

**ITEMS TO BE CONSIDERED  
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING  
TO BE HELD ON TUESDAY, JANUARY 3, 2023  
7:00 P.M.**

**I. ROLL CALL OF MEMBERS:**

**II. PLEDGE OF ALLEGIANCE:**

**III. DISCUSSION:**

1. DEPARTMENT OF LIQUOR CONTROL –BROOKPARK LOUNGE LLC  
14500 BROOKPARK RD. BROOK PARK, OH 44135 NEW 0975719 **POST  
MARK DATE: 1/12/23** – PER COUNCIL PRESIDENT VECCHIO.
2. OVERNIGHT PARKING ON CITY STREETS. – Councilman Troyer. –  
PER COUNCIL PRESIDENT VECCHIO.
3. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO  
PREPARE SPECIFICATIONS, AND TO ADVERTISE FOR BIDS, AND  
FURTHER AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH  
THE LOWEST AND/OR BEST BIDDER FOR THE DISPOSAL OF SOLID  
WASTE AND RECYCLABLES IN AN EPA APPROVED COMPOSITING  
FACILITY, AND DECLARING AN EMERGENCY. Introduced  
by Mayor Orcutt -PER COUNCIL PRESIDENT VECCHIO.
4. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
MEMORANDUM OF UNDERSTANDING ("MOU") WITH THE  
TEAMSTERS UNION LOCAL 436, AND DECLARING AN EMERGENCY.  
Introduced by Mayor Orcutt -PER COUNCIL PRESIDENT VECCHIO.
5. A RESOLUTION ACCEPTING A SEPARATION AGREEMENT AND  
RELEASE AND WAIVER, AND DECLARING AN EMERGENCY.  
Introduced by Mayor Orcutt -PER COUNCIL PRESIDENT VECCHIO.

**IV. SERVICE COMMITTEE - CHAIRMAN, POINDEXTER:**

1. AN ORDINANCE AUTHORIZING THE RECONSTRUCTION OF HOLLAND  
ROAD FROM EASTLAND ROAD TO ENGLE ROAD IN THE CITY OF BROOK  
PARK, AND DECLARING AN EMERGENCY. Introduced by Mayor  
Orcutt -PER COUNCIL PRESIDENT VECCHIO.

**V. ADJOURNMENT**

**Posted: 12/30/22**

**ITEMS TO BE CONSIDERED  
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING  
TO BE HELD ON TUESDAY, JANUARY 3, 2023**

The meeting was called to order by Council 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, Recreation Director Gonzales, Service Director Beyer, Human Resources Commissioner Rednour, Economic Development Commissioner Marnacheck and Engineer Piatak.

Council President Vecchio excused.

**DISCUSSION:**

1. DEPARTMENT OF LIQUOR CONTROL - BROOKPARK LOUNGE, LLC, 14500 BROOKPARK ROAD, BROOK PARK, OH 44135. NEW 0975719. Postmark date 1/12/23.

Madam Horvath asked for more time for due diligence.

**Motion** by Mr. Mencini, supported by Madam Coyne, to place on next Caucus agenda, January 10th.

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

2. OVERNIGHT PARKING ON CITY STREETS - Councilman Troyer.

**Motion** by Mr. Troyer, supported by Mr. Poindexter, to move to end of discussion, number six (6).

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

3. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE SPECIFICATIONS AND TO ADVERTISE FOR BIDS AND FURTHER AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST AND/OR BEST BIDDER FOR THE DISPOSAL OF SOLID WASTE AND RECYCLABLES IN AN EPA APPROVED COMPOSTING FACILITY AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this gives the service director the ability to shop around for the best price for city's solid waste.

**Discussion: cont.**

Mr. Beyer stated the city's solid waste contract for tipping fees ends February 28th and the Mayor's administrative assistant and I have been working closely with the solid waste district to find the best rates for tipping fees for solid waste; and possibly getting monies back for recycling, that hasn't been done in the past.

Mr. Poindexter clarified with Mr. Beyer that the agreement ends on February 28th.

Mr. Beyer stated the one-year extension from last November; one the bid is put out there are only four companies that accepts solid waste. This will allow to get pricing for the city's solid waste.

Mr. Mencini asked if the four (4) companies are in the local realm and are there any issues with the company being used now?

Mr. Beyer responded all four (4) companies will be competitive and with the last contract there was no reimbursement for recyclables, what is called a blended market value. Working with the solid waste district that was a big thing that they thought the city was missing out on. The four companies are Rumpke, Waste Management, Kimble and Republic.

**Motion** by Mr. Scott, supported by Mr. Mencini, to place under M-1 on the Council agenda immediately following.

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

- 4. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE TEAMSTERS UNION LOCAL 436 AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this is the wage reopener for local 436, for salary increases.

**Motion** by Mr. Mencini, supported by Mr. Roberts, to place on the Council agenda under letter M-2.

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

- 5. A RESOLUTION ACCEPTING A SEPARATION AGREEMENT AND RELEASE AND WAIVER AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this based upon some issues discussed privately personnel issue in 2022. Separation labor attorney and lawyer representing the employee.

**Discussion: cont.**

Madam Coyne questioned item number ten (10), of the agreement, that the employee's conduct will be maintained in a separate file in the office of the safety director. Always thought that would go to the human resources office, never heard of that.

Mayor Orcutt referred to Human Resources Commissioner Rednour.

Madam Coyne reiterated item number ten (10) of the agreement.

Mr. Rednour responded that's not unusual to have a separate file for employees.

Madam Coyne continued this has nothing to do with civil service, safety director will give to you?

Mr. Rednour concurred and stated in a separate file.

Madam Coyne asked if the employee agreed to that?

Mr. Rednour it's in the contract that will be in my office

Mr. Troyer asked what was the employee's last day on the job?

Mr. Rednour responded I think August 18th.

Mr. Troyer continued according to this, this employee is retiring on March 31st?

Mr. Rednour responded, I believe, that was what was agreed on.

Mr. Mencini stated the employee's name is listed on the separation agreement. Signed agreement would not only go to human resources but also other various departments.

Madam Horvath stated it's not unusual to have personnel files in separate departments. The law department has lots of documentation on this issues, dealing with civil service; as well as labor counsel having much documentation.

Mr. Poindexter stated it's sad to be in this position with this employee who has served the city for a very long time. Even in his absence is still serving the city by signing this agreement and if he pursued further outcome would have been totally different situation for the city. Thank you for the service given to the city.

Madam Coyne expressed concern with page two (2) number 13 that reads. 'Employee understands that the release he is giving includes claims that he does not have knowledge of at this time'. At the end of the same paragraph reads

**Discussion: cont.**

'nothing in this agreement shall be construed to impair the employee's ability to bring a lawsuit to enforce this agreement'. To Madam Horvath, please clarify what claims that the employee does not have knowledge at this time. Understand there can't be a lawsuit but that first statement because of the claims that the employee does not have knowledge of.

Mrs. Horvath the employee is waiving any future plans he may have later knowledge of and see no problem from a legal standpoint. This agreement was drafted by labor counsel and it's very common that a release would have very broad terms. Would also note, this particular employee has had this separation agreement reviewed by his legal counsel and is in the parameters to release any future claims he may become aware of.

Mr. Mencini asked Madam Horvath the employee's lawyers look through this?

Madam Horvath responded yes, his legal counsel's signature is on the agreement.

Mr. Mencini continued did the city's legal counsel review this?

Madam Horvath stated it was negotiated with city's labor counsel and after the request for legislation looked at it. You will notice that the law department's stamp is not on due to wanting to get Council's approval. This was reviewed and is within the terms for resolving this matter.

Mr. Salvatore stated whether I agree with this or not, it's relevant that two parties came together to come up with an agreement with the city's best interest.

**Motion** by Mr. Troyer, supported by Madam Coyne, to place on the Council agenda immediately following.

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

6. OVERNIGHT PARKING ON CITY STREETS - Councilman Troyer.

**Motion** by Mr. Poindexter, supported by Madam Coyne, to move to the next Caucus agenda, January 10th.

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

**SERVICE COMMITTEE - CHAIRMAN, POINDEXTER:**

1. AN ORDINANCE AUTHORIZING THE RECONSTRUCTION OF HOLLAND ROAD FROM EASTLAND ROAD TO ENGLE ROAD IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated the city engineer put in for a grant to obtain dollars for Holland Road and the city was awarded \$250,000.00, referred to Engineer Piatak.

Mr. Piatak stated this is a county-run program for a segment of Holland Road, between Engle and Eastland Roads. The title of the legislation is misleading but that is what the county named it. A reconstruction full-depth pavement and this project is for concrete, slabs, curb-cuts and other items. The cost of the project is \$570,000.00 so there will be local dollars for this 50%-50% program with the county that will occur in 2024.

Mr. Troyer expressed concern with letter D - Maintenance of the agreement and stated this can't be amended due to being a county project.

Mr. Piatak concurred and stated there may be resurfacing of asphalt sections but this roadway will be concrete. Would like to do joint repairs in front of city's service department have slabs removed and replaced; this project will be a mixture of different repairs but will not be in entire roadway completion.

Mr. Troyer asked if this will be asphalt overlay?

Mr. Piatak responded the intent is for concrete but there may be sections of asphalt overlay.

Mr. Troyer asked will this be done in-house or go out to bid?

Mr. Piatak responded it is my intent to prepare plans and specifications to out to bid.

Mr. Mencini stated looking at the price that roadway could be \$3 or \$4 million-dollars, appreciate any grants the city receives from departments. All the city vehicles travel to the service garage and there are many trucks that travel up and down Holland Road. In the center from the railroad tracks to Engle Road will that be grinded down, due to rising in the center?

Mr. Piatak responded the plans have not been put together there is work and designs that need to be conducted prior to putting contract out for concrete and slab replacements.

**Service committee - Chairman, Poindexter: cont.**

Mr. Poindexter thanked the Mayor for bringing this forward since city vehicles take a pounding going down that road.

**Motion** by Madam Coyne, supported by Mr. Mencini, to move to M-4 on the Council agenda immediately following.

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

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

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

1. Annual Payment to BoxCast for livestreaming of 2023 meetings (\$2,400.00).

**Motion** by Mr. Troyer, supported by Madam Coyne, to move to verbal approval on the Council agenda.

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

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

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

Council President Pro-Tem Salvatore declared this meeting adjourned at 7:41 p.m.

RESPECTFULLY SUBMITTED Carol Johnson  
Carol Johnson  
Clerk of Council

APPROVED January 17, 2023

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