

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, NOVEMBER 15, 2022**

The meeting was called to order by Council President Vecchio at 8:20 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, Service Director Beyer, Safety Director Sensel, Recreation Director Gonzales and Engineer Piatak.

Mr. Vecchio observed a Moment of Silence for Carl Burgio who passed on November 11th. Carl will be solely missed by everyone and so everyone is aware Carl was the longest concurrent Councilman serving 20 years uninterrupted. Carl was also a catalyst by bringing the Tri-City Dog Park with the Cities of Middleburg Hts. and Berea and, also, instrumental with the passage of House Bill 60 - Goddard's Law. God Speed Big Dog.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior to meeting minutes held on October 18, 2022.
2. Regular Council meeting minutes held on October 18, 2022.
3. Caucus Prior to meeting minutes held on November 1, 2022.
4. Regular Council meeting minutes held on November 1, 2022.

Mass Motion by Mr. Poindexter, supported by Mr. Mencini, to approve as printed.

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

NAYS: Troyer.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee - Chairman, Poindexter

Mr. Poindexter stated no report.

Finance Committee - Chairman, Scott

Mr. Scott reported the Finance committee has nothing on tonight's agenda. The Board of Control met on November 9th; three largest Concrete Pete for the 2022-2023 senior snow plowing - \$19,899.00, Wm. Jeffries for the 2022-2023 senior snow plowing - \$17,820.00 and Legend Lawn Care for the 2022-2023 senior snow plowing - \$19,008.00. The November 15th three largest were Nick Abrams Ford for police car repairs - \$10785.32, Street sweeping dumping fees - \$3,500.00 and Police Sergeant testing increase of \$500.00 - total \$5,800.00.

Legislative Committee - Chairwoman, Coyne

Madam Coyne reported the legislative committee has three (3) medical marijuana ordinances under third reading

Reports of Standing Committees: cont.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini reported that Women's Volleyball is in full swing and hopes that people and memberships start to pick up this winter and the upcoming year of 2023. Want to provide some numbers for senior groups, recreation center and waterpark. In 2021 recreation usage was \$23,000.00 and to date in 2022 \$26,000.00; the waterpark usage in 2021 was \$7000.00 and in 2022 \$8000.00; the seniors' usage in 2021 was \$3600.00 and to date in 2022 \$4,300.00.

Planning Committee - Chairman, Troyer

Mr. Troyer stated the Planning commission has not met, therefore, no report.

Safety Committee - Chairman, Roberts

Mr. Roberts stated no report but asked for a moment of silence for long-time resident Ralph Lohn who recently passed.

Service Committee - Chairman, Poindexter

Mr. Poindexter reported the Service committee has no legislation in committee.

Mr. Poindexter extended an invitation to Council and residents to a Kickball (fundraiser) of food and donations for Audrey's Outreach. The fundraiser will be held at Brookview Elementary this Saturday, November 19th, at 1:00 p.m.

Board of Zoning Appeals - Chairman, Salvatore

Mr. Salvatore stated no report.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini

Mr. Mencini stated the Centers for Medicare and Medicaid recognized Southwest General with a five-star overall quality rating. The outpatient and other volumes are good, the inpatient and emergency volumes are lower than expected.

Southwest is maintaining a positive cash flow and reinvestment in the 2023 capital budget.

Berea Board of Education Representative, Coyne

Madam Coyne asked for a Moment of Silence for Mike Lucas, former electrical inspector for the city. The board met on November 7th and I want to reiterate that all meetings are livestreamed on YouTube. This meeting included a lot of shout-outs and encouragement and acknowledgement of students. Some Track athletes received awards, high school art is being displayed at Baldwin-Wallace (BW). The Middle School has started a Positive Peeps group to work in the community by picking up litter, trash, etc. The school counselor for Grindstone (Elementary) does book talks and received a grant for 20 books and is looking to fill those 20 spots.

Grindstone Elementary also received a grant from the Cuyahoga County Soil and Water District to build a garden that high schools students will maintain.

Technology & Innovation Council Representative, Poindexter

Mr. Poindexter reported the Technology & Innovation committee gave a presentation to Council at last week's Caucus meeting for the potential of the city's website and what can be done, looking for legislation in the near future. The

Technology & Innovation committee - Representative, Poindexter: cont.
technology committee meets tomorrow and hopefully the new member will be in attendance.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Orcutt expressed deepest condolences to the Burgio family and stated Carl represented the Berea school District and this city with honor; also thanked Carl for his leadership and friendship. Onto the business at hand, the library resurfacing project was completed last week. The Super 8 demolition project continues the structure is down, grading continues. Thanked the Economic Development Commissioner for putting a meeting together at National Office (Brookpark Road) with 20 other companies with discussions taking place on how they can grow, very informational meeting. Wished everyone a Happy Thanksgiving and looks forward to seeing everyone on November 25th for the tree lighting ceremony, fireworks and parade beginning at Brook Park Elementary through the municipal campus and ending at the library.

Questions:

Madam Coyne thanked Mayor Orcutt and American Legion Post #610 for the wonderful dinner for the veterans. Onto to business, last week the HMAP report was received and I now understand status of this not forthcoming, due to this program being a complete failure. There were 22 applicants and the city is giving away monies and it seems nobody qualifies. We need to improve with communication on the city's website and possibly the property maintenance inspector could inform violators about this program. I think this legislation should be re-evaluated and must eliminate the match, income restrictions and listed maintenance requirements. I will be forwarding legislation to the law department because residents need to be informed about this program and we need to do better with this program.

Mayor Orcutt requested to respond immediately especially when hearing complete failure, which is a negative comment to this administrative. Also, want to explain and reiterate that this legislation was introduced in April, after budget passage, with many amendments coming forth including some from Madam Coyne that held up this legislation. I spoke to this Council that with the amendments being made that would limit the contractors and was told that wouldn't be a problem by a Councilperson and that is exactly what has happened. Being in the industry for 30 years I know how things work and there are not enough trades people to fulfill the jobs. So residents trying to get three quotes starting in July and August the contractors are meeting jobs that were scheduled in the winter months, for the

Questions to the Mayor: cont.

upcoming season. Just a note there were 52 applicants that came to City Hall with only 22 being allowed due to residents not being able to re-apply with the seven (7) years requirement. The economic development commissioner works hard with these residents and also works with the building department on mailing out or driving applications to residents' homes and also working with residents with the needed quotes. With advertising the property maintenance inspector provides the application and information to the residents about this program.

Mr. Poindexter asked for an update status on Wedo Park?

Mayor Orcutt responded the construction documents are being worked on and core samples being taken.

Mr. Mencini asked if there will be meetings with Councilmembers of streets in wards that need to be done in 2023?

Mayor Orcutt responded yes, as most people know there is a shortage of concrete and the last reason I heard is due to not having the necessary raw materials. Committed the service director and city engineer for working diligently on another route for milling and filling. Prices have been gathered from companies that perform this type of work and meetings with Councilmembers will be scheduled.

Mr. Troyer asked for an update on the roof and walls (former natatorium center) at the recreation center?

Mayor Orcutt responded a purchase order has been created for the advertisement and will be going out bid and bringing those numbers back to Council.

Mr. Troyer continued with the roads and doing a full-depth will that be like Grosse with the asphalt in the center.

Mayor Orcutt responded if concrete repairs are needed they will get done.

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

Recreation Director Gonzales

Mr. Gonzales reported that basketball and cheer are underway with background checks on the coaches and asked for patience with notification of teams. The holiday events begin Friday, November 25th with the tree-lighting ceremony, fireworks and parade. Applications need to be returned by Friday, November 18th for the parade. The recreation staff went door to door to many businesses for

Reports and communications from departments, commissions and other public officials: cont.

participation in the parade. November 26th Santa will be touring all the city streets and on December 3rd is the pancake breakfast and pictures with Santa.

Service Director Beyer

Mr. Beyer reported that bulk pickup is next week on regular scheduled rubbish day, mattresses must be wrapped. On Thursday, November 24th, Thanksgiving Day, the department is closed so rubbish pickup will be delayed one day, Thursday pickup on Friday and Friday pickup on Saturday. This is the last week for yard waste and rubbish drop off at the service department Monday through Friday. The department is trying a new program beginning December 3rd with staying open on Saturdays only from 9:00 a.m. to 1:00 p.m. for yard waste and rubbish drop off. With leaf pickup crews are getting through the city approximately every ten (10) days.

Engineer Piatak

Mr. Piatak reported the Snow Road demolition project is continuing with asphalt and paver removal operations, there have been some setbacks with equipment break down. With the Delores Blvd. three residents requested trees that were planted. With the Wedo Park retention basin details are being finalized for the design and hydraulics analysis. The Geo test report is underway and I didn't see a lot of organics or unsuitable materials. With Mr. Troyer's statement about Grosse Drive with the asphalt center that was a curb and gutter repair and there are many pros and cons with this type of repair that also takes longer time for completion; there is a pavement repair method that the city is considering.

Law Director Horvath

Mrs. Horvath stated no report and wished everyone a Happy Thanksgiving.

Safety Director Sensel

Mr. Sensel stated no report and expressed condolences to the Burgio family and wished everyone a Happy Thanksgiving.

Finance Director Cingle

Mr. Cingle expressed condolences to the Burgio, Lucas and Lohn families. The 2023 appropriations will be introduced this evening; any questions please contact the department. The October financial reports have been distributed and will have a report from the Tax department next meeting.

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

New Legislation:

1. An Ordinance authorizing the consulting city engineer to provide engineering and surveying services for the additional right-of-way determination prior to the Sheldon Road resurfacing project (County ID# 1285/PID 113312) and declaring an emergency. Introduced by Mayor Orcutt. Assigned to Legislative Committee.

Motion by Mr. Troyer, supported by Mr. Mencini, to move to letter M, first reading, of tonight's Council agenda.

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

Mr. Vecchio stated this will appear under M-1 as Ordinance No. 11297-2022.

2. AN ORDINANCE AMENDING ORDINANCE NO. 11244-2022, THE APPROPRIATION ORDINANCE, FOR THE CITY OF BROOK PARK, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. Assigned to the Finance committee.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Elizabeth Sayers
 23065 Cedar Point Road
 Ms. Sayers thanked for the acknowledgement of Ralph Lohn who was the person with former Mayor Coyne to plant flowers.

ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. Ordinance No. 11297-2022

AN ORDINANCE AUTHORIZING THE CONSULTING CITY ENGINEER TO PROVIDE ENGINEERING AND SURVEYING SERVICES FOR THE ADDITIONAL RIGHT-OF-WAY DETERMINATION PRIOR TO THE SHELDON ROAD RESURFACING PROJECT (COUNTY ID# 1285/PID 113312) AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

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

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

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

SECOND READING OF ORDINANCES AND RESOLUTIONS:

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 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.

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

THIRD 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.

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

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

2. **ORDINANCE NO. 11287-2022**

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

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

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

3. **ORDINANCE 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 Councilmembers Troyer, Poindexter, Mencini and Roberts.

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

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

EXECUTIVE SESSION - Mayor Orcutt - PENDING OR IMMINENT COURT ACTION. **Motion** by Mr. Troyer, supported by Madam Coyne, to remove the executive session from this agenda.

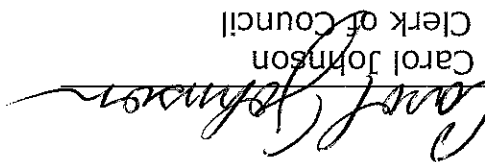
ROLL CALL: AYES: Troyer, Coyne, Scott, Mencini, Roberts, Poindexter, **NAYS:** Salvatore.

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


Carol Johnson
Clerk of Council

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

APPROVED 