

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, APRIL 11, 2023**

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

Also in attendance were Mayor Orcutt, Law Director Horvath, Assistant Finance Director Maykut and Engineer Piatak. Councilman Scott excused.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING HELD ON MARCH 14, 2023.

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

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

NAYS: Troyer.

DISCUSSION:

1. PRESENTATION BY BLUE ABYSS: In attendance: Thomas V. Chema - Principal Gateway Consultants; John M. Sankovic, Ph.D., P.E. President and CEO Ohio Aerospace Institute; Cuyahoga County Councilman - Dale Miller and Hrishue Mahalaha - Executive Director Aerozone Alliance.

The power point presentation can be viewed on the livestream or requested on a flash drive from the Clerk of Council's office for a \$5.00 charge per the codified ordinances.

Mr. Vecchio thanked all four (4) speakers for the great presentation.

Mr. Mencini thanked the Mayor for bringing this forward and for the great presentation. One of the best tours, for me, was when former Mayor Gammella arranged a tour of NASA, unfortunately, during COVID-19 everyone wasn't able to go. My question is with the four (4) astronauts approved to go to the moon was Blue Abyss involved with that?

Mr. Chema responded no, but the hope is to be involved in the future and to be the focal point for Nasa's ability to put astronauts into space.

Mr. Mencini continued when talking about funding and possible federal cuts what affect could that have with Blue Abyss?

Mr. Chema responded one of the reasons that private commercialization of space has become such an in-thing currently; is due to the concern of the public, research

Discussion; cont.

community and the greater space community. To the extent that there are commercial entities involved to go into space making it substantially less dependent on government monies. The Blue Abyss project plans to fully pursue various grants from state and federal entities with the bulk of the monies being privately raised. The project financing is a commercial venture generating positive revenue will be able to finance the debt-service incurred to build these facilities. Don't expect, at all, to be reliant for operations from the federal government and the budgetary ups and downs.

Mr. Salvatore echoed excellent presentation and asked Mr. Chema being the project manager for this project; would you also be the project manager for the sites in Japan, Middle East or England?

Mr. Chema responded don't plan on being involved with the projects in Japan, Middle East of England.

Mr. Salvatore continued if everything went perfect can you provide an educated guess of this project being up and running?

Mr. Chema responded if everything went perfect, and nothing does, my projected guess would be 2 1/2 years from Council saying yes to bringing the first group of potential trainees on-site. There is an eight-month (8) design period; 14-month construction period and then commissioning in getting the facilities up and operating. This is a now project and we know there is a need for this training to supply commercial people who are already sending folks into space and don't have the facilities being proposed to train them.

Mr. Poindexter asked with the revenue stream will the trainees be tuition-based or employer sponsoring the training?

Mr. Chema responded both, people will come on their own but further expect commercial entities providing revenue to us for training. The people coming will be in different masses; one being government people who come from the defense industry. We are currently working on a Memorandum of Understanding (MOU) with the Air Force and Navy to train sailors and airmen for deployment; also am very close to an MOU with NASA to send people up. A second mass will be the customers of Elon Musk and his competitors and there is a potential third group of people that don't intend to go into space but want to see this experience, don't anticipate that being a large segment but will be a slice of the revenue source.

Mr. Poindexter continued next question is with the environmental impact being close to the valley with the drilling of the 150-foot pool, will there be any effect on the erosion drop-off of the river?

Discussion: cont.

Mr. Chema responded we have a long list of due diligence with not owning the property, once approved we have 90-days to do our due diligence. We are very concerned with the environmental impacts and wetland issues. Economic Development Commissioner Marnacheck set up a meeting with us and the regional sewer district representatives, very good asset, that have maps from 1927, showing what was happening with this land from then to now. Provided a wealth of data that we feel very comfortable that this was a good site and meets all the requirements of the Ohio and Federal EPA. The sewer district doesn't want any underground water seepage issues and we don't want that either; don't want external water coming into the pool. One positive thing is with talking about all the assets Northeast Ohio has in space there is also a cadre of contractors to go deep into the earth. With EPA mandates there have been deep sewer tunnels being built underground throughout Cuyahoga County resulting in having contractors going deep into the ground and will be able to take advantage of that learning.

Mr. Poindexter stated was excited in 2019 when this came up and thanked Mayor Orcutt for bringing this to fruition.

Mr. Troyer thanked everyone for coming, with the hotel will they be full time or part-time people?

Mr. Chema responded full-time.

Mr. Troyer continued will the hotel be on one (1) of the four (4) parcels?

Mr. Chema responded yes, will be integrated into the main facility by a tunnel or bridge. Haven't designed the hotel yet but would expect it to be a replicate of the United Kingdom (UK). This will not be a flag hotel this will be a boutique hotel to accommodate the people taking advantage of core facilities. Will have an independent operator and currently looking at an independent management that has over 500 rooms.

Mr. Troyer stated this won't be a resort like Cedar Point?

Mr. Chema no, the hotel will accommodate 150 people, at peak, but will not be a resort or recreation area. This is a serious research and development site with turnover, most people staying three (3) weeks or longer.

Mr. Troyer asked will there be backhoes used or dynamite used to get the hole?

Mr. Chema responded currently working with Arch-7 engineering specialists that do deep borings. Most of the facility will be at grade level except for the pool. Will

Discussion: cont.

be working with construction means and methods that are currently used in Northeast Ohio.

Mr. Troyer commented being Ward One Councilman, want to make sure the Ward One residents lives aren't affected negatively.

Mr. Chema responded we wouldn't anticipate that, we would use what's called the spoil with the material taken out of the hole and would anticipate using that for berm material to provide interesting buffer from the airport or people in the hotel looking out. Also, provide some sort of insulation for the facility so it has integrated into the community economically, but not necessarily pull onlookers into the facility.

Mr. Troyer made a few comments am all for this, still some hurdles to go through with the Design & Review Committee and Planning Committee, hope this all works out.

Madam Coyne thanked the speakers for coming and for a wonderful presentation and stated this has been in the works for many years and thanked Mayor Orcutt. My question is why do you want to come to Brook Park?

Mr. Chema responded Brook Park has a wonderful proximity to NASA Glenn, which is key to all of this. What so many people don't understand in Northeast Ohio is how significant aerospace is to the community? Before becoming involved with the Aerozone Alliance and Aerospace Institute I didn't fully appreciate the aerospace technology. Also, didn't know that Zen Technologies is the manufacturers that moved the meteor that NASA was tracking, had no idea of the extent of supply chains with the aerospace business. Equally important is the proximity to other organizations, we have an MOU with Case Western Reserve University to do research with us as a partner and expect to have a similar partnership with the Cleveland Clinic. Few decades ago, the Cleveland Clinic, University Circle and Case Western Reserve seemed to be counties or states away from Brook Park. With the Opportunity Corridor this is very accessible with Brook Park being wonderfully located, which is key, and the welcoming attitude. John Sankovic met with them at an air show in Great Britain and told them of the resources, the attitude and the spirit and is the key person bringing this company to Brook Park. I'm convinced there will be many spinoffs from this in a different light and environment. I built some buildings that were sports and entertainment related that have spawned huge economic development from housing, retail to hospitality.

Madam Coyne thank you for all of this, Brook Park needs this, very positive and thrilled that you decided to come to our little town.

Discussion: cont.

Mr. Vecchio thanked Mr. Chema for all his responses.

Mr. Chema in closing thank you for the opportunity to present and anxious to be here and are very keen to be part of the Brook Park family.

Mr. Vecchio thanked all the speakers, great presentation and well informed.

Motion by Mr. Poindexter, supported by Mr. Troyer, discussed.

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

NAYS: Unanimous.

Motion by Mr. Troyer, supported by Mr. Poindexter, to go out of regular order or business to item number VII.

Mr. Vecchio commented this will keep all this together.

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

NAYS: Coyne.

PLANNING COMMITTEE - CHAIRMAN, TROYER:

Mr. Troyer reiterated this is just for approval of the sale of the parcels; does not approve the whole project, must go through Planning committee and Design Review committee.

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE SALE OF PERMANENT PARCEL NOS. 341-36-008, 341-30-004, 341-36-011 AND 341-05-001 AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this is for sale of four (4) parcels of land on the west end, total being 17.8 acres. This agreement is for the sale of 12.79 acres giving the new owner the opportunity to bore and test the grounds. If approved, construction documents will be put together taking six (6) to eight (8) months.

Mr. Poindexter stated to Mayor Orcutt, see the proceeds go into Fund 243 - Economic Development. Are you looking at a plan or a desire to use those monies in any particular way?

Mayor Orcutt responded must give them some time to do their due diligence on the property and understand that we may have to make some new investments for the community.

Planning Committee - Chairman, Troyer: cont.

Madam Coyne asked how will this affect and understand the zoning. To your knowledge, is this the best way to go about this?

Mayor Orcutt responded, yes I do.

Madam Coyne asked Mr. Troyer, is this the best way to go about this?

Mr. Troyer responded yes, the property must be sold or nothing can be done.

Madam Coyne continued if this goes south is there an alternative plan?

Mr. Vecchio stated putting the cart before the horse, the property isn't sold so there is no way of foreseeing or telling the future.

Mr. Salvatore stated it is my understanding this is contingent on necessary environmental issues being in place before the purchase is allowed; if all good they will continue.

Madam Horvath concurred.

Mr. Mencini stated three (3) things I look at with this, residents happy, legal compliance and environmental matters that are to be found out.

Motion by Mr. Salvatore, supported by Mr. Poindexter, to place on April 18th Council agenda under first reading.

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

NAYS: Unanimous.

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

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

NAYS: Unanimous.

Mayor Orcutt thanked everyone who presented, excellent job, Council asked some very good questions. To answer a question earlier there have been no negative remarks from west end residents. Few phone calls but everything was positive and think is a dynamic business for the City of Brook Park and for the region. This will bring new jobs to the surrounding communities and county. Thank you to everyone and City Council.

Motion by Mr. Salvatore, supported by Madam Coyne, to take a ten-minute recess.

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

NAYS: Unanimous. 8:20 p.m.

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

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

NAYS: Unanimous. 8:30 p.m.

Discussion: cont.

2. AN ORDINANCE CREATING A LINE ITEM IN FUND #401 TO ADMINISTER AND FACILITATE THE RESERVING OF FUNDS FOR USE IN AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE ISSUES EVEN IF WE ARE NOT REQUIRED TO DO SO BY LAW AND DECLARING AN EMERGENCY. Introduced by Council.

Mr. Troyer stated Council asked for this during budget hearings, not approved by law department, rough draft. Looking for everyone's opinion of any changes, appropriate so much (money) add any stipulations.

Madam Coyne stated this is a long time coming, wonderful item and know a few residents' that would love this. Also, think Council as a whole should work on this together.

Mr. Poindexter stated understand the city is grandfathered in with the ADA compliance rules but that doesn't mean we shouldn't make ADA, on our own volition. To Mayor Orcutt how much would you like to see in this fund, it's your budget.

Mayor Orcutt responded this is a very good topic and definitely need to have money in the budget, think this is something of a need to plan for every year. Currently, in the plan is the electrical to the amphitheater and script sign as well as putting concrete around that area. There are some things that may be a challenge, for instance, the Sheldon Road bridge over I-71 and the Snow Road bridge over Engle Road and the railroad tracks. Once those bridges are fully reconstructed they will have to be ADA compliance, some of the things listed the city probably doesn't have complete control of and there are things that can be tackled every year, possibly \$10,000.00 or \$30,000.00 yearly.

Mr. Poindexter stated thinking maybe \$50,000.00 and if monies are not used would roll over annually, start at \$50,000.00 see where that goes to tackle some of these things.

Discussion: cont.

Mr. Mencini stated this hasn't been done before so the first year there could be a lot of things i.e. buildings or sidewalks, could be big project or two, might want to put some significant funds into this.

Mr. Salvatore stated this is an excellent idea, something new, think \$50,000.00 is a fair number to get started. Doesn't mean we use all of those funds but would be nice to have those monies there; with a plan for the next two (2) or three (3) years.

Madam Coyne to Mayor Orcutt, point of clarification, are you suggesting this be a permanent fund in the budget every year?

Mayor Orcutt responded as we manage finances, obviously it is the Mayor's budget, we do have a finance department with an elected finance director and that comes down to the management of another fund. There is Fund 401 and 700 and when putting this legislation together should have a discussion with the finance director.

Madam Coyne continued why wouldn't there be a fund for this? To me, it would make more sense to make this a permanent fund, what's wrong with that.

Mayor Orcutt stated I'm not suggesting that.

Madam Coyne reiterated it didn't sound like a permanent fund and should be.

Mr. Troyer stated the whole intent is to create a separate account for this and speaking with the finance director we don't have a line item in 401, that would be given by the finance director. Appropriate \$50,000.00 don't know where to pull that from that would be up to the finance director. This would be for designated ADA compliance or where there isn't but should be. If money is not spent stays in the fund, used for nothing else.

Mayor Orcutt stated one item not on the list is ADA adult changing tables in the community center.

Mr. Poindexter stated this won't be a permanent fund will only be a permanent fund until everything is in compliance, but need to take the first steps.

Mr. Vecchio stated point of clarification ADA is constantly revolving whether the money is spent annually, or not. There would be \$50,000.00 in the fund and we know there is an upcoming project that will cost \$100,000.00 that could be done the end of the next year.

Discussion: cont.

Mr. Mencini stated Council appropriates the funds and directs where the monies go.

Madam Coyne stated the way I see this, is appropriate \$50,000.00 and if not used will still be used for ADA. Why not make this a permanent fund so Council doesn't have to vote on it every year? I really like this piece but let's work smarter not harder.

Mr. Poindexter stated that's exactly what is being done, Council has to appropriate the monies every single year.

Madam Coyne reiterated why wouldn't this be a permanent fund?

Mr. Vecchio stated this fund will be in the budget every year, the monies may fluctuate. Any monies in this fund will roll over to the next year and stay in the fund.

Mr. Salvatore stated this will be a permanent fund until Council decides to eliminate the fund. The amount of money put in will be based on the project; monies have to be appropriated every year.

Mayor Orcutt clarified this legislation creates the fund and every year monies will be put into the fund for projects.

Madam Coyne clarified monies appropriated will be for this fund only.

Mr. Salvatore asked Madam Horvath as funds come in through grants and so forth can those monies go directly into this fund.?

Madam Horvath responded there may be times that legislation would be needed.

Mr. Troyer continued would like to meet with the Mayor and finance director to see where the \$50,000.00 would come from. Mayor, you have some projects.

Mayor Orcutt responded no, having concrete and electrical for the script sign. The engineer is working on a project for 2024 to make the Sheldon Road bridge ADA compliant in conjunction with the local and federal grants the city will be receiving.

Motion by Mr. Mencini, supported by Madam Coyne, discussed.

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

NAYS: Unanimous.

FINANCE COMMITTEE - CO-CHAIRWOMAN, COYNE:

1. AN ORDINANCE AMENDING ORDINANCE NO. 11250-2022, AUTHORIZING THE IMPLEMENTATION OF THE BROOK PARK HOME MAINTENANCE ASSISTANCE GRANT PROGRAM (HMAP) AND DECLARING AN EMERGENCY. Introduced by Councilwoman Coyne.

Madam Coyne stated handouts were provided as to why this legislation is being introduced, where the problems are and where funding will come from.

Mr. Mencini stated this remedies a permanent fund brought forward for specific purposes with correcting property maintenance, that should be a priority. For example, Mr. Al doesn't fix up his home so our job is to see if he qualifies but Mr. Lou puts a lot of money in his home and does a great job and doesn't qualify because he's taking the initiative. There are some people that don't care and will go to court and it still doesn't matter to them so they are put on HMAP, for the city to help out. People that don't fix their homes become a priority but the person or the senior or the new homeowners that put a lot of money into their homes don't qualify. Violations should qualify priority so do we go to Berea Housing Court and anyone from Brook Park that gets cited qualifies for the HMAP, send the list.

Madam Coyne responded in this day and age people are forced with decisions to either buy medication or fix their home; feed their family or fix their home. With the restrictions in place even people that make too much money don't qualify. Last year's program was a failure and didn't work because no one qualified.

Mr. Mencini asked do you think there may have been a reason for that?

Madam Coyne because of the restrictions, choices need to be made. We need to help these people and help the neighborhood. The priority is fixing maintenance issues and lifting the restrictions so more residents can qualify.

Mr. Vecchio asked what is deemed maintenance issues, those have already been brought forward by Councilman Salvatore and former Mayor Coyne, seems like we're expanding on this.

Madam Coyne continued the restrictions have changed and this program was made to focus on property home maintenance, Brook Park was in good shape.

Mr. Vecchio commented that was only a few years ago so Brook Park is still in the same shape.

Madam Coyne begged to differ, what I'm saying here is we tried and failed. This is on all of us and to vote to do the same program when it didn't work, why?

Finance Committee - Co-Chairwoman, Coyne: cont.

Mr. Mencini stated we failed this city provides rubbish and other services. You heard the Mayor during budget talks the city is still making payments on roads from 2012 and many other things. Want to help Brook Park residents but there should be restrictions the past driveway program offered people earning six-figures qualified, so restrictions were needed.

Mr. Troyer asked with remedy number two is that additional to Section 1 - Qualifications or is that the only one for receiving a grant?

Madam Coyne stated there are amendments that need to be made and want the qualifications listed; proposing to make this more accessible.

Mr. Poindexter stated in section one (1) the last conversation was funds should be used for what they are appropriated for. Why take \$100,000.00 out of the Sound Insulation Fund?

Madam Coyne interjected those funds have not been used in years, why do same program that didn't work.

Mr. Poindexter continued we didn't appropriate \$100,000.00 I thought it was \$50,000.00. Section one (1) reads \$10,000.00 funds per grant recipient meaning five (5) people get this with no matching funds; or incentive to help themselves. Why should the city foot the entire bill? People upgrade their home and then sell it within a certain timeframe the city shouldn't be included in that windfall. There should be a sunset (clause) that is very easy to do and something definite with this program. Good points here, not all bad, but some changes are needed.

Mr. Salvatore stated there are two (2) pieces of legislation on this agenda that tries to do the same, willing to have a meeting to come up with one (1) piece.

Mr. Troyer stated if one (1) thing is changed would be in favor, currently am not.

Mayor Orcutt stated to Madam Coyne you brought up the fact last year's program was too restrictive and I agree, the household income showed denial of applications. This year's legislation I'm presenting is utilizing the Department of Development Home Energy Assistance Program (HEAP) that brings the household income up. In 2022, there were 22 applications, seven (7) no contractors; six (6) income too high so the same program is being put in place that was in place for many years. Past awardees there were five (5); incomplete applications two (2) and one (1) application accepted.

Finance Committee - Co-Chairwoman, Coyne: cont.

Mr. Roberts stated to say this is the same program the bar has been raised so there is a change. There could be a person that has a crumbling driveway and decides why should I fix my driveway when the city will fix it for free. What is the incentive for that resident to fix anything when the city will fix it for free with taxpayer monies'?

Motion by Mr. Poindexter, supported by Mr. Mencini, to place back in committee.

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

NAYS: Coyne.

2. AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF THE BROOK PARK FLOODING RESCUE ASSISTANCE GRANT PROGRAM (FRAP) AND DECLARING AN EMERGENCY. Introduced by Councilwoman Coyne.

Madam Coyne stated despite the monies spent for flooding in this city many residents still experience flooding. This legislation is to create a new revenue fund by transferring \$50,000.00 from the Sound Insulation Fund, that hasn't been touched in years. Also, another \$50,000.00 from Fund 244 - Brookpark Road Corridor Fund, that hasn't been used in years, providing \$100,000.00 for flooding.

Mr. Mencini agreed flooding is a big issue for many reasons, to Madam Coyne was a survey performed as to how many people would qualify and the geographical area?

Madam Coyne responded was hoping to have a report, emails have been sent with no response.

Mr. Poindexter asked Madam Coyne is this program income based or anyone who floods

Madam Coyne responded there is no restrictions this is a growing problem in this city. Retention basins will not address problems in the residents' homes. Residents on Sandhurst Drive are experiencing flooding with the new school being built, service department has been very helpful in assisting.

Mr. Poindexter stated there are a lot of people that don't flood and don't think it's fair for the city to pay for people who do flood, especially when we tell people we don't have money to fix your street and so on.

Mr. Vecchio stated with water coming through the walls that's a property maintenance issue, part of the HMAP. In Section One (1), subsection three (3) states up to \$10,000.00 in matching funds are you expecting residents to put monies in?

Finance Committee - Co-Chairwoman, Coyne: cont.

Madam Coyne responded no, amendments are needed. This issue has been going on for a very long time, especially in the Wengler area.

Mr. Salvatore stated the third (3rd) Whereas reads to implement rules and regulations any idea what those may be?

Madam Coyne responded add funding, lift restrictions and have Council updated with the applicants.

Mr. Salvatore continued the first (1st) Whereas reads \$50,000.00 from Fund 243 and an additional \$100,000.00 from Fund 517.

Madam Coyne responded would be \$100,000.00 from Fund 517 - Sound Insulation Program, the first Whereas would be amended.

Mr. Troyer suggested with any amendments would be helpful to have the amended wording and location in legislation.

Motion by Mr. Troyer, supported by Mr. Mencini, to have read in committee.

Mr. Mencini rescinded his second.

Motion by Mr. Troyer, supported by Mr. Roberts, to place back in committee.

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

NAYS: Coyne.

3. AN ORDINANCE AUTHORIZING 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.

Mayor Orcutt stated this was discussed last week and Council wanted all members to be in attendance.

Mr. Poindexter stated would like to still have all Councilmembers in attendance. Also, there were no adjustments to the committee and commission members as discussed last year raising the minimum to the maximum. Also, talking with a few committee members' raises have not been received.

Mayor Orcutt responded had to wait for budget to be passed and those will be retroactive.

Finance Committee - Co-Chairwoman, Coyne: cont.

Mr. Roberts stated speaking with Mr. Scott he is fine with moving forward with this.

Mr. Troyer stated looking at 140.02 - Building Commissioner am okay with the low and high.

Motion by Mr. Troyer, supported by Mr. Poindexter, to request an (written) opinion from the law director if the Charter allows for a part-time Building Commissioner.

Mr. Vecchio clarified verbal or written?

Mr. Troyer responded written.

Madam Horvath asked for clarity sake to send an email for a written opinion.

Mr. Troyer - Point of Order, a motion was made requesting law director for a written opinion.

Mr. Roberts stated point of clarification, why does it have to be written, is her verbal opinion not good here?

Mr. Troyer responded minutes are not verbatim.

Mr. Vecchio stated they are recorded.

Mr. Poindexter would like to see in writing for a part-time building commissioner for the record.

Mr. Salvatore stated based on what the Charter reads?

Madam Horvath clarified lowering the minimum.

Mayor Orcutt stated this industry is dwindling with Columbus putting restrictions and the intent is to have full or part-time coverage. The city has no intention of sharing building department employees, but this opens it up for the future.

Mr. Mencini stated there are positions that can be done part-time, but not a building commissioner.

The clerk called the roll on the motion for a written opinion from law director.

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

NAYS: Unanimous.

Finance Committee - Co-Chairwoman, Coyne: cont.

Mr. Poindexter commented I think it may be difficult for the building commissioner to do part-time status.

Motion by Mr. Troyer, supported by Mr. Mencini, to place on next Council agenda, M-2.

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

NAYS: Unanimous.

LEGISLATIVE COMMITTEE - CHAIRWOMAN, COYNE:

1. AN ORDINANCE AMENDING ORDINANCE NO. 11250-2022, AUTHORIZING THE IMPLEMENTATION OF THE BROOK PARK HOME MAINTENANCE ASSISTANCE GRANT PROGRAM (HMAP) AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt and C/W.

Mayor Orcutt stated this legislation mirrors last year's program except for using HEAP guidelines for income.

Mr. Poindexter asked Mayor Orcutt was any consideration given to the topic of last year clawing some funding back if the property sells within a few years.

Mayor Orcutt responded no, I put forward a program that has been in place for many years.

Mr. Poindexter continued want to help people bring their homes up to code but don't want to create a financial advantage; would like to explore the opportunity of having a sunset clause.

Mayor Orcutt responded if the applicant is awarded \$5,000.00 with a 50/50 split that \$2,500.00 is given to the contractor; otherwise the resident would need a (tax form) 1099. Would have to get creative with clawing back the funds and would work with the finance and law directors to see if that can be done.

Mr. Salvatore stated the county has similar clauses when giving a grant that the people must stay for five (5) or 10 years; if sold before that time the money is given back, think five years would be good.

Mayor Orcutt stated let's move this forward with the proper amendments to help the residents.

Mr. Troyer stated yes and to Madam Coyne's of having a separate account. If the money comes back should be placed in that fund to use for next year.

Legislative Committee - Chairwoman, Coyne: cont.

Motion by Mr. Troyer, supported by Mr. Roberts, to place on the April 18th Council agenda, M-3.

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

2. AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1121.37 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'U-6 COMMERCIAL, RESEARCH AND DEVELOPMENT DISTRICT' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this strikes the word 'industrial' to the U-6 district. Reason being is to protect west-end residents from any future commercial development.

Madam Horvath stated to remove the industrial provision and definition people would no longer be grandfathered in.

Mr. Poindexter read section one (1), subsection one (1) and stated it's fairly clear it's only for commercial research & development. With the presentation given earlier there will be some industrial and don't want to restrict them.

Mayor Orcutt read subsection, page two (2) of main buildings and uses permitted.

Mr. Poindexter reiterated when Blue Abyss comes in with cranes that's industrial work related to research & development.

Mayor Orcutt continued that's debatable; this is more of education & research.

Mr. Troyer stated this is the same argument I had at the Planning commission meeting and concur with Mr. Poindexter this does nothing for the residents on the west-end; except for limiting what Blue Abyss can do. This does not say it allows an industrial company moving in there and taking it out does not allow industrial businesses in those buildings. To Madam Horvath some people have been told with 1000 Apollo this would do nothing.

Madam Horvath stated the question would be with 1000 Apollo would they be grandfathered in. The question is what sort of office, research, educational and industrial can be conducted? If a research facility i.e. is making of chemicals, mixing chemicals or making parts, etc. Exactly what types of activities are you trying to zone for that area and want to prohibit.

Mr. Troyer continued one would be putting together a space capsule to use for manufacturing, its putting something together related to that use. Any type of technology or research development could have a machine built for their use.

Legislative Committee - Chairwoman, Coyne: cont.

Madam Horvath continued I think the Mayor's intention by eliminating industrial is something that is more a repetitive activity when building a prototype i.e. mixing chemicals. From a legal standpoint that is how I see the question framed and would be happy to come up with a definition of what industrial means. Madam Horvath reiterated what sort of type of activities do you want in that area that has to be determined by you, being the city's policy-makers.

Mr. Poindexter stated main use cannot be industrial but can supplement research & development. A drone company moves in to build drones that is considered industrial. Blue Abyss will probably have an overhead crane to drop into the water as well as a machine shop and industrial apparatus. This will bring other companies and do we want to hamstring the other businesses doing research & development with an industrial wing to their business. I don't want to tie their hands, I want this to go off without a hitch and think it should be left the way it's written. This reads clear that all the items in c are only to support a & b.

Mr. Salvatore stated to Madam Horvath by eliminating the word industrial is a zoning change necessary, if you could research that. Secondly, anyone can ask for a conditional use permit that would be viable.

Madam Horvath responded - yes, if a hardship can be provided.

Mr. Mencini stated don't want to hold this up this is good business. This is a major project and we need to be careful in a certain way and be very smart with this.

Mr. Troyer stated have issue with the way this is written and I think it would be better served that wherever it reads industrial to include very limited or limited. This legislation un-amended does not allow industrial in those buildings in the U-6, this is deja-vu and I was arguing this in December. Why is this being changed?

Mayor Orcutt the issue from December when new business brought a building in our city and the owner talked about light assembly, wouldn't consider that deja-vu. The intent of this administration is by removing the word industrial is that there is some manufacturing going on over there. The way it's written the word industrial would support to mass-produce. I talked to many residents on the west-end about this and their voices have been heard. With Blue Abyss if there is an overhead crane to drop that capsule into the water that candidate or trainee can get out of the capsule and be able to function, that would be part of education. The intent of the administration is to remove the word industrial to keep the west-end from having a manufacturing company go back there and start building stuff in mass production.

Legislative Committee - Chairwoman, Coyne: cont.

Mr. Vecchio stated it sounds like the biggest word is to not have the term manufacturing, industrial can stay there.

Mr. Poindexter stated I don't disagree its research & development that crane supports the research and I don't want to tie their hands or future businesses coming in.

Mayor Orcutt stated my concern is an attorney for a company will look at that word in a different way and could mean a possible lawsuit. When they talked during the presentation this will open up to other companies coming to the region.

Mr. Mencini stated it seems they want to be good neighbors and there is going to be noise to a certain aspect, unfortunately. This is a big project and not an easy one but my point is this is a good company that wants to come to Brook Park.

Madam Coyne stated the bottom line is Brook Park is in no position to turn down companies and to take out the word industrial that denies the city of future things and prevents expansion.

Mayor Orcutt stated I'm looking out for the residents who have told me what they want and don't want over there; the crane will be inside a building and I don't consider that industrial, inside of a building.

Mr. Troyer stated the law director has already opined that 1000 Apollo would be grandfathered in. How can they be grandfathered when not allowing industrial use unless it's related to main uses? Against this as written and would ask this legislation be defeated and the law director come up with a new piece to allow limited related industrial.

Mr. Poindexter stated agree with Mr. Troyer, industrial related to those uses and by putting the word limit that has to be defined i.e. limited to crane, limited to machining, limited to one (1) prototype per day. Think the legislation is fine the way it is, it's clear and has worked well. The zone the way it is has lured a large company like Blue Abyss to come to this community.

Madam Horvath stated first comment it has been a very long time since our city has looked comprehensively at zoning ordinances. There was talk about going through the codes or have a third-party come in to look at the codes and it's nice to say oh the law department can fix this or that. But, before we get to that point Council, as a group, has to decide, by majority, exactly what type of activity you want in that area. Once that is defined then we will be able to write something that will reflect exactly what you want to take place there or don't want to take place. It may be that other (code) sections need to be changed and also some

Legislative Committee - Chairwoman Coyne: cont.

definitions. I am not hearing any agreement by Council as a whole number one (1) as to what industrial means and secondly what exactly does Council want to take place in that zone. Not trying to make this more difficult just want Council to clarify exactly what you want going on there. If a change is needed in this section or other sections, it can reflect what Council's policy is.

Mr. Troyer stated to Madam Horvath point taken.

Motion by Mr. Troyer, supported by Mr. Poindexter, read in committee.

ROLL CALL: AYES: Troyer, Poindexter, Coyne.

NAYS: Mencini, Roberts, Salvatore. With a tie vote Council President Vecchio voted nay.

Motion by Mr. Poindexter, supported by Mr. Troyer, to place back in committee.

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

NAYS: Unanimous.

PLANNING COMMITTEE - CHAIRMAN, TROYER:

Moved by **motion** to the beginning of the meeting.

SERVICE COMMITTEE - CHAIRMAN, POINDEXTER:

1. PRIVATE PROPERTY LATERAL REPLACEMENT PROGRAM AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt & Councilman Roberts.

Mayor Orcutt stated looks like the top of the legislation does not include the word ordinance, will need to be amended. Sixth whereas needs to be amended City Council will appropriate funds from General Fund 100 - Sewers & Drains. Service director attends meetings with the Northeast Ohio Sewer District as to why water comes into residents' basements and that is caused by the infiltration and inflow (I & I) points. When doing a camera job and a broken tee is found the tee will be replaced at no cost to the resident. This legislation allows an affordable program that city can put forward to the residents by putting in solid pipes that companies are charging thousands of dollars to replace those lines. Residents would sign an agreement with no liability to the city.

Mr. Roberts stated the service director goes to the sewer meetings and brings back a lot of information and that is why we want to move forward with this program.

Mr. Troyer stated I stand corrected when this was first introduced had no interest in doing more work and not get anything back. But reading the legislation the city does get something back. To Mayor Orcutt there will be no liability to the city but if both pipes are done and clog will the city still clear them.

Service Committee - Chairman, Poindexter: cont.

Mayor Orcutt responded yes the program currently in place will continue

Mr. Troyer stated this is a standard \$1,500.00 but not all front yards are created from the foundation to the sidewalk could be 40'.

Mayor Orcutt stated some yards are different, for example, Settlement Acres is 60'. This program is for materials for a 30' yard and out of all dig jobs from last year two (2) were for 60' yards. So the administration feels this is a comfortable price to take care of the material and labor, if there are shortages the city will be not be shorted.

Mr. Troyer stated what if a person wanted the storm brought up next to the house to have a cleanout close to the house, is that a possibility?

Mayor Orcutt responded that could be taken into consideration but adding more work may not be feasible to the work force.

Mr. Troyer continued the machinery is there why not do the whole thing.

Mayor Orcutt stated there will be a presentation from the Northeast Ohio Regional Sewer District to residents informing them by moving downspouts to the garden residents will get a 25% discount on their bill.

Mr. Mencini stated like this piece and am not in favor of getting into digging but this helps the residents and city gets a little back.

Madam Coyne stated this is an important issue what I thought was entirely different in my program. My question is how are monies being recouped when the residents are paying for this program?

Mr. Poindexter responded outside companies are charging thousands of dollars to do this for the residents.

Madam Coyne continued service workers are doing these jobs?

Mr. Poindexter responded legislation reads will be done in-house.

Madam Coyne asked will there be enough manpower to get that done?

Mr. Vecchio stated if the city doesn't do this, at this nominal charge, residents are paying an outside contractor 10 to 15 times more than that amount.

Service Committee - Chairman, Poindexter: cont.

Mr. Roberts commented roto-rooter is charging \$15,000.00 to \$18,000.00 to do this.

Mr. Salvatore asked Mayor Orcutt how can the city guarantee the work done?

Mayor Orcutt responded city has been doing work on front yards and could utilize some of that data but most of the discharge goes from the house to the street. The street is pitched and as long as the city keeps that pitch and backfills correctly, everything will be good.

Mr. Salvatore asked is the city prepared to deal with any possible damage to the homes?

Mayor Orcutt responded like anything else will go through insurance.

Mr. Salvatore continued with the additional workload on service department will more people be brought on?

Mayor Orcutt responded no, the way the service director has it operating there is enough time, in the day, to dig that extra 15', shore it up and replace the tee in eight (8) hours.

Mr. Salvatore continued any possibility of this be included with HMAP, in the future?

Mayor Orcutt stated not a bad suggestion and open to it. Only have so much money to work with and this program provides assistance to residents at an affordable price.

Mr. Mencini stated this has been done for years it's called dig-outs and this is being done a separate way.

Mr. Poindexter stated it is my understanding the service personnel only digs out the sanitary?

Mr. Piatak responded service personnel replaces both (sanitary & sewer) while the hole is dug.

Mr. Poindexter continue to Mayor Orcutt will this eliminate the free digs i.e. broken tees?

Service Committee - Chairman Poindexter: cont.

Mayor Orcutt responded residents don't have to opt-in to this program, the tee would still be replaced.

Mr. Poindexter asked will service crews work overtime?

Mayor Orcutt responded no, both tees can be replaced in an eight-hour day.

Mr. Troyer asked will be embedded in gravel?

Mayor Orcutt responded yes.

Motion by Mr. Salvatore, supported by Mr. Mencini, to place on the next Council agenda under M-4.

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


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, Coyne.

NAYS: Troyer.

Council President Vecchio declared this meeting adjourned at 11:05 p.m.

RESPECTFULLY SUBMITTED 
Carol Johnson
Clerk of Council

APPROVED May 9, 2023

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