

**ITEMS TO BE CONSIDERED  
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING  
TO BE HELD ON TUESDAY, NOVEMBER 1, 2022  
7:00 P.M.**

**I. ROLL CALL OF MEMBERS:**

**II. PLEDGE OF ALLEGIANCE:**

**III. DISCUSSION:**

1. PROPOSED 2023 CAUCUS- COUNCIL MEETING SCHEDULE -PER COUNCIL PRESIDENT VECCHIO.
  
2. AN ORDINANCE ENACTING CHAPTER 719 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED "STATE-LICENSED MEDICAL MARIJUANA CULTIVATORS, PROCESSORS, RETAIL DISPENSARIES AND TESTING LABORATORIES", AND DECLARING AN EMERGENCY. Introduced by Councilwoman Coyne. - PER COUNCIL PRESIDENT VECCHIO.
  
3. AN ORDINANCE ENACTING CHAPTER 724 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'MEDICAL MARIJUANA OPERATIONS', AND DECLARING AN EMERGENCY. Introduced by Councilwoman Coyne. - PER COUNCIL PRESIDENT VECCHIO.
  
4. AN ORDINANCE AMENDING SECTION 1121.23 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'U-3A BUSINESS DISTRICT', AND DECLARING AN EMERGENCY. Introduced by Councilwoman Coyne. - PER COUNCIL PRESIDENT VECCHIO.

**IV. FINANCE COMMITTEE CHAIRMAN SCOTT**

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE SALE OF PERMANENT PARCEL NO. 341-23-007, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

**V. ADJOURNMENT**

**ITEMS TO BE CONSIDERED  
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING  
HELD ON TUESDAY, NOVEMBER 1, 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, Safety Director Sensel and Service Director Beyer.

**DISCUSSION:**

1. PROPOSED 2023 CAUCUS-COUNCIL MEETING SCHEDULE.

**Motion** by Mr. Poindexter, supported by Madam Coyne, to move the November 7th (Election Day) to Wednesday, November 8th.

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

Mr. Poindexter stated with summer recess last year there was a meeting in July that didn't have much on the agenda due to special meetings called by the Mayor. My suggestion is to keep the August meeting and remove the July meeting date; the Mayor can call special meetings, if necessary.

Mr. Salvatore stated always thought there should be a meeting scheduled in July.

Mr. Mencini stated my issue is with redistricting and gaining a larger area in Ward 2, campaign year.

Mr. Troyer stated tradition was to take all of July and August off, July should be a full month off due to Home Days.

Mr. Salvatore stated there will be no meetings from June 20th to August 22nd, that's a long stretch between meetings. I think should approve as written with the July and August dates.

**Motion** by Mr. Poindexter, supported by Mr. Mencini, to remove the July 18th Caucus Prior and Council meetings from the schedule.

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



**Discussion: cont.**

Mr. Scott stated understand Mr. Salvatore' concerns and think that is a large break between June - August meetings. July 4th falls on a Tuesday, possibly meet on Wednesday, July 5th.

Madam Coyne stated there should be one meeting in July and August, more informative for the public.

Mr. Poindexter stated last July the Mayor called three special meetings and a few in August, pretty confident will meet in July. Not sure that a full Caucus Prior-Council meeting is necessary since there are not a lot of reports from directors and so forth, if necessary meetings can be added down the road.

Mr. Mencini stated the month of July is a heavy month with Home Days, baseball games so we're out there and see a lot of people.

**Motion** by Mr. Poindexter, supported by Mr. Mencini, to place on the Council agenda immediately following under verbal approval, as amended.

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

2. AN ORDINANCE ENACTING CHAPTER 719 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'STATE-LICENSED MEDICAL MARIJUANA CULTIVATORS, PROCESSORS, RETAIL DISPENSARIES AND TESTING LABORATORIES AND DECLARING AN EMERGENCY. Introduced by Councilwoman Coyne.

Madam Coyne stated I know everyone wants this passed and it has been going on for a long time. For years, there were moratoriums on this in order to fashion legislation for medical marijuana. I wanted to have everything encompassed into one piece but working with Mrs. Horvath, this is the better way. Mrs. Horvath had concerns with (previous) legislation being too restrictive and the possibility of lawsuits. The Mayor vetoes (previous) legislation not part but the entire piece of legislation. Council sustains that (previous) legislation making it defeated. That very same night, two Councilmembers wanted to put legislation on that same (Council) agenda. I know everyone wants to get this over with but Council needs to do what is right and not expedient. Being on Council for nine months I have fought for our residents to have convenient access to receive the health care their doctor prescribes to live a healthy, pain-free life. This legislation provides convenient access for doctor prescribed medications for our citizens. These dispensaries are no less than a pharmacy, similar to CVS and Rite-Aid, located in the business zone.

**Discussion: cont.**

Mr. Poindexter stated with that history timeline you are not taking into consideration the years put into this and why. There is one group all gung-ho and wanting this and there is another group, at the other end of the spectrum, that will never be for it. That's the reason it has taken years to craft legislation in order to address everyone's needs and come to a consensus. The legislation under second reading on tonight's Council agenda does that with the zoning and other issues; for those people who are unsure of the side effects of these types of businesses. We can't put this in the heart of our city when not sure what will happen down the road. The legislation under second reading is moving this forward if there are any issues down the road, I don't see any. If you have a problem with the zoning, as stated numerous times, amendments can be made and voted up or down. New legislation is not needed that will cause more confusion to residents who may not understand. It is my understanding the Mayor is in support of this due to the issue with the zoning being addressed.

Mr. Scott asked if there has been any discussion with Councilmembers Troyer, Poindexter and Mencini for having one piece of legislation?

Madam Coyne interjected it's very hard to get one piece.

Mr. Poindexter interjected we did.

Mr. Roberts interjected at one time there were five (sponsors).

Mr. Scott clarified with the three people originally spear-heading this?

Madam Coyne responded yes we did. As far as the cultivating Council can get rid of that, I don't care either way. My biggest issue is with the zoning and the only reason I say that is if Chapter 720 passes there will be no medical marijuana dispensaries in Brook Park. CVS has been across from the former Brook Park Memorial school (on Snow Road) for many years, it's the same thing. As stated I don't care about the cultivation and just wish we could come together and do it the right way for our residents. These pharmacies are legal and other communities have enacted legislation that is being proposed and have not had any problems. To Mr. Poindexter you are an Ironworker and I have no idea what your job is but being in the nursing position I see patients every day that use cannabis products daily so why not let them go to Giant Eagle, while grocery shopping. Why do they have to go Brookpark Road? I believe this should be a nice place for residents to get medical quality care that is being prohibited.

Mr. Troyer stated I believe we're improving the ability and access to medical marijuana, the two closest are Garfield Heights and Lakewood, we improving the availability of this. You can relate a pharmacy to a dispensary to get a prescription filled but in no way are they the same, in any other way; a pharmacy (so called)

**Discussion; cont.**

drugstore has thousands of other products. These need to be on a main road that's how their businesses work. Medical marijuana is setup to be specific to what people are getting and in the city's case that would be Brookpark Road, for people from other communities to come to.

Mr. Mencini stated I am not prohibiting anything the thing being worked on is to get this done. To say CVS is the same thing I won't answer to that I'll let the public answer that, to keep arguing over this let's just get it done. I do want something here but want it in the right place; don't want vape shops and don't want this on Snow and Smith on someone's piece of land. Last year a storage facility wanted to come to the city and it was no-no and now this year the answer is yes. My point on this is I will be smart when voting and advise others to be smart also.

Mr. Poindexter responded to Mr. Scott, yes, we did talk about this and had five (Councilmembers) votes on similar legislation to what is on the table tonight. The only reason that didn't stand is the Mayor has an issue with the zoning expressed by the law director. Council did that and it was voted on and now it's terrible legislation, don't understand how you can vote on something that is terrible. Legislation should be written to help our residents not to support a campaign donor or for a friend. My suggestion is for a motion that items two, three and four were discussed.

3. AN ORDINANCE ENACTING CHAPTER 724 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'MEDICAL MARIJUANA OPERATIONS' AND DECLARING AN EMERGENCY. Introduced by Councilwoman Coyne.
4. AN ORDINANCE AMENDING SECTION 1121.12 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED U-3A BUSINESS DISTRICT AND DECLARING AN EMERGENCY. Introduced by Councilwoman Coyne

**Motion** by Mr. Poindexter, supported by Mr. Troyer, that items two, three and four were discussed.

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

Mr. Mencini commented would have liked to allow Madam Coyne to have discussion on each item separately.

Mr. Salvatore commented everyone knows where I stand on this and my position hasn't changed, don't want them in the city. Would hope that everyone would have worked on this together so there wouldn't be more discussion later.

**Discussion: cont.**

Mr. Roberts commented there are four sponsors so I don't understand how we're not getting together on this, initially there was five. To say the legislation on second reading is too restrictive the proposed legislation puts this in U-3A which is more restrictive than the legislation on second reading.

Madam Coyne stated I believe for our residents, patients and veterans this is important and I see it every day.

Mr. Vecchio stated everyone's points have been belabored. Brook Park is a small area of 7 1/2 miles and putting this on Brookpark Road that has had a great facelift the past few years don't think those businesses would take offense to this. Brookpark Road is a focal point to this city accessed by I-480 and putting a business down there or anywhere in the city is great. Think your intent to is to move forward and get this done, whether I agree or not.

**FINANCE COMMITTEE - CHAIRMAN, SCOTT:**

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE SALE OF PERMANENT PARCEL NO. 341-23-007 AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. **(21388 Sheldon Road)**.

Mayor Orcutt stated Amato homes would like to purchase this lot to build a new home. This builder also has the intent to look at vacant areas of the city to build other new homes.

Mr. Troyer asked Mayor Orcutt if there is a rush on this since this won't go through due to the city to verify location of water and sewer laterals that would have to go through Planning Commission.

Mayor Orcutt responded that can be looked into and this builder has two different models and are speaking with someone. The history of this builder is taking open lots for cities and if you want to see their work there is a home on the south side Park Drive near Elmdale Road.

Mr. Troyer asked if the builder is still interested in the vacant lot on Burton Drive?

Mayor Orcutt responded yes, they still have an interest. The law department and city administration is looking to see if there are any fees attached.

Mr. Troyer asked will need to have a Planning commission meeting?

Mayor Orcutt responded that can be done and just a note this builder builds 35 to 40 homes a year; we can get that addressed prior to the transfer due to the builder having several designs.



**Finance Committee - Chairman, Scott: cont.**

Mr. Troyer asked Mrs. Horvath do you see any legal problems with this?

Mrs. Horvath responded no, I don't foresee any legal or title issues.

Mr. Vecchio stated the transfer time is 45-days.

Mr. Salvatore will be abstaining due to waiting for an answer from the Ethics Commission, due to this falling in his industry.

**Motion** by Mr. Mencini, supported by Mr. Roberts, to move to letter M, first reading.

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

**NAYS:** None.

**ABSTENTION:** Salvatore

**Motion** by Mr. Mencini, supported by Madam Coyne, to go to the Addendum.

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

**NAYS:** Troyer.

1. An Ordinance amending sections 10-5.02, 105.03, 105.04 and 105.05 of the Codified Ordinances relating to Wards and Boundaries of the city, pursuant to section 17.07 of the Brook Park City Charter and declaring an emergency. Introduced by Councilman Scott.

Mr. Scott asked Mrs. Horvath if both pieces of legislation relating to this were sent to the Board of Elections?

Mrs. Horvath stated the previous piece was reviewed by Board of Elections, Brent Lawler, along with the piece on tonight's addendum. Both pieces of legislation were also sent to Mr. John Eddie of the Cuyahoga County Recorders' office. Both gentlemen were fine with the legislation on tonight's Addendum and were fine with the legal descriptions being shown as exhibit A, also were fine with the previous piece due to not having the census blocks.

Mr. Troyer stated to Mrs. Horvath I have a concern with the 2020 census and using Census tract 1380.10 the westerly line of the City of Cleveland. That may be confusing later on if that Census tract changes i.e. page seven (7) course ten (10).

Mrs. Horvath read course ten (10) and stated I don't believe we have the ability to change the 2020 Census that is done and completed and being used as a reference point. Don't see how that Censes tract could change in the future and still remain the 2020 Census tract.; my opinion that would be fine.

**Addendum: cont.**

Mr. Troyer stated don't like the wholesale changes to both Wards One (1) and Two (2), Ward One (1) was short residents. On the other hand, looking forward to meeting new residents. I am for doing this but against the way the wholesale changes were done.

**Motion** by Mr. Scott, supported by Mr. Mencini, to place under letter J on tonight's Council agenda.

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


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

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

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

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

Council President Vecchio declared this meeting adjourned at 8:00 p.m.

RESPECTFULLY SUBMITTED   
Carol Johnson  
Clerk of Council

APPROVED 11/15/22

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