

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, SEPTEMBER 20, 2022**

The meeting was called to order by Council President Pro-Tem Salvatore 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, Engineer Piatak, Service Director Beyer, Recreation Director Gonzales and Engineer Piatak.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior to meeting minutes held on July 19, 2022.
2. Regular Council meeting minutes held on July 19, 2022.

Mass motion by Mr. Poindexter, supported by Mr. Roberts, to approve both sets of meeting minutes as printed.

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

NAYS: Troyer.

Motion by Mr. Mencini, supported by Mr. Roberts to letter G with a five-minute recess following.

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

NAYS: Unanimous.

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

1. A Proclamation honoring the 2022 Boys 7-8-year-old baseball tournament champions 'Humenik Athletics'.
2. A Proclamation honoring the 2022 Boys 9-10-year-old baseball tournament champions 'The Cooper Foundation Tigers'.
3. A Proclamation honoring the 2022 Boys 11-12-year-old baseball tournament champions 'Councilman Salvatore Muckdogs'.

The Mayor presented the proclamations to the teams and coaches and expressed congratulations for a successful season.

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

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

NAYS: Unanimous.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Poindexter

Mr. Poindexter stated there is no legislation in committee

Finance Committee - Chairman, Scott

Mr. Scott reported there are three items on tonight's agenda under first reading. The Board of Control met on September 15th with seven items on the agenda. Three largest being \$50,000.00 for gas and diesel fuel, \$35,000.00 for Ready-Mix concrete for the sidewalk repair program, awarded the contract for the CSX ditch-cleaning project, four bids received, engineer's estimate was \$266,000.00 and contract was awarded at \$177,000.00; also a contract was awarded for the Super 8 hotel demolition at 16644 Snow Road with three bids received. The engineer's estimate was \$560,000.00 and the contract was awarded to CJ Contractors in the amount of \$379,750.00. The Board of Control met earlier today with five items on the agenda; three largest for Football Foundation Team Camp for \$11,347.00, Northeast Lubricants for oil and grease - \$57,065.40 and replacement of computers for police and recreation departments - \$3,684.37.

Legislative Committee - Chairwoman, Coyne

Madam Coyne reported there are two items on the agenda under second reading relating to medical marijuana.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini reported going into fourth week of Titans football. Basketball and cheerleading registrations are from October 1st through 31st. The American Red Cross will be holding a blood drive on October 25th from 1:00 p.m. to 7:00 p.m. at the recreation center.

Planning Committee - Chairman, Troyer

Mr. Troyer reported there were two items on agenda with one being tabled for a car wash on Snow Road - Lowry's. The second request was for the Go-Kart Track on Brookpark Road for aesthetic approval to erect a garage type building and do some updates.

Safety Committee - Chairman, Roberts

Mr. Roberts reported nothing on tonight's agenda.

Service Committee - Chairman, Poindexter

Mr. Poindexter reported there are no items in committee or on tonight's agenda.

Board of Zoning Appeals - Chairman, Salvatore

Mr. Salvatore reported at the last meeting there were four items on the agenda; one being tabled for Lowry's car wash and the three other requests were approved.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini

Mr. Mencini reported that Southwest General has been recognized by the Centers for medical and services with a five-star rating. Masks are required in patient rooms, hallways and patient care areas. Southwest General was founded in 1920 during flu epidemic and provides a wide range of services for patient care.

Reports of special committees: cont.

Berea Board of Education Representative, Coyne

Madam Coyne reported unable to attend the last meeting and will give a report at the next meeting.

Technology & Innovation Council Representative, Poindexter

Mr. Poindexter reported the committee will meet tomorrow and reminded everyone that the committee is looking for a third member to serve on the committee. Anyone with technical knowledge can submit resumes to the Mayor's office or committee members.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

Moved by **motion** to the beginning of the meeting.

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Orcutt reported this past Saturday was the Recreation Center's 50th anniversary birthday bash that was very well attended, thanked all participants for their contributions and assistance. Welcomed a new patrol officer to the police department and on Monday, September 26th a new patrol woman will also be sworn in to the police department. The Super 8 motel contractor has been selected to perform the demolition work with a schedule date forthcoming.

Questions:

Mr. Mencini stated nice event on Saturday; it's been mentioned to have directors in attendance to update Council.

Mayor Orcutt responded at every meeting the recreation, service, and safety director, who is in charge of the building department, fire and police and the animal warden are in attendance as well as head of engineering. If you would like the interim police and fire chiefs in attendance that can happen.

Mr. Mencini responded absolutely there are some questions would like to ask them.

Mr. Roberts stated with the businesses in the city and new businesses coming in possibly next month have the economic development commissioner in attendance to what is coming.

Mayor Orcutt concurred

Mr. Poindexter stated with the building for the Forward Innovation Center going up any update as to what businesses may be coming in?

Questions to the Mayor: cont.

Mayor Orcutt responded that is the speculative building to start showing to interested people. The information given at the Planning commission meeting was possibly four to five businesses and the latest information given was two businesses, no names have been mentioned.

Mr. Poindexter continued the two business will take up the space of the four or is the city is getting less?

Mayor Orcutt responded no, the plan is to fill the entire building and it was currently stated two businesses. Currently we are in the discussion stage with utilities and the roadway.

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

Law Director Horvath

Mrs. Horvath reported at the next meeting an updated active civil list will be provided with one case being dismissed - Robinson vs. City of Brook Park.

Safety Director Sensel

Mr. Sensel reported property maintenance is a high priority with work orders coming in from Council and residents, be patient working on them as fast as possible. A warning the city is issuing citations for property maintenance issues not corrected within the timeframe; eight have been written in the last month. There were two Touch a Truck events on September 14th and 17th fun for the children. On August 2nd there was an OVI checkpoint funded by federal grants with 630 vehicles stopped, 18 citations issued and three vehicles towed. Welcome to the new police officers one in office and one being sworn in on Monday.

Finance Director Cingle

Mr. Cingle reported that Resolution 25-2022 on tonight's agenda is time sensitive and the budget commission would like to have by the end of the month to do their work. At last week's meeting Councilwoman Coyne asked for the amount in the American Rescue Fund and that amount is \$1,841,455.00. The tax department refunds as of September 19th is \$1,315,091.00 with 570 of that being Covid 19 work from home refunds equaling \$1,194,878.00.

Recreation Director Gonzales

Mr. Gonzales reported the recreation center's 50th birthday bash was a huge success and would like to thank the residents, city departments, all donors who donated and the Brook Park Boosters for sponsorship of the event. The annual fall festival will be held on October 10th with many events for the children. Also, congratulations to the baseball teams on a great season.

Reports and communications from departments, commissions and other public officials: cont.**Service Director Beyer**

Mr. Beyer reported on approximately September 23rd the Illuminating Company will be performing a helicopter check of all wires, structures and hardware on the utility lines in the city. With the sidewalk program 333 blocks of concrete have been received with 100 blocks replaced. Last bulk pickup collected 65 tons with the next bulk week being second week of October. Items to be placed out on bulk week are wrapped mattresses, furniture, disassembled basketball hoops. I have addressed this problem before with people, not city residents, literally dropping off bulk items on tree lawns taking advantage of the city's bulk program; causing cost to the city and a loss of manpower. When bringing bulk items to the service garage please have proper identification due to contractors trying to drop off bulk items that are not residents. Have spoken with a Norfolk-Southern representative about the railroad tracks at Sheldon and Route 237 and Eastland and Route 237 and was informed both these tracks are not quiet zones. Therefore, the conductors are required by the FRA to sound their horns when coming to the intersections. CSX has postponed work on the railroad tracks on Holland Road between Middlebrook and Michael and West 130th due to lack of manpower.

Engineer Piatak

Mr. Piatak provided an update on the 2022 street program with the Middlebrook project completed. The Delores Blvd. project the first mainline is poured and this Friday tree lawn excavation will begin; with the Hio Drive project set to begin on September 26th. With the Wedo Park basin a fully executed community cost-share contract was received from the district and will now proceed with the engineering designs. With the 2021 road program issues with the tree lawns we are asking residents to mow regularly until that matter can be resolved.

Questions:

Madam Coyne clarified with Mrs. Horvath with the recycling business coming to the city should be further investigated for the people who live there. Also, think this should be submitted to Planning & Zoning and a public hearing called to inform the residents because from what I'm hearing the residents have no idea.

Mrs. Horvath responded the department is currently working on modifying the lease to take care of some dangling issues.

Mr. Troyer asked with the Greenscape legislation what does modifying the lease mean.

Mrs. Horvath responded in Section 7 a catch-all phrase that all ordinances must be followed to delineate clearer. Also, looking at other issues to be cleaned up on the duties of both parties.

Questions to the directors: cont.

Mr. Troyer continued that lease was passed and if changed should come back to Council.

Mrs. Horvath responded Council gave the authority for the Mayor to enter into a lease not bound by terms and am not changing any parameters, just to follow all ordinances and EPA regulations.

Mr. Troyer asked Mr. Beyer if crews will be grinding and patching of areas, cutting concrete in the streets for repairs.

Mr. Beyer responded yes, as long as the asphalt plant is open asphalt will be laid down.

Mr. Troyer thanked Mr. Gonzales on the great job Saturday.

Mr. Troyer stated to Mr. Piatak will Hio Drive be completed this year?

Mr. Piatak responded yes, if there are no major catastrophes, flyers will be going out this week.

Mr. Roberts stated to Mr. Piatak with last year's roads program and the issue with the tree lawns are you specifically looking at Delores?

Mr. Piatak responded yes, working on how to resolve the problem.

Mr. Poindexter asked if contractors are saying anything about the concrete shortage; will any city projects being pushed back with trouble getting concrete.

Mr. Beyer responded yes, we have been made aware of the situation and currently the city is in a good place.

Mr. Poindexter asked if there have been any price increases.

Mr. Beyer responded the suppliers did raise their prices.

Mr. Mencini stated to Mr. Piatak I have received calls about the tree lawns on Smith and Michael.

Mr. Piatak responded will take a look at those tree lawns didn't realize they were in bad shape. If they need to be addressed will have the contractor address them. Tree lawns are a challenge and not a simple task; it is the best interest of the contractors to plant grass.

Questions to the directors: cont.

Mr. Mencini thanked Mr. Sensel for the property maintenance and overnight parking issues being worked on. To Mr. Beyer agree with bulk being dropped off maybe something could be put in the newsletter.

Mr. Troyer asked Mr. Piatak in the bid requirements can a certain type of seed be included?

Mr. Piatak responded it is a very premium mix and guarantee, the bags and specifications are checked at the site. Some of those seeds are needed to pop and protect the bluegrass.

Mr. Troyer thanked service crews for the quick removal of a tree lawn.

Mr. Beyer stated to all Councilmembers sometimes instances like that it was an easy tree to be removed, have a lengthy list of tree removal and crews are working off the 2020 list.

OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL

APPROVAL: (INTRODUCTION OF NEW LEGISLATION):

New Legislation:

A Resolution authorizing the Mayor to enter into an All-Hazards Mitigation Plan with Cuyahoga County and declaring an emergency. Introduced by Mayor Orcutt. Placed in Safety Committee.

An Ordinance enacting Chapter 720 of the Brook Park codified ordinances entitled 'Medical Marijuana Operations' and declaring an emergency. Introduced by Councilmembers Troyer, Mencini, Poindexter and Roberts. Placed in Legislative committee.

An Ordinance enacting Chapter 1126 of the Brook Park codified ordinances entitled 'Medical Marijuana Dispensaries' and declaring an emergency. Introduced by Councilmembers Troyer, Mencini, Poindexter and Roberts. Placed in Legislative committee.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Joan Markusic

13911 Bellbrook Drive

Ms. Markusic stated city looks good expressed concerns with the medical marijuana legislation, three members should get together and come up with legislation the public understands.

Remarks from the audience on any subject matter:

Liz Sayers

23065 Cedar Point Road

Ms. Sayers thanked everyone for the great turnout on Saturday and all the assistance received.

Motion by Mr. Poindexter, supported by Madam Coyne, to address the audience.

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

NAYS: Unanimous.

Mr. Poindexter thanked Ms. Markusic for her concerns and stated take medical marijuana seriously and anyone that cares is fully aware of this legislation. The Mayor vetoed this legislation due to one issue of zoning in one area. The U-7 zoning wouldn't need a conditional use permit but if any other location in the city would need a conditional use permit.

Madam Coyne stated to Ms. Markusic that Mr. Pardee was a guest speaker I had last week to speak on medical marijuana. Being a veteran and wanting quality care for our veterans and residents, this is not different than a pharmacy. I am for this but want it done the right way.

Mr. Troyer stated to Ms. Markusic this legislation has been ongoing for 14 months and we are now back to the original. I made an amendment for the zoning of U-A to U-7 and also for the city to get the money. I want to have something legal for the residents so they don't have to leave the city to get medical marijuana.

Motion by Mr. Troyer, supported by Mr. Poindexter, to go back to the regular order of business.

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

NAYS: Unanimous.

ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. RESOLUTION NO. 25-2022

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.

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

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

NAYS: Unanimous.

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

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

NAYS: Unanimous.

Ordinances and Resolution: First Reading: cont.

2. ORDINANCE NO. 11284-2022

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.

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

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

NAYS: Troyer.

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

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

NAYS: Unanimous.

3. ORDINANCE NO. 11285-2022

AN ORDINANCE ESTABLISHING THE AMERICAN RESCUE PLAN FUND AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt & C/W.

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

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

NAYS: Troyer.

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

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

NAYS: Unanimous.

Motion by Mr. Poindexter, supported by Mr. Roberts, to open floor for discussion of legislation under letter N.

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

NAYS: Unanimous

Mr. Poindexter stated if these items are tainted as the law director has opined there is no sense in putting in committee; Council should take a vote of aye or nay.

Mr. Troyer asked Mrs. Horvath could there be issues with the legislation if passed?

Mrs. Horvath responded potentially there could be issues and I think Council needs to follow procedure to place in committee to make sure the end result is clean and not problematic.

Mr. Mencini stated to Mrs. Horvath I heard what was said tonight with the issues; what percentage are we talking about?

Mrs. Horvath responded the percentage is not important; why you would want to chance anything when you have the opportunity to guide this through. How big of

Discussion of legislation under letter N: cont.

a percentage is sufficient with something that could be problematic?

Mr. Mencini asked Mrs. Horvath is there something in here you are seeing?

Mrs. Horvath responded the Charter says legislation needs to be posted and that wasn't done and think Council would be better off to be prudent. My advice is follow the course delineated by Mr. Salvatore and don't see why you would take a chance of something that could be fought.

Mr. Poindexter asked if the pieces introduced are clean pieces.

Mrs. Horvath responded yes, on the Caucus prior to agenda.

Mr. Poindexter continued would defeating the two under second reading serve the purpose of having tainted pieces on the Council floor?

Mrs. Horvath responded my preference would be to have them go into committee due to potential passage of tainted legislation.

Mr. Poindexter asked would you see any potential issues with the same legislation being in committee at the same time.

Mrs. Horvath responded you asked me for my opinion and we're not going to agree.

Mr. Poindexter suggested to suspend on the legislation and vote it down under adoption, if tainted guarantee to vote it down.

Mr. Troyer stated will vote no on the two pieces of legislation.

Mr. Roberts concurred with voting down of legislation.

Mr. Mencini stated take the vote.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCE NO. 11282-2022

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

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

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

NAYS: Salvatore, Coyne, Scott.

Second Reading of Ordinances and Resolutions: cont.

Motion by Mr. Scott, supported by Mr. Troyer, to place back in committee.

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

NAYS: Poindexter, Mencini

Mr. Salvatore stated Ordinance No. 11282-2022, has had its second reading.

ORDINANCE NO. 11283-2022

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

Motion by Mr. Scott, supported by Mr. Troyer, to place back in committee

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

NAYS: Poindexter, Roberts.

Mr. Salvatore stated Ordinance No. 11283-2022, has had its second reading.

THIRD READING OF ORDINANCES AND RESOLUTIONS:

Motion by Mr. Mencini, supported by Mr. Roberts, to go into executive session for sale of property.

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

NAYS: Unanimous.

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

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

NAYS: Unanimous.

Mr. Mencini mentioned that long-time Councilmember, John Bernath Sr. is not doing well, keep him in your prayers.


Regular Council Meeting

September 20, 2022

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

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

Council President Pro-Tem Salvatore declared this meeting adjourned at 9:51 p.m.

RESPECTFULLY SUBMITTED 
Carol Johnson
Clerk of Council

APPROVED November 1, 2022

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