

**ITEMS TO BE CONSIDERED  
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING  
HELD ON TUESDAY, DECEMBER 20, 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, POINDEXTER, SALVATORE**

Also in attendance were Mayor Orcutt, Law Director Horvath, Finance Director Cingle and Service Director Beyer. Councilwoman Coyne 7:08 p.m.

**DISCUSSION:**

1. COMMITTEE FORMAT - Councilman Troyer.

Mr. Troyer stated at last week's Caucus meeting during Planning Committee as chairman I wanted to bring people up and was interrupted; especially with Planning it would be the owner, not some random person.

Mr. Mencini stated I do believe if it is your committee you should be able to run your committee. Always believed that Council can vote but the chairman is in charge.

Mr. Poindexter stated if it's your committee that chairman can bring any speaker or presentation on topic.

Mr. Salvatore stated if it's not on the agenda it should not be discussed. If it's Council's meeting, then by a vote of Council to go out of regular order of business; Council votes and majority rules.

Mr. Scott concurred with Mr. Salvatore, four votes to bring someone up by motion.

Mr. Troyer clarified this was at a Caucus meeting and the gentlemen came to speak but never made the agenda.

**Motion** by Mr. Poindexter, supported by Mr. Salvatore, this was discussed.

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

**NAYS:** Unanimous.

2. AN ORDINANCE AMENDING ORDINANCE NO. 111244-2022, THE APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mr. Cingle stated an amended version was provided to the Clerk of Council earlier today, the total did not change. The first is Clerk of Council, part time salaries will be increased by \$1000.00 to \$3,000.00, due to a part time employee not being

**Discussed: cont.**

hired prior to the passing of the budget; Recreation Center - fringe benefits increased to \$5,000.00 due to an employee not being under the city's health care at the beginning of the year; Police contracts increase of \$14,000.00 due to being with the Council of Governments for the radio system to pay for the bill. The Council of Governments consist of the Cities of Berea, Middleburg Hts., Olmsted Falls, Olmsted Township, Strongsville and North Royalton. Service Building miscellaneous expenses increase of \$20,000.00 for fuel. The offset of \$40,000.00 increases for those four and to offset those increases the Miscellaneous Executive - Professional Services reduced by \$90,000.00 for a negative (-) \$90,000.00 from a negative (-) \$50,000.00. There are no changes to the General Fund of \$381,703.99 and total changes 969,018.47.

Mr. Mencini asked Mr. Cingle with the Clerk of Council is that for bringing in an extra clerk and to add funds?

Mr. Cingle concurred.

Mr. Mencini continued with the service department of \$20,000.00 wouldn't have that been done earlier.

Mr. Cingle responded speaking with the service director, earlier today, he thinks he is good on fuel but wants to be safe.

**Motion** by Mr. Troyer, supported by Mr. Poindexter, to place on tonight's Council agenda.

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

2. AN ORDINANCE ENACTING SECTION 1729.07 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'INCOME TAX ADMINISTRATOR' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

**Motion** by Mr. Troyer, supported by Madam Coyne, this was discussed.

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

3. AN ORDINANCE ADOPTING A PROCUREMENT POLICY FOR ALL PURCHASES UTILIZING FEDERAL FUNDS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

**Motion** by Mr. Troyer, supported by Mr. Mencini, this was discussed.

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

**Discussion: cont.**

4. AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ADMINISTRATIVE CODE TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR EMPLOYEES OF THE CITY, OTHER THAN ELECTED OFFICIALS OR THOSE COVERED UNDER NEGOTIATED LABOR CONTRACTS AND DECLARING AN EMERGENCY.  
Introduced by Mayor Orcutt.

Mr. Poindexter stated okay with the changes to the salaries with the exception of section 140.02 - building commissioner of \$10,000.00 as requested, sets a bad precedent. This city had a building commissioner that served under four (4) Mayors and was let go, understand the Mayor can bring in new people but I cannot and will not support the \$10,000.00 and should kept where it is.

Mr. Troyer asked if the law department personnel changes would be retroactive.

Mrs. Horvath responded yes.

Mr. Troyer asked Mayor Orcutt if the building commissioner would be retroactive?

Mayor Orcutt responded negative, will not be.

Mr. Troyer continued also have problem with the building commissioner increase, should come forward early next year.

Mayor Orcutt stated to Mr. Poindexter and Troyer the assistant building commissioner with Union Local 436 is very close to the building commissioner's salary with the building commissioner having more responsibilities, it's very competitive out there. In Columbus there is the Safebuilt company that operates by doing building commissioner work and is not very high; Columbus makes it extremely hard to become a building commissioner who must have 11 certifications. So paying the building commissioner a few thousand-dollars more than the assistant building commissioner helps the city to be competitive and having the right person in the that position. That's the reason for the \$10,000.00 increase and it doesn't mean that person will move up to that salary.

Mr. Poindexter reiterated the former building commissioner lasted four (4) Mayors' and had all the certifications and was let go, where is the limit. This person, my understanding, is doing a nice job but hasn't been on the job for a year and am not in support of \$10,000.00 increase.

Mayor Orcutt reiterated with the maximum it doesn't mean that person will move up to that salary. During union negotiations this was brought up to me about the salary difference between assistant building commissioner and building

**Discussion; cont.**

commissioner. Must have knowledge of certifications certain people have and have not.

Mr. Mencini have seen good people let go and went to other cities and did well and have seen others too. My point on this is the Mayor when coming in can appoint his own cabinet, whether I agree or not. Should have qualified people in there but salary must be earned.

Mr. Troyer reiterated this should be done early next year.

Mr. Poindexter stated even though the person isn't taken up to maximum it still has to be budgeted in 2023. In year's prior have seen with the stroke of a pen employees were bumped to the maximum. If Council okays this it gives the Mayor authority to bump up, not saying he would.

Mr. Salvatore commented see there has been no increases to the boards and commissions, that has been previously talked about several times. Along with the caveat that they have to attend the meeting, in order, to get paid. These commissioners work hard, especially Board of Zoning, to get projects through and work with the Planning commission on variances. Think there should be an increase of \$150,00 monthly.

Mr. Troyer asked Mr. Cingle with these four (4) positions does it have to be passed this year or can it be done later?

Mr. Cingle responded it could be done next year and retroactive back but that would put an impact on the 2023 budget. This year if nothing happens and the income tax administrator legislation is passed there would be no funding ability so the position cannot be filled, without knowing the salary. These four (4) individuals did not receive the \$2,500.00 bonus or the \$750.00 bonus that the union members received.

Mr. Troyer stated the building commissioner should be changed next year as well as the some of the commissions. Bldg. commissioner should be changed next year as well as some of the commissions. That's the only position that doesn't belong and could be lowered a few thousand dollars and raise it next year.

Mayor Orcutt stated think this discussion is very similar to the tax administrative position being talked about this evening. The amount of people in certain industries is decreasing. Just a word of caution, if this city goes to a third-party building commissioner that will deter this city, not a good idea to remove at this time.

**Discussion: cont.**

**Motion** by Mr. Poindexter, supported by Mr. Troyer, to remove the building commissioner increase.

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

**NAYS:** Coyne, Roberts, Salvatore. Motion carried.

Mr. Troyer stated need to add the Innovation and Technology committee that was left off.

**Motion** by Mr. Salvatore, supported by Mr. Troyer, to raise the boards and commissions from \$100.00 to \$150.00.

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

**NAYS:** Troyer, Scott

Mr. Cingle stated if that motion is approved, sounds like it was, then those dollars would be retroactive and I would need to resubmit another ordinance to adjust the appropriation ordinance.

Mr. Vecchio clarified a new piece would have to come forward, not tonight, to adjust the salary schedule.

Mr. Cingle stated if the minimum is kept the same at \$12,000.00 and the maximum is increased to \$1,800.00 for the boards and commissions; there would be no need for an adjustment to the appropriation ordinance.

Madam Coyne stated asked if this has happened in the past?

Mr. Salvatore responded the boards and commissions did not receive an increase, several years ago, their salaries were decreased.

**Motion** by Mr. Troyer, supported by Mr. Mencini, this was discussed.

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

**NAYS:** Unanimous.

**Motion** by Mr. Salvatore, supported by Mr. Mencini, to recess the Caucus meeting.

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

**NAYS:** Unanimous. 7:45 p.m.

6. AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO ADVANCE AND TRANSFER FUNDS TO THE SPECIFIED FUNDS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

**Motion** by Mr. Poindexter, supported by Mr. Roberts, this was discussed.

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

**NAYS:** Unanimous.

**Discussion: cont.**

7. A RESOLUTION GRANTING THE APPROVAL TO OPERATE A NEW BUSINESS, OLD SCHOOL IRON-GUN RANGE LOCATED AT 5131 WEST 140TH STREET, BROOK PARK, OHIO, IN THE 5C DISTRICT AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mr. Poindexter stated there are two conditions that are not listed on the legislation.

Mrs. Horvath stated the law department has been short-handed the last two weeks and this resolution was drafted prior and felt it best, under the circumstances, that Council have legislation to work with.

**Motion** by Mr. Poindexter, supported by Mr. Troyer, to amend section one (1) at the end 1. Operator must abide by all federal state guidelines. 2. Add the appropriate amounts of bollards to front of building.

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

**Motion** by Mr. Poindexter, supported by Madam Coyne, this was discussed.

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

8. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE FRATERNAL ORDER OF POLICE LODGE NO. 15 AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this is the annual wage reopener and health care increase for the patrolmen.

**Motion** by Mr. Troyer, supported by Mr. Roberts, this was discussed.

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

9. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (OPBA) AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this is for one (1) full-time jailer.

**Motion** by Mr. Mencini, supported by Mr. Poindexter, this was discussed.

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

**Discussion: cont.**

10. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE PATROLMEN'S BENEVOLENT ASSOCIATION AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this is for the sergeants and lieutenants increase.

**Motion** by Mr. Mencini, supported by Mr. Roberts, this was discussed.

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

11. AN ORDINANCE TO PROVIDE FOR THE TEMPORARY APPROPRIATIONS OF THE CITY OF BROOK PARK, STATE OF OHIO, FOR THE THREE MONTHS ENDING ON MARCH 31, 2023 AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

**Motion** by Mr. Poindexter, supported by Mr. Mencini, this was discussed.

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

**PLANNING COMMITTEE - CHAIRMAN, TROYER:**

1. PLANNING COMMISSION PROCESS.

Mr. Troyer stated there have been problems with communications between the building department, Council clerk and myself with items that coming from the building department. The Council clerk gets calls from people when should they be in attendance. All the Council clerk does with information from the building department is post. In the past, business owners have been calling the Council office asking when they should be in attendance. Normal cycle is Planning commission meeting occurs before the first (1st) Council meeting and anything from Planning is sent to the Council clerk that Wednesday and appears on the next Caucus agenda for Council's consideration. If the Council clerk is to call people when they should appear but as the Mayor stated earlier, this year, he didn't want anyone calling people. Just want to be consistent with what the process should be.

Mayor Orcutt stated what we need to do is have good transparency either by phone call or text. The incident that happened earlier in the year was a business owner called me confused that there wouldn't be enough time for him to be at a meeting. I don't think it is the proper way to call someone the day of the meeting to be in attendance.

Mr. Troyer stated you told me that you didn't want us contacting the business owners.

**Planning Committee - Chairman, Troyer: cont.**

Mayor Orcutt stated anything coming from the Planning commission for a Conditional Use Permit will appear on the next Caucus agenda.

Mr. Troyer stated the building department will do that when sending to the Council clerk. Whatever the building department sends over will have the names listed to appear on the agenda.

Mayor Orcutt stated will continue to work to make things efficient and if there is an issue please call me.

Mr. Mencini asked my remark to the audience is when a project is going what is the range to send letters to residents of Planning and Board of Zoning meetings?

Mr. Troyer responded with variances and conditional use permits residents get a letter.

Mayor Orcutt concurred.

Mr. Vecchio stated if there are discrepancies in processing and concur with both Mayor and Mr. Troyer's comments; I would say get together and communicate. We have done a lot with this Council with streamlining; if you feel something needs to be streamlined do it.

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

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

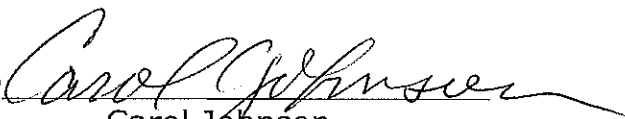
**NAYS:** Unanimous

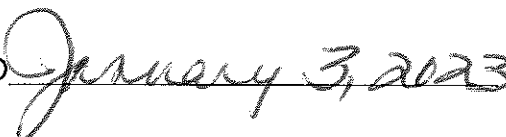


There being no further business to come before this meeting a **motion** by Mr. Mencini, supported by Mr. Roberts, to adjourn.

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

Council President Vecchio declared this meeting adjourned at 9:15 p.m.

RESPECTFULLY SUBMITTED   
Carol Johnson  
Clerk of Council

APPROVED 

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