

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, NOVEMBER 1, 2022  
7:30 P.M.**

**A. ROLL CALL OF MEMBERS**

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. CAUCUS PRIOR TO MEETING MINUTES HELD ON SEPTEMBER 6, 2022.
2. REGULAR COUNCIL MEETING MINUTES HELD ON SEPTEMBER 6, 2022.
3. CAUCUS PRIOR TO MEETING MINUTES HELD ON SEPTEMBER 20, 2022.
4. REGULAR COUNCIL MEETING MINUTES HELD ON SEPTEMBER 20, 2022.
5. CAUCUS PRIOR TO MEETING MINUTES HELD ON OCTOBER 4, 2022.
6. REGULAR COUNCIL MEETING MINUTES HELD ON OCTOBER 4, 2022.

**D. REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee - Chairman, Poindexter  
Finance Committee - Chairman, Scott  
Legislative Committee - Chairwoman, Coyne  
Parks & Recreation Committee - Chairman, Mencini  
Planning Committee - Chairman, Troyer  
Safety Committee - Chairman, Roberts  
Service Committee - Chairman, Poindexter  
Board of Zoning Appeals - Chairman, Salvatore

**E. REPORTS OF SPECIAL COMMITTEES:**

Southwest General Health Center Trustee, Mencini  
Berea Board of Education Representative, Coyne  
Technology & Innovation Council Representative, Poindexter

**F. REPORTS OF BOARDS AND COMMISSIONS:**

**G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**

**H. REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

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

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

**K. MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**

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

**M. ORDINANCES AND RESOLUTIONS FIRST READING:**

**N. SECOND READING OF ORDINANCES AND RESOLUTIONS:**

1. ORD. NO. 11286-2022

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

2. ORD. NO. 11287-2022

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

3. ORD. NO. 11293-2022

AN ORDINANCE REPEALING CHAPTER 556 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PROHIBITION OF CULTIVATION, PROCESSING OR RETAIL DISPENSARIES OF MEDICAL MARIJUANA', AND DECLARING AN EMERGENCY. Introduced by Councilmen Troyer, Poindexter, Mencini, and Roberts.

**O. THIRD READING OF ORDINANCES AND RESOLUTIONS:**

**NOTE:** EXECUTIVE SESSION – COLLECTIVE BARGAINING MATTERS – MAYOR ORCUTT.

**P. ADJOURNMENT:**

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE 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, Service Director Beyer, Finance Director Cingle and Engineer Piatak.

**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. Caucus Prior to meeting minutes held on September 6, 2022.
2. Regular Council meeting minutes held on September 6, 2022.
3. Caucus Prior to meeting minutes held on September 20, 2022.
4. Regular Council meeting minutes held on September 20, 2022.
5. Caucus Prior to meeting minutes held on October 4, 2022.
6. Regular Council meeting minutes held on October 4, 2022.

**Mass Motion** by Mr. Mencini, supported by Madam Coyne, to approve as printed.

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

**NAYS:** Troyer.

**REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee – Chairman, Poindexter

Mr. Poindexter stated no report and nothing in committee.

Finance Committee - Chairman, Scott

Mr. Scott reported the Finance committee has one item on the agenda. The Board of Control met earlier today with 13 items on the agenda; three largest were Delores Blvd. reconstruction project - \$334,921.84; Hio Drive reconstruction project - \$268,760.65 and gas and diesel fuel - \$50,000.00.

Legislative Committee - Chairwoman, Coyne

Three pieces of mm on agenda under second reading

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini reported basketball and cheerleading has been extended to November 4th, last day. There will be a Coaches clinic on November 9th in the high-school main gym from 7:30 p.m. to 9:00 p.m. The upcoming holiday events begin on Friday, November 25th with the parade beginning at the Brook Park elementary school travel down Holland Road to the municipal campus amphitheater; participants are being asked to light up their floats. Following the parade will be the tree lighting ceremony with music and other activities followed by fireworks. On November 26th Santa tours the city and pancake breakfast and pictures with Santa will be on December 3rd. This past Sunday the cheer-off was held in the main gym for the football cheerleaders which was a great event and everyone did a great job.

**Reports of Standing committees: cont.**

Planning Committee - Chairman, Troyer

Mr. Troyer reported the Planning Commission meeting was cancelled, due to no applications received.

Safety Committee - Chairman, Roberts

Mr. Roberts reported the Safety committee has nothing on tonight's agenda

Service Committee - Chairman, Poindexter

Mr. Poindexter reported there is nothing in committee.

Board of Zoning Appeals - Chairman, Salvatore

Mr. Salvatore stated the zoning board was cancelled, no report.

**REPORTS OF SPECIAL COMMITTEES:**

Southwest General Health Center Trustee, Mencini

Mr. Mencini reported starting in November 2022, Southwest General will continue the work of Saint Vincent bariatric surgery at the Middleburg Hts. location. Southwest General has received the National Accreditation Center of Excellence for 25 consecutive years.

Berea Board of Education Representative, Coyne

Madam Coyne reported the next school board meeting is November 7th, will have a report next meeting.

Technology & Innovation Council Representative, Poindexter

Mr. Poindexter reported the technology committee has not met since last meeting, the next meeting is scheduled for November 16th. At the November 9th Caucus meeting the technology committee will have requests for proposals (RFP's) for the city website upgrade and rebuild.

**REPORTS OF BOARDS AND COMMISSIONS:**

**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**

**REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Orcutt reported with the holiday parade the city instead of having the parade leave Brookgate the city is working hard to have everyone lined up at Brook Park memorial school travel down Holland Road to the city's municipal campus and library. The former Super 8 hotel demolition is underway with a completion of 45-days. The library resurfacing project is underway with milling and filling and striping to follow. With the Ford Innovation Center, the city and developers have had discussions to prepare for a second (2nd) building and also easements. Legislation will be introduced tonight relating to the TIF-ACT which allows the city to collect funds for 15 years with those tax dollars being used in and around the Ford Innovation Center. November 8th is election day and encouraged people to get out and vote. Thanked all the veterans for their service and stated that American Legion Post #610 will be having an appreciation dinner on November 11th.

**Questions to the Mayor:**

Madam Coyne asked Mayor Orcutt for an update as to how many residents applied and received HMAP grants, this year?

Mayor Orcutt responded your concern has been forwarded to the economic development commissioner, who will get those numbers. Several residents have applied but due how the legislation with the seven-years can't qualify. The issue with the HMAP is residents who qualify are not able to get the contractors.

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

Service Director Beyer

Mr. Beyer reported the next bulk week is November 14th on regular rubbish day. The last day for drop-off of rubbish and yard waste is November 18th; the department will be open on Saturdays only from 9:00 a.m. to 1:00 p.m., for drop-off. In observance of Veterans' Day, the department is closed with Friday rubbish pickup being picked up on Saturday. Leaf pickup is about three weeks in with three to four trucks a day don't park in front of piles and no sticks or dog waste leaf piles will not be picked up. Service crews will be throughout the city setting up for the upcoming holiday events.

Engineer Piatak

Mr. Piatak reported the Delores Blvd. project is wrapped up; the Hio Drive project has the final mainline pave last Friday; contractor is working on driveway aprons on the westerly side with a balance of miscellaneous items that need to be completed. Demolition of the former Super 8 motel the building is down with the contractor is pulling out the recyclables and metals this week and next; slab and pavement removal will follow. The CSX ditch-cleaning project the contractor has received and reviewing all necessary documents from the railroad.

Law Director Horvath

Mrs. Horvath reported with the active civil litigation there is one case of special interest and requested having an executive session at next meeting.

Safety Director Sensel

Mr. Sensel reported the four (4) new police cars were received last Monday and are being up-fitted and decaled. Property maintenance issues are still a high concern keep sending in those work orders. There will be a Neighborhood Watch meeting on November 9th at 7:00 p.m. at the library with Fire Prevention Officer, Bill Bennet, being in attendance providing upcoming holiday tips.

Finance Director Cingle

Mr. Cingle stated no report.



**Questions:**

Madam Coyne stated to Mrs. Horvath, if possible, legislation request allowing the Mayor to seek proposals from qualified architects and planners for re-adaptive use of the following properties: Former hotel on Snow Road, former Brook Park Memorial School, former Brookview school, recreation center, safety building and library. Will send an email as to what I'm looking for.

Mrs. Horvath responded look forward to the memo.

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

New Legislation:

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. Assigned to Legislative committee.

**Motion** by Mr. Scott, supported by Madam Coyne, to place under letter M, first reading.

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

Mr. Vecchio stated this will appear under M-2 as Ordinance No. 11295-2022.

2. An Ordinance declaring improvements to certain parcels of real property to be a public purpose and exempt from taxation, describing the public improvements to be made to directly benefit such parcels requiring the owners of the improvements on such parcels to make service payments in lieu of taxes, establishing a municipal public improvement tax increment equivalent fund for the deposit of such service payments pursuant to Ohio Revised Code sections 5709.40, 5709.42 and 5709.43 and declaring an emergency. Introduced by Mayor Orcutt. Assigned to legislative committee.

**Motion** by Madam Coyne, supported by Mr. Roberts, to place under letter M, first reading.

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

Mr. Vecchio stated this will appear under M-3 as Ordinance No. 11296-2022.

Verbal Approval:

1. 2023 Caucus-Council meeting schedule, as amended.

**Motion** by Mr. Poindexter, supported by Mr. Mencini, to approve as amended.

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

**MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**

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

Albert Wolf

5880 Wengler Drive

Mr. Wolf thanked everyone for the demolition of the former Super 8 hotel.

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

1. Ordinance No. 11294-2022

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.

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

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

**NAYS:** None.

**ABSTENTION:** Salvatore

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

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

**NAYS:** None.

**ABSTENTION:** Salvatore. Ordinance No. 11294-2022, has passed under suspension of the rules. Adopted.

2. Ordinance No. 11295-2022

An Ordinance amending sections 105.02, 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, C/W.

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

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

**NAYS:** Unanimous.

Read in its entirety. Mr. Scott read Charter section 17.07 into the record.

**Motion** by Mr. Troyer, supported by Madam Coyne, to amend section 2 by deleting 'appealed' and inserting 'repealed'.

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

**NAYS:** Unanimous.

**Motion** by Mr. Mencini, supported by Madam Coyne, to adopt, as amended.

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

**NAYS:** Troyer, Ordinance No. 11295-2022, has passed under suspension of the rules as amended. Adopted.

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

3. Ordinance No. 11296-2022

An Ordinance declaring improvements to certain parcels of real property to be a public purpose and exempt from taxation, describing the public improvements to be made to directly benefit such parcels requiring the owners of the improvements on such parcels to made service payments in lieu of taxes, establishing a municipal public improvement tax increment equivalent fund for the deposit of such service payments pursuant to Ohio Revised Code sections 5709.40, 5709.42 and 5709.43 and declaring an emergency. Introduced by Mayor Orcutt.

Read in its entirety.

Mr. Vecchio stated Ordinance No. 11296-2022, has had its first reading.

**Motion** by Mr. Mencini, supported by Mr. Roberts, for a five-minute recess.

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

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

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

**Motion** by Mr. Salvatore, supported by Mr. Troyer, to go out of the regular order of business to go into executive session.

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

**Motion** by Mr. Troyer, supported by Madam Coyne, to go into executive session for Collective Bargaining Matters.

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

**SECOND READING OF ORDINANCES AND RESOLUTIONS:**

1. ORDINANCE NO. 11286-2022

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

Mr. Troyer stated to Mrs. Horvath found a few items with 720.07 E-3 reads 556 and should read 720, could that be changed by the next meeting?



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

Mrs. Horvath responded you're just looking at the prism of a veto?

Mr. Troyer continued or any other problem that may occur, let's say all three pieces pass and two were vetoed. That would remove the ban and have nothing in its place.

Mrs. Horvath suggested keeping in place, can't say there wouldn't be a veto, since there will be another meeting on these measures; possibly have some discussions with people prior to removal of the emergency clause.

Mr. Vecchio stated Ordinance No. 11293-2022, has had its second reading.

**THIRD READING OF ORDINANCES AND RESOLUTIONS:**

**Note:** Executive Session - Collective Bargaining Matters - Mayor Orcutt - was moved to earlier in the meeting.

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 10:03 p.m.

RESPECTFULLY SUBMITTED

  
Carol Johnson  
Clerk of Council

APPROVED 11/15/2022

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