

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
T BE HELD ON TUESDAY, SEPTEMBER 13, 2022
7:00 P.M.**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MINUTES FOR JUNE 14, 2022.

IV. DISCUSSION:

1. Speakers: Mr. John Pardee, President of Pardee Environmental and President Emeritus for The Ohio Rights Group for Medical Marijuana. - Per Council President Vecchio.
2. Don Attie, who is the Veterans representative for The Ohio Rights Group for Medical Marijuana. - Per Council President Vecchio.
3. BREWER-GARRETT YEAR END SAVINGS REPORT- In attendance Matthew Joseph. (Mayor Orcutt) – Per Council President Vecchio.
4. Library Parking Lot. (Mayor Orcutt)–Per Council President Vecchio.

V. FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. 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.
2. 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.
3. AN ORDINANCE ESTABLISHING THE AMERICAN RESCUE PLAN FUND, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

VI. LEGISLATIVE COMMITTEE - CHAIRWOMAN, COYNE:

1. AN ORDINANCE ENACTING CHAPTER 527 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED "FLYING MODEL AIRCRAFT/ UNMANNED AERIAL VEHICLES (UAVs)", AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer and Mencini. **Moved by motion from 2/8/22 Caucus.**

VII. ADJOURNMENT

Posted: 9/9/22

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, SEPTEMBER 13, 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:

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

Also in attendance were Mayor Orcutt, Law Director Horvath and Finance Director Cingle.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING MINUTES HELD ON JUNE 14, 2022.

Motion by Mr. Scott, supported by Mr. Mencini, to approve as written.

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

NAYS: Troyer.

DISCUSSION:

1. Speakers: Mr. John Pardee, President of Pardee Environmental and President Emeritus for the Ohio Rights Group for Medical Marijuana (Madam Coyne).

John Pardee

47391 Garfield Road

Oberlin, OH

Mr. Pardee thanked for the invitation to speak on this very important topic and how it may affect Brook Park going forward.

2. Don Attie - Veterans Representative for the Ohio Rights Group for Medical Marijuana (Madam Coyne)

Both speakers can be viewed on livestream or placed on a flash drive from the Council office.

Motion by Mr. Mencini, supported by Madam Coyne, that items one and two were discussed.

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

NAYS: Unanimous.

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

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

NAYS: Unanimous.

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

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

NAYS: Unanimous.

Discussion: cont.

3. BREWER-GARRET YEAR-END SAVINGS REPORT (Mayor Orcutt). **In attendance:** Matthew Joseph.

Mr. Vecchio stated Mr. Joseph was called out of town, unable to attend. Mayor Orcutt gave the year-end savings report that is available for review on the livestream and Council office.

Motion by Mr. Mencini, supported by Mr. Troyer, that item number three was discussed.

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

4. LIBRARY PARKING LOT - (Mayor Orcutt).

Mayor Orcutt stated the Mr. Morgan, the CFO of the county library, reached out to the city about the parking lot, which is an issue; through discussions the library is willing to fund the project. As part of the lease the library has 25 parking spaces and is willing to resurface the entire parking lot and Memorial Drive, located from Engle Road to the rear of the amphitheater. The library will fund the entire project at a cost of \$242,168.32 with a five-percent (5%) contingency. The city is responsible for \$176,782.87 and the library's responsibility would be \$65,385.45. Currently are working with both law departments to come up with a leasing agreement for the city to start paying back starting their portion in 2023 at zero-percent (0%) for over ten years.

Mr. Salvatore clarified the payback would be over ten years at no interest.

Mayor Orcutt concurred and stated approximately \$18,000.00 a year.

Mr. Poindexter asked does that secure the library being in the community for the next ten years? If not, would the city still be responsible for the financing for the ten years?

Mayor Orcutt responded the library lease would be for ten years.

Mr. Poindexter asked when is the lease up?

Mayor Orcutt responded I believe in 2021 and if not renewed it goes to \$1.00 a year, legislation is being drafted for a new lease agreement to be extended for 25 years.

Mr. Troyer asked if this went out to bid?

Mayor Orcutt responded yes, there are three bids.

Mr. Troyer continued to Mrs. Horvath would that suffice with the city's rules on bidding,

Discussion: cont.

since this is not the normal process?

Mrs. Horvath responded my first impression would be yes that would suffice but still need to speak with the finance department, am confident the three bids would suffice.

Mr. Troyer requested a written opinion from the law director and stated to Mayor Orcutt would like to see the three bids.

Mrs. Horvath requested Mr. Troyer to email in detail what the opinion would be.

Mr. Mencini stated to Mayor Orcutt this would still be good with all city events?

Mayor Orcutt responded this changes nothing we notified the library that their lease was up and during a meeting the library staff was told about the financial issues the city is facing with HB 57; the library is being generous enough to work with both engineers to obtain the three quotes.

Mr. Vecchio asked if this includes striping of parking areas?

Mayor Orcutt concurred.

Mr. Troyer stated we were told that the roof on the recreation center would be taken down to the base and replaced, that's the reason for seeing it in writing.

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

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

FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. 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.

Mr. Cingle stated in June, 2022 Council approved tax budget that sets forth the rates and this legislation authorizes those tax rates. Time-sensitive by the end of the month.

Motion by Mr. Salvatore, supported by Mr. Troyer, to place on the September 20th Council agenda.

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

Finance Committee - Chairman, Scott: cont.

2. 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 and C/W.

Mayor Orcutt stated this is a line item dealing with the opioid settlement agreement that allows dollars to be spent towards opioid training, etc.

Mr. Cingle stated this establishes a new special revenue fund with requirements set forth by the state auditor for a fund to be created for the special opioid dollars.

Mr. Poindexter asked Mayor Orcutt this is in response to the opioid epidemic.

Mayor Orcutt concurred.

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

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

3. AN ORDINANCE ESTABLISHING THE AMERICAN RESCUE PLAN FUND AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mr. Cingle responded this is a recommendation from the city's state auditors, James G. Zupka to create this fund.

Madam Coyne asked Mr. Cingle what is the exact amount in this fund?

Mr. Cingle will have that answer before next Tuesday's meeting.

Mr. Poindexter stated to Mr. Cingle this fund was already established prior to this, what is the reason?

Mr. Cingle responded this fund was created in the monthly financial reports to account for the dollars and during the recent audit the city auditors, recommended having legislation establishing this fund.

Mr. Poindexter asked is that normal or appropriate to do after the fact?

Mr. Cingle responded the state auditors bulletin didn't require approval by City Council; this is on recommendation of the city's auditors.

Mr. Mencini asked Mayor Orcutt Council will be kept apprised when dollars are allocated?

Finance Committee - Chairman, Scott: cont.

Mayor Orcutt concurred and stated there is \$1.9 million-dollars with \$100,000.00 spent for union contracts; the rest of the monies would go for repairs of the recreation center roof over the natatorium area.

Mr. Troyer asked when this money came in?

Mr. Cingle responded one payment came in last year and a second payment this year.

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

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

NAYS: Unanimous.

LEGISLATIVE COMMITTEE - CHAIRWOMAN, COYNE:

1. AN ORDINANCE ENACTING CHAPTER 527 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'FLYING MODEL AIRCRAFT/UNMANNED AERIAL VEHICLES (UAV's) AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer and Mencini. **Note:** Moved by **motion** from the 2/8/22 Caucus.

Mr. Troyer stated have been waiting for the state to come up with some changes to make this work. Asked over a year ago for legislation from the law department, still haven't received. Referred to Mr. Mencini, as co-sponsor, for his opinion.

Mr. Mencini stated a while ago Mr. Troyer brought forward speakers to talk on this and reading through the legislation it is fully detailed and covers a lot, as stated waited for the state to do something.

Mr. Poindexter stated sees the need for legislation but not sure if this quite does what we would like. In the future will see the need of delivery companies delivering packages in the future. council would like to do and see the need of delivery companies in future delivering packages. Would not want to deter that and this piece doesn't welcome that and may be a hindrance with that coming forward.

Mr. Poindexter stated sees the need for this legislation but not sure this quite does what Council wants. See the need of delivery companies using drones in the future for delivering of packages.

Mr. Mencini stated when this gets done there will still be questions because of using air space and deliveries, this is an open area. As stated thought the state would do something with this.

Mr. Troyer stated agrees with this legislation as it exists but is not the right legislation if the state decides to do something. We would have to look at that and make changes anyway. Would need legislation drafted based on recommendations of drone operations that the speaker brought forward to Council. Any violation of FAA rules with

Legislative Committee - Chairwoman, Coyne: cont.

is unsafe usage of drones could be enforced. Found out the city has two drones who operates them?

Mayor Orcutt responded the police department.

Mr. Troyer stated legislation is needed to regulate the city's use of drones and how residents' are impacted. If there is no legislation and someone misuses a drone the FAA must be called and that can take a few days.

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

Mrs. Horvath stated this seems to be a contentious topic and the law department is currently looking into legislation for the proper usage of drones by the police department. I spoke with Police Officer Brown and there have been no drone issues since Police Chief Dickel spoke to Council. This is a fluid area and currently don't think any more legislation is needed. If any problems arise the city can rely on the Ohio Revised Code and the FAA. In the future when packages are delivered by drones then, yes, legislation would be needed.

Mayor Orcutt stated three police officers have their pilot licenses.

Mr. Troyer stated we talked about the city getting drones and was surprised to find out the city has drones. Legislation should be in place as to how the city regulates how the drones are operated in the city.

Mr. Mencini stated this piece covers a lot and problems down the road might be the capturing of people on the UAV will be the issue.

Mr. Salvatore called for the question.

The clerk called the roll on the **motion** by Mr. Troyer, supported by Mr. Poindexter, been read in committee.

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

NAYS: Unanimous.

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.

Council President Vecchio declared this meeting adjourned at 9:41 p.m.

RESPECTFULLY SUBMITTED 
Carol Johnson
Clerk of Council

APPROVED ___ November 9, 2022 ___

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