place.

Mr. Salvatore stated that he has pictures and have noticed that the gates are not coming down at the railroad crossing on Holland Road.

Mayor Orcutt responded two gates are coming down instead of four and the railroads are working on the crossings.

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

Mr. Piatak reported an update on the 2022 roads projects; Middlebrook Blvd. is complete with a few punch list items. Delores Blvd. detours are set up and anticipating pavement removal end of this week. Hio Drive project submittals and drawings are being reviewed and has been moved a few weeks due to precast catch-basins. Last Friday four bids for the CSX ditch cleaning between Holland and Snow Roads were received and under review. Complaints have been received about last year's road projects with the crabgrass taking over on the tree lawns, contractor has been notified and looking at remedies.

Mr. Beyer reported the sidewalk program in underway with crews replacing 74 blocks if residents received a letter get payments into the service department of city hall. Next shred-it day is October 15th at the service garage. Have been in contact with a CSX representative and about a week ago signage was posted at the tracks on Michael and Middlebrook that the tracks would be closed for repairs. Putting the horse before the cart concrete was cut out to repair the wiring for the loops that was on backorder from six to eight weeks. Currently, the loops are in and CSX will be closing the railroad tracks at Holland and Middlebrook and Hummel and West 130th in late September for repairs. That is the reason for the abundance of train horns along with wildlife on the tracks and due to federal laws trains horns must be sounded. CSX began working on the tracks on Engle Road and Snow Road bridge and that project has been delayed due to not having material.

**Reports and communications from departments, commissions and other public officials:**Recreation Director Gonzales

Mr. Gonzales reported football is underway, first game this week. Tomorrow begins the four-week adaptive program held on Wednesdays, currently enrollment is low and signups are still being taken. A very generous donor is willing to sponsor anyone interested so money is not an issue. From October 1st through 31st basketball signups will be taking place. The recreation center 50th birthday bash will be held on September 17th from 5:00 p.m. to 9:00 p.m. at the amphitheater with a beer garden, sponsored by Brook Park boosters; live band, magician and inflatables.

Finance Director Cingle

Mr. Cingle stated no report.

Safety Director Sensel

Mr. Sensel reported service crews have been doing a great job cleaning up both the outside and inside of the police station. With property maintenance keep sending in those work orders will get to as soon as possible. The fire department is doing a great job and has an event coming up with Brook Park Memorial called 'Touch a Truck' to include fire trucks and squads. Reminder to drivers' school is in session be careful driving with the school buses and children walking to school.

Law Director Horvath

Mrs. Horvath reported the active civil litigation list has six pending cases.

**Questions:**

Mr. Roberts read a letter from a resident on Wengler Drive, Al Wolf, thanking service crews for the great job with sidewalks blocks being replaced, the crews were super.

Mr. Scott stated to Mr. Piatak great news on Westbrook. To Mr. Beyer thank the crews for the great job on Brookview.

Mr. Poindexter stated to Mr. Beyer noticed last weekend and this past weekend trains blocking the intersections of Sheldon and Eastland (Route 237) for extended periods of time, 45 minutes.

Mr. Beyer responded that has been an ongoing problem with that crossing and goes in phases. Not sure if citations are issued if on tracks for so long, will look into it.

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

Mayor Orcutt's veto on two pieces of legislation:

1. Ordinance No. 11269-2022, enacting chapter 1126 of the Brook Park codified ordinances entitled 'Medical Marijuana Dispensaries and declaring an emergency. Introduced by Councilmembers Troyer, Mencini, Coyne, Poindexter and Roberts.

Communications: - Mayor's veto: cont.

Madam Coyne stated wholeheartedly want this to pass for all residents and veterans needing medical care. Want it done the correct way, as far as both pieces, and believe that instead of amending tonight Council needs to come up with correct legislation and zoning. This is very important and needs to be done the right way without zoning restrictions to make it more beneficial to the city and everyone else.

Mr. Poindexter stated it seems to me the Mayor vetoed because of the recommendation from the law director of being too small of an area. I think this should be taken back to the original form to the U7 zone. Any other areas of the city can be done conditionally by Planning and Zoning. I think amending 1126.03 to a U7 zone, being a larger area, but not having in every area of the city.

Mr. Troyer stated agree with this for the most part Troyer most part and to Mrs. Horvath changing this to U7 would satisfy any issues.

Mrs. Horvath responded previously on two occasions the law department has stated the zoning being too restrictive and may have problems down the road. Before deciding what amendments are to be determined Council needs to decide the Mayor's veto of the legislation in front of them; whether the legislation stands or to override the Mayor's veto. The point of the matter as the legislative body is to decide per Charter and Council Rules Council as a legislative body needs to decide on how this veto will be handled that is before Council.

Mr. Troyer stated with the veto the Mayor sends back to Council to reconsider or override or amend to what the Mayor would like to see. What should happen here is to reconsider and give the Mayor a piece for him to sign. The motion would be to amend from U7-A to U-7 have been sitting on this for a year with nothing done, think this should get done.

Mr. Vecchio read Charter section 3.03 (b)(2) the Mayor's objections shall be read and entered into full at the next meeting of Council. The Mayor may approve or disapprove the whole, or any section of an Ordinance or Resolution. The Mayor came back with a veto of a section of this piece. To Mayor Orcutt this veto is for a section of the legislation, correct?

Mayor Orcutt stated in my letter to Council this has to do with the zoning area and want to state I am not opposed to medical marijuana. I disagree with the law director's opinion on having to expand this area and face any litigation the city may have. In the past, I suggested a u-5 zone and agree with the Council President of this being in a small area.

Mr. Troyer disagreed and stated can act on the veto and override the veto.

Communications - Mayor's veto: cont.

Mr. Vecchio stated the Mayor has not signed the legislation, if the amended it goes back a reading.

Mr. Poindexter disagreed and stated reading further in Charter section 3.03 it cites basically if the Mayor vetoes a section it doesn't affect the entire ordinance. Council can take the Mayor's objections into account and reconsider the zoning changes the Mayor is comfortable with and sign the legislation.

Mr. Mencini questioned doesn't the veto have to be addressed first.

Mr. Vecchio concurred.

Mr. Poindexter stated no, the section states Council can reconsider.

Mr. Vecchio stated Council must act on the Mayor's veto that is in front of Council.

Mr. Poindexter stated changing the ordinance is acting on the veto, only vetoed one section of this ordinance.

Mr. Vecchio asked Mrs. Horvath for an opinion.

Mrs. Horvath stated this legislation is not in existence, so Council doesn't have legislation so how can it be amended? When the Charter talks about reconsideration it's talking about Council's reconsideration and doesn't pertain to the idea of changing as we wish.

Mr. Poindexter - Point of Clarification - this is the Mayor's wish.

Mrs. Horvath stated Council reconsiders whether they want to override the veto or not. Without a valid piece of legislation Council is acting on something that is not in existence.

Mr. Poindexter disagrees and suggested overriding the veto and amend at the next meeting; will take 45 days to go into effect.

Mr. Mencini agreed with Mrs. Horvath to handle the veto first and then make the amendments, due to a possible challenge.

Mr. Vecchio agrees that Council must act on the veto.

Mayor Orcutt stated put new legislation together and agree with Mrs. Horvath that the zoning needs to be extended.

Madam Coyne clarified with Mayor Orcutt on the zoning?

Communications - Mayor's veto: cont.

Mayor Orcutt responded totally agree with Mrs. Horvath due to the limited zoning.

Mr. Vecchio read the veto in its entirety.

Mr. Poindexter clarified with Mayor Orcutt I understand the first issue with the zoning, is the second piece just because it's a companion piece.

Mayor Orcutt concurred

Mrs. Horvath stated Council is compelled to do some kind of voting on the veto; either by override or not override, then introduce or amend legislation.

**Motion** by Mr. Troyer, supported by Mr. Poindexter, to override the Mayor's veto.

**ROLL CALL: AYES:** Coyne.

**NAYS:** Troyer, Poindexter, Roberts, Mencini, Scott, Salvatore.

2. Ordinance No. 11270-2022, enacting Chapter 720 of the Brook Park Codified Ordinances entitled 'Medical Marijuana Operations' and declaring an emergency. Introduced by Councilmembers Troyer, Mencini, Coyne, Poindexter and Roberts.

**Motion** by Mr. Poindexter, supported by Mr. Roberts, to override the Mayor's veto.

Mr. Poindexter stated to Mrs. Horvath if Council doesn't override the veto is it appropriate to bring new legislation forward?

Mrs. Horvath responded would not be effective legislation and Council would be free to introduce new legislation.

The clerk called the roll on the motion to override the Mayor's veto.

**ROLL CALL: AYES:**

**NAYS:** Poindexter, Roberts, Mencini, Salvatore, Troyer, Coyne, Scott

**New Legislation:**

1. An Ordinance enacting Chapter 720 of the Brook Park Codified Ordinances entitled 'Medical Marijuana Operations' and declaring an emergency. Introduced by Councilmembers Troyer and Poindexter. Assigned to Legislative committee.

An Ordinance enacting chapter 1126 of the Brook Park codified ordinances entitled 'Medical Marijuana Dispensaries and declaring an emergency. Introduced by Councilmember Troyer. Assigned to Legislative committee.

**Motion** by Mr. Troyer, supported by Mr. Mencini, to move both pieces of legislation (Medical Marijuana) to letter M – First Reading.

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

**NAYS:** Salvatore, Scott.

Mr. Vecchio stated Ordinance enacting Chapter 720 will appear under M-8 as Ordinance No. 11282-2022. Ordinance enacting Chapter 1126 will appear under M-9 as Ordinance No. 11283-2022.

A Resolution accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the county fiscal officer and declaring an emergency. Introduced by Mayor Orcutt. Placed in Finance committee.

An Ordinance establishing a new special revenue fund to be known as the OneOhio Settlement Fund No. 276 and declaring an emergency. Introduced by Mayor Orcutt. Placed in Finance committee.

An Ordinance establishing the American Rescue Plan Fund and declaring an emergency. Introduced by Mayor Orcutt. Placed in Finance committee.

**MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**

**REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**

**ORDINANCES AND RESOLUTIONS: (FIRST READING):**

1. RESOLUTION NO. 22-2022

A RESOLUTION APPROVING THE PROPOSED LOT SPLIT FOR 18300 SNOW ROAD PPN 342-18-004 TO CREATE NEW PARCEL 'A' AND PARCEL 'B' LOCATED IN THE U-AZ ZONE AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

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

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

**NAYS:** Unanimous.

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

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

**NAYS:** Unanimous.

2. ORDINANCE NO. 11278-2022

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.

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

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

**NAYS:** Unanimous



**Ordinances and Resolutions: (First Reading): cont.**

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

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

3. RESOLUTION NO. 23-2022

A RESOLUTION AGREEING TO ALLOW CUYAHOGA COUNTY TO OPERATE A PUBLIC UTILITY IN THE CITY OF BROOK PARK PURSUANT TO ITS POWER UNDER THE STATE OF OHIO AND THE LAWS ESTABLISHED BY THE GOVERNMENT OF CUYAHOGA COUNTY 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

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

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

4 ORDINANCE NO. 11279-2022

AN ORDINANCE AUTHORIZING THE MAYOR TO CONTRACT FOR THE NECESSARY CONSTRUCTION OBSERVATION SERVICES FOR THE 16644 SNOW ROAD DEMOLITION PROJECT AND DECLARING AN EMERGENCY.

Introduced by Mayor Orcutt. **(Super 8 Hotel)**

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

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

**Motion** by Mr. Troyer, supported by Mr. Poindexter, to adopt.

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

5. ORDINANCE NO. 11280-2022

AN ORDINANCE AUTHORIZING THE MAYOR TO DISPOSE OF OBSOLETE CITY RECREATION EQUIPMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

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

6. RESOLUTION NO. 24-2022

A RESOLUTION SUPPORTING THE OHIO ATTORNEY GENERAL'S LAWSUIT TO PUT AN END TO A MASSIVE ROBOCALL SCHEME AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore, C/W and Mayor Orcutt.

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

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

**Ordinances and Resolutions (First Reading): cont.**

**Motion** by Mr. Troyer, supported by Mr. Poindexter, to adopt.

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

**NAYS:** Unanimous.

7. ORDINANCE NO. 11281-2022

AN ORDINANCE MAKING A WRITTEN RETURN OF THE FISCAL OFFICER OF CUYAHOGA COUNTY, OHIO, FOR CHARGES FOR THE SERVICES OF THE CITY OF BROOK PARK, OHIO, FOR CUTTING WEEDS ON CERTAIN PARCELS OF LAND DESCRIBED HEREIN AND AUTHORIZING SAID CHARGES TO BE PLACED UPON THE TAX DUPLICATE AND COLLECTION AS OTHER TAXES PURSUANT TO SECTION 731.54 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

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

**NAYS:** Unanimous

**Motion** by Mr. Troyer, supported by Mr. Poindexter, to adopt.

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

**NAYS:** Unanimous

8. ORDINANCE NO. 11282-2022

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

Mr. Troyer stated to Mr. Poindexter want to make your amendment?

Mr. Poindexter responded would like to wait a week.

Mrs. Horvath commented on to Mr. Poindexter's point of waiting a week being well taken to make sure the legislation is properly posted.

Mr. Vecchio stated Ordinance No. 11282-2022, had had its First Reading.

9. ORDINANCE NO. 11283-2022

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

Mr. Vecchio stated Ordinance No. 11283-2022, has had its First Reading.

**SECOND READING OF ORDINANCES AND RESOLUTIONS:**

1. ORDINANCE NO. 11272-2022

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

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

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

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

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

2. ORDINANCE NO. 11276-2022

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

Mr. Poindexter stated after last meeting I looked at the U5-A zoning code and think this should go back in committee and most likely go before Planning and Zoning based on the code.

Mayor Orcutt asked if there are specific sections?

Mr. Poindexter quoted certain sections of – Planning & Zoning that are affected. Think this should go to Planning & Zoning for certain conditions to be placed, have no issues but don't want this being disruptive to the community.

Mayor Orcutt stated they will not be crushing rock or slag.

Mayor Orcutt will not be crushing rock or slag.

Mr. Scott stated concrete is not rock and read certain sections of the contract with following all federal, state and city codes.

Mr. Poindexter stated if Council doesn't follow the ordinances how do we expect this company to follow the codes. Should be placed back in committee for conditional use permits. To Mr. Piatak would you define concrete as rock?

Mr. Piatak responded no, concrete is concrete and rock is an ingredient but different.

Mayor stated the company will not be burning any liquid iron or slag and will be taking the city's yard waste. This company will have to follow all regulations and the lot is 2.74 acres.

Mr. Poindexter stated on the map attached don't see that area and believe it was said at last meeting 1.51 acres.

**Second Reading of Ordinances and Resolutions: cont.**

Mayor Orcutt continued leaf dumping fees have increased by 40% and this company will collect the city's yard at no cost and the city will charge this company \$1,000 monthly to operate. The 2021 tipping fees totaled \$34,074.00 and to lease the property is \$12,000.00 totaling \$46,074.00. The zone is a U5-A – Industrial and no different than the Ford Motor Company zone.

Mr. Mencini stated there is a creek and have been told certain amount away from the creek. There are other businesses that are in U5-A do they comply in that area?

Mayor Orcutt responded first shift operation with two to three employees.

Mr. Roberts stated only first shift no noise in the early morning hours of 2:00 a.m.?

Mayor Orcutt concurred.

Mr. Troyer stated to Mayor Orcutt there is no addendum to the agreement of not working 24/7.

Mayor responded they have access to the area 24/7.

Mr. Troyer read a section of the agreement relative to concrete seven days a week; 24 hours a day and tend to agree this should go before Planning. Can't agree to this if there is any chance and represents residents first. If there was an agreement that would not be operating overnight would vote for it and that's the issue.

Mr. Poindexter stated like the financial implication and recycling part of this but this should go before Planning because of the property restrictions. If we don't follow our own policy and procedures how can we expect anyone else to and should follow proper channels i.e. approval from Planning and side lot variance.

Mayor Orcutt the requirements you mentioned it does meet all those. To Mr. Troyer talking about 24/7 across the street is warehousing and trucks come in and out.

Mr. Salvatore asked are there any requirements from the EPA that the site has to be looked at? Also, are there any permits necessary for air pollution.

Mrs. Horvath responded in provision number seven of the lease it talks about the company complying with all regulations including EPA, Storm Water and Air Pollutions regulations that this company would have to comply with. I can't answer the question of enforcement from those organizations for permits.

Mayor Orcutt responded to Mr. Salvatore an environmental study was done on the land that the business paid for. By law they have to with all business regulations and have worked with the engineer to keep a certain distance from the water.

**Second Reading of Ordinances and Resolutions: cont.**

Mr. Troyer asked Mayor Orcutt if this is time sensitive?

Mayor Orcutt responded this business would like to be operating by next April, so yes.

Mr. Troyer continued looking at this still have the one issue and reiterated this could be a possibility of creating a nuisance to Ward 1 residents.

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

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

**NAYS:** Poindexter.

**Motion** by Mr. Roberts, supported by Madam Coyne, to adopt.

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

**NAYS:** Troyer, Poindexter.

3. RESOLUTION NO. 20-2022

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

**Motion** by Mr. Salvatore, supported by Madam Coyne, to suspend.

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

**NAYS:** Unanimous.

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

Mr. Troyer stated on one side support the police but represent the residents and also support the Constitution. The Supreme Court is not behind this and if at the state level they do change to regulate concealed carry will be brought forward to the Supreme Court. Some facts in the legislation are unproven and only talks about something. This doesn't belong here I represent the people not the police unions; support the police but represent the residents.

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

**NAYS:** None

**ABSTENTION:** Troyer.

**THIRD READING OF ORDINANCES AND RESOLUTIONS:**

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


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

Council President Vecchio declared this meeting adjourned at 9:03 p.m.

RESPECTFULLY SUBMITTED



APPROVED



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