

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JANUARY 3, 2023**

The meeting was called to order by Council Pro-Tem Salvatore at 7:41 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, Engineer Piatak, Recreation Director Gonzales, Service Director Beyer and Economic Development Commissioner Marnacheck.

Council President Vecchio excused.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior to meeting minutes held on December 20, 2022.
2. Regular Council meeting minutes held on December 20, 2022.

Motion by Mr. Mencini, supported by Madam Coyne, to approve both sets as printed.

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

NAYS: Unanimous.

Motion by Mr. Troyer to reconsider; died for lack of a second.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Poindexter

Mr. Poindexter reported the Aviation & Environmental committee has no legislation on the agenda, no report.

Finance Committee - Chairman, Scott

Mr. Scott reported Finance committee has no legislation on agenda. The Board of Control met on December 29th with six (6) items on the agenda; three largest were first-year of a five-year lease for a rubbish truck and first-year of a three- year lease for police vehicles amount \$120,955.39; Southwest regional 2022 radio system amount \$73,167.40 and Euthenics for plans, specifications and advertise for bid documents for the demolition of former Brook Park Memorial Elementary amount \$75,090.00.

Legislative Committee - Chairwoman, Coyne

Madam Coyne reported the legislative committee has nothing on the agenda. Have been on Council for one-year and enjoying it and hope to be doing right by the residents. Lot can get done if we work together and stay on track.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini reported the Red Cross will be at the center on April 25th, must register at the Red Cross website. This Saturday, January 7th, basketball begins. I am probably the biggest booster of this building and the employees work very hard but when I see something I will speak on them. When I left on Friday that gym was packed and there four (4) hoops down and two full-court games going in the early afternoon. There were

Reports of standing committees: cont.

children on vacation, or families looking for something to and did not agree with that. Will defend this recreation center a million times but do not want to hear when teams can't practice. This is Brook Park's recreation center and will stick by that.

Planning Committee - Chairman, Troyer

Mr. Troyer reported the Planning commission on Monday but have not received packet to date.

Safety Committee - Chairman, Roberts

Mr. Roberts reported no report.

Service Committee - Chairman, Poindexter

Mr. Poindexter reported the service committee has one item on tonight's agenda for reconstruction of Holland Road between Eastland and Engle Roads.

Board of Zoning Appeals - Chairman, Salvatore

Mr. Salvatore reported no report but look forward to new businesses coming in bringing more revenue to the city.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini

Mr. Mencini reported the Southwest welcomed the Saint Vincent Charity medical bariatric program and partnered with University hospital for a cardiac surgery program. The patient medical group targeted higher than the year before and Southwest was recognized for patient satisfactory survey results being higher than the year before. Southwest offers two (2) career programs for high-school students for paid training program and internship career in health care.

Berea Board of Education Representative, Coyne

Madam Coyne stated the last meeting was on December 21, 2022, awesome meeting with more positivity. The Collate class rode in on bikes and what this class entails are senior citizens teaching students from kindergarten to fourth grade an advanced science elective that occurs at Coe Lake. Also, at the meeting, were the congratulations to teachers, students, staff and so forth. The district will be starting a military parents program, for students with military parents, on a needed basis.

Technology & Innovation Council Representative, Poindexter

Mr. Poindexter stated reminded the resident the next committee meeting will be on January 11th and both meeting for February and March will be held on the 8th of the month.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Orcutt agreed with Mr. Mencini the recreation staff does a phenomenal job. In the future if additional hoops need to come down call or text me or tell the staff. To Mr. Troyer the packets for Planning and Board of Zoning will be delivered to everyone's homes tomorrow which is in the five-day requirement. The administration has been working with the former Ford Innovation and preliminary plans for building number two (2) will be on next month's Planning agenda. Mayor Orcutt welcomed a new police officer recently sworn in as a lateral transfer from Sheffield Lake, best of luck.

Questions:

Mr. Mencini stated I did contact staff and probably stopped a parent from coming to this meeting. Is the overnight parking, speeding, semi-truck parking and parking on grass being enforced?

Mayor Orcutt stated transparency is the best outcome to take action. Appreciate you bringing the recreation center to my attention and will address that accordingly. Would like to know who you spoke with of the recreation center staff and am sure the recreation director would also like to know. With the work orders for parking of semi-trucks and so forth best way to resolve is to call or text me to get the police chief over there to look at the situation, is taken serious as well as the overnight parking. Placed in order in November for tickets and was told won't have until February. Wrote a lot of tickets this year and placed an order for parking tickets that will be coming in a few weeks, and how that's being remedied is sending patrol officers out to look at the vehicle and knock on doors telling them of the parking regulations.

Mr. Poindexter stated at the December 13th Caucus and December 20th Council meetings I asked if a retention basin is a requirement of the grant to demolish Brook Park Memorial? You responded that it is not part of the grant; is that still the case?

Mayor Orcutt responded it's not tied into the \$1.5 million-dollars. When a grant is written it is for the money that the city is trying to seek and what it will be used for. Wanting to do a retention basin for flooding relief goes before the Planning commission and if approved goes to Council.

Mr. Poindexter read parts of the agreement and stated it seems contingent upon having a retention basin and pond. Description one (1) shows once demolished will do a retention basin or pond. The letter signed by Council says nothing about a retention basin and refers to removal of the closed Brook Park Memorial school and parking lot adding five-acres. Letter from the sewer district to a county councilman seems to me that we will be required to put in a retention basin.

Mayor Orcutt reiterated a retention basin would be a nice amenity and serve a dual purpose for Stormwater management but that is for Planning and Council consideration. Also stated when putting in the application months ago the city was looking good and

Questions to the Mayor: cont.

during that process the city was denied the original monies needed to demolish the building. Because a county councilman reached out to a city Councilmember stating they don't support that and that City Councilman didn't take the tour of the school when offered. Writing grants is for a purpose and what that purpose will do for the community and reiterated, again, the plan is to put forward to the Planning commission for a retention basin.

Mr. Poindexter stated the way this is written you have circumvented both the Planning commission and City Council of not getting future grants.

Mayor Orcutt stated the information in the grant was written to demolish the school for \$1.5 million-dollars. City personnel have been dealing with many instances occurring at that building and it needs to come down.

Mr. Poindexter stated I don't disagree with that, at this point, and am okay with the grant for demolition of the building but seems to me the city is beholden for a retention basin with no studies, public hearings or cost-estimates for a retention basin there.

Mayor Orcutt interjected we will do all that, will be putting before the Planning commission for a retention basin.

Mr. Poindexter continued the way I read this is we're on the hook for a retention basin and I didn't vote for that. Community cost sharing funds will be utilized for phase two of the project. Council approves all funding and I didn't approve any cost sharing funds to go for that.

Mayor Orcutt stated if denied Council has that authority.

Mr. Poindexter asked what happens to grant money.

Mayor Orcutt responded the grant money is for the demolition.

Mr. Poindexter responded understand that with the pretense of doing a retention basin.

Mayor Orcutt stated when grants are awarded it goes into a report on what was awarded and will move forward with phase two because flooding relief is a high priority of this community.

Mr. Poindexter stated you either misled this Council and by putting this all in here you misled the county.

Madam Coyne asked for updates on the residents' concerns about Apollo Drive.

Questions to the Mayor: cont.

Mayor Orcutt clarified 1000 Apollo drive was purchased and the new owner applied to the Planning commission for aesthetic approval to add 22 new shrubs and eight docks, that was approved. If the new owner moves forward, there are structural and architectural drawings that will be given to the building commissioner for possible variances and a conditional use permit.

Mr. Troyer asked Mayor Orcutt parking tickets ran out in October?

Mayor Orcutt responded no, beginning of December.

Mr. Troyer continued about a month and first hearing of that. Getting to the retention pond that would be the Rocky River watershed not the watershed with major flooding. We didn't have all the information the Councilmember spoke of when the legislation came forward. Why weren't these building secured and some of that happened before you taking office. The west end is 1000 to 3000 Apollo Drive why was, at that meeting, all the owner needed to do is get aesthetic approval. How is aesthetic approval given when not knowing what it will look like. The owner received aesthetic approval for the docks and doesn't get a conditional use permit he is stuck. Now that the residents are complaining now a conditional use permit and variances are needed.

Mayor Orcutt responded starting with the last one when the Board of Zoning exited that meeting the commissioners told me that you asked them to stay for the show. Notes from the commissioner that you say thank you for agreeing with me. I do understand how the process works and am not an expert in Stormwater management, we pay the city engineer to do that. With the parking tickets and being transparent I just learned that they ran out and didn't have knowledge of that since seeing you. Being honest you haven't returned a phone call or text to since October 25th, that's over two months.

Mr. Troyer interjected have you called me since that date?

Mayor Orcutt responded yes, I have, and the history of my phone shows that. To say that you didn't have any knowledge of the information for a retention basin, there was much dialogue on that. I received a call from a county Councilman that you were giving pointers on what was good relief and what wasn't good relief. So there was some knowledge you had about that grant there was dialogue and you had enough knowledge to reach out to the county Councilman.

Mr. Troyer stated you don't remember on the day of the Planning commission meeting saying that you met with the new owner, law director and building commissioner in your office.

Mayor Orcutt responded that never happened I never met with the new owner or anyone else in my office, he has never been in my office.

Questions to the Mayor: cont.

Mr. Troyer stated I asked that the building commissioner notes be read in committee and they don't match the notes of what was received in the packet. How did that get changed?

Mayor Orcutt stated you're saying there are two (2) different sets?

Mr. Troyer responded they're different from what was in my packet.

Mayor Orcutt stated you're talking about the updated version that was laid out, notes are updated all the time.

Mr. Troyer stated were not given to me.

Mayor Orcutt stated updated notes were given to the Planning commission, might want to check your packet. To Council and the residents this administration is working on being transparent, complying and open with everyone and will continue to work with professional courtesy with all commissions in the positive transparency to move this city forward.

After back and forth debate Mr. Salvatore moved the agenda.

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

Law Director Horvath

Madam Horvath reported a new list of pending litigation has been submitted to Council.

Engineer Piatak

Mr. Piatak stated no report.

Finance Director Cingle

Mr. Cingle stated no report.

Recreation Director Gonzales

Mr. Gonzales stated the amphitheater bathrooms will be delivered next week and thanked the service department for all the preparation work done on that site. The recreation staff is amazing, I think the best in the area, and that Friday that Mr. Mencini spoke of with the gym we both had a half-hour to 45-minute conversation in the gym about that issue and there was no full-court going on. That day it was a combination of non-residents, residents, National Guard and 325 Marines, both in our city. A few months ago it was stated that this building is being underutilized and now the building is packed, which is a good thing. The recreation department does accommodate residents with practices and events and residents will always be a priority. Yes, non-residents do come into the center and continue to come in even with raising the rates. My door is always open and Councilmembers walk past and wave and the department is open to any improvements and will continue to strive to make improvements in 2023.

Reports and communications from departments, commissions and other public officials: cont.**Service Director Beyer**

Mr. Beyer reported next week is bulk week on regular scheduled rubbish day. The service yard is open on Saturdays only from 9:00 a.m. to 1:00 p.m., weather permitting for rubbish and yard waste drop-off, many residents have been utilizing. This the time of year for water breaks if a leak is seen please call the service department to be reported to Cleveland Water and from the time it's reported to finish this process could take a couple of weeks. Lastly, with the inclement weather please be conscious of plow drivers and keep vehicles off the streets so the drivers are able to clear the streets.

Economic Development Commissioner Marnacheck

Mr. Marnacheck reported working with the Ford Innovation Center personnel on the continuation to develop that site; this month's Board of Zoning agenda will have applications for a second building. The non-school Tiff was filed with Cuyahoga County allowing the city's to collect the county's portion of tax revenues for 15 years. Working with a few companies wanting to make investments in the city. There is interest in the former Super 8 hotel, Brookview Elementary and city-owned land at Aerospace Parkway. Working with Amato Homes for building of new homes on Burton and Sheldon. The Specialty Products demolition at 5710 West 130th Street is complete and there have been discussions for potential expansion. A few grand openings to announce D'Italia Foods (former Pasta Lear's on Engle Road) is set for the week of January 17th and Spry Senior will have a grand opening on February 2nd at 10:00 a.m. Currently working with city departments on grant applications and waiting to hear from the Center of Criminal Justice if the grant application for body-one cameras in the amount of \$24,941.90 was awarded. Thanked the recreation staff for all their help on the Community Development grant application in the amount of \$50,000.00 for playground equipment and am working with the service director on a grant application for recycling. The Home Maintenance Assistance Program (HMAP) continues to receive applications and am working with existing applicants on their eligibility with the biggest issue remaining is contractor eligibility; one application has been awarded. Hopefully, this contract can rollover into 2023 to allow residents to contact contractors earlier than in 2022.

Questions to the directors:

Mr. Mencini thanked Mr. Marnacheck for his report and questioned the playground equipment grant.

Mr. Marnacheck responded at Kennedy Park the plan is to replace the facility with more inclusive equipment for ADA compliance.

Mr. Mencini stated to Mr. Gonzales we do talk at times and you and the Mayor are absolutely the recreation staff does a great job, as all city departments. We did discuss that issue and it was a holiday week and I will always promote this recreation center.

Questions to the directors: cont.

Madam Coyne stated to Mr. Marnacheck awesome report and as I commented earlier if we work together we can get more things done. I work at Spry Senior and know the Mayor will be there. Good to hear that businesses want to come to the city, very positive news, thanked everyone for what they do.

Mr. Scott to Mr. Marnacheck with the \$50,000 grant for Kenney Park that is cooperation with the Cooper Foundations.

Mr. Marnacheck concurred.

Mr. Scott asked Mr. Beyer to expound on disposal of Christmas trees.

Mr. Beyer responded can be put on tree lawn next week, bulk week, on regularly scheduled rubbish day or dropped off at the service department on Saturdays 9:00 a.m. to 1:00 p.m.

Mr. Scott stated to Mr. Piatak Westbrook Drive looks great and appreciate all the hard work, seven years and people are happy.

Mr. Roberts thanked Mr. Beyer for information on the Christmas trees and stated took advantage of dropping off rubbish at the center, over the weekend. To Mr. Marnacheck phenomenal report which means you and the Mayor are working together to bring companies to the city, keep it coming.

Mr. Troyer concurred with Madam Coyne we should all try to get along but hard to when you don't get the information or the proper process isn't followed. Thanked Mr. Marnacheck for coming and hope to see you more often. Can you expound on the interest with the Super 8 property?

Mr. Marnacheck responded three or four companies have shown interest and have been told to bring a plan to the city.

Mr. Salvatore thanked everyone for the informative reports.

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

1. Annual payment to BoxCast for livestream.

Motion by Mr. Troyer, supported by Mr. Poindexter, to verbally approve.

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

NAYS: Unanimous.

New legislation:

- 1. 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.

Motion by Mr. Roberts, supported by Madam Coyne, to move to M-1.

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

NAYS: Unanimous.

Mr. Salvatore stated this will appear as Ordinance No. 11309-2023.

Mr. Troyer stated we did this wrong these should have been moved to letter J at the Caucus Prior to meeting.

Motion by Mr. Troyer, supported by Mr. Mencini, to suspend the rules to continue this way.

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

NAYS: Unanimous.

- 2. 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.

Mr. Salvatore stated this will appear as Ordinance No. 11310-2023.

- 3. A Resolution accepting a separation agreement and release and waiver and declaring an emergency. Introduced by Mayor Orcutt.

Mr. Salvatore stated this will appear as Resolution No. 1-2023.

- 4. 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.

Mr. Salvatore stated this will appear as Ordinance No. 11311-2023.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Liz Varga

23065 Cedar Point Road

Ms. Varga expressed concerns with the Apollo Drive expansion project and abutting Switzer Drive residents being misinformed.

Remarks from the audience: cont.

Lou Modic

14399 Fayette Blvd.

Mr. Modic expressed concerns with concerns with the retention basin grant application and not getting email responses from Council.

Motion by Mr. Poindexter, supported by Mr. Roberts, to respond to audience.

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

NAYS: Unanimous.

Mr. Poindexter stated to Mr. Modic I still haven't received your email have looked in junk and trash folders. Did call you about this and have shared the application with Council that clearly states the county expects the city to build a retention basin with no studies done or approval given.

Madam Coyne to Mr. Modic, appreciate you coming and speaking whether positive or negative, need more residents to voice their concerns. To Ms. Varga that is rumors without legacy and why I asked Mayor tonight for an update.

Mr. Mencini thanked both residents for coming and this will get tougher and won't be easy going forward this city has streets, sewers and city buildings need a log of work.

Mr. Troyer stated the Planning commission meeting was recorded and I have most of it, not all of it is there and listening to the recording the owner states doesn't need a use permit. Now, it will be going to planning commission for a use permit and to Board of Zoning for a variance.

Mr. Scott stated read the agreement and it does not say anywhere the city will build a retention basin and it's up to Council to make that decision.

Motion by Mr. Poindexter, supported by Mr. Roberts, to go back to regular order of business.

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

NAYS: Unanimous.

Ordinances and Resolutions: First Reading: cont.

1. ORDINANCE NO. 11309-2023, 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.

Motion by Mr. Mencini, supported by Mr. Scott, to suspend.

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

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

ROLL CALL: AYES: Coyne, Roberts, Mencini, Poindexter, Salvatore, Troyer, Scott
NAYS: Unanimous. Ordinance No. 11309-2023, has passed under suspension of the rules. Adopted.

2. ORDINANCE NO. 11310-2023, 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.

Motion by Mr. Poindexter, supported by Mr. Mencini, to suspend.

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

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

ROLL CALL: AYES: Mencini, Coyne, Scott, Troyer, Salvatore, Poindexter, Roberts
NAYS: Unanimous. Ordinance no. 11310-2023, has passed under suspension of the rules. Adopted.

3. RESOLUTION NO. 1-2023, ACCEPTING A SEPARATION AGREEMENT AND RELEASE AND WAIVER AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

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

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

ROLL CALL: AYES: Coyne, Roberts, Mencini, Poindexter, Salvatore, Troyer, Scott
NAYS: Unanimous. Resolution No. 1-2023, has passed under suspension of the rules. Adopted.

Ordinances and Resolutions: First Reading: cont.

4. ORDINANCE NO. 11311-2023, 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.

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

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

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

ROLL CALL: AYES: Coyne, Roberts, Mencini, Poindexter, Salvatore, Troyer, Scott
NAYS: Unanimous. Ordinance No. 11311-2023, has passed under suspension of the rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

THIRD READING OF ORDINANCES AND RESOLUTIONS:

Motion by Mr. Roberts, supported by Madam Coyne, for a five-minute recess.

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

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

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

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

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. Mencini, supported by Mr. Roberts, to adjourn.

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

Council President Pro-Tem declared this meeting adjourned at 10:05 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.