

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, MAY 2, 2023
7:30 P.M.**

- A. ROLL CALL OF MEMBERS**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:**
1. CAUCUS PRIOR TO MEETING MINUTES HELD ON APRIL 18, 2023.
2. REGULAR COUNCIL MEETING MINUTES HELD ON APRIL 18, 2023.
- D. REPORTS OF STANDING COMMITTEES:**
Aviation & Environmental Committee - Chairman, Poindexter
Finance Committee - Chairman, Scott
Legislative Committee - Chairwoman, Coyne
Parks & Recreation Committee - Chairman, Mencini
Planning Committee - Chairman, Troyer
Safety Committee - Chairman, Roberts
Service Committee - Chairman, Poindexter
Board of Zoning Appeals - Chairman, Salvatore
- E. REPORTS OF SPECIAL COMMITTEES:**
Southwest General Health Center Trustee, Mencini
Berea Board of Education Representative, Coyne
Technology & Innovation Council Representative, Poindexter
- F. REPORTS OF BOARDS AND COMMISSIONS:**
- G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**
- H. REPORTS AND COMMUNICATIONS FROM THE MAYOR:**
- I. REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS, AND OTHER PUBLIC OFFICIALS:**
- J. OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):**

- K. MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:
- L. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:
- M. ORDINANCES AND RESOLUTIONS FIRST READING:
- N. SECOND READING OF ORDINANCES AND RESOLUTIONS:
- O. THIRD READING OF ORDINANCES AND RESOLUTIONS:
- P. ADJOURNMENT:

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, MAY 2, 2023**

The meeting was called to order by Council President Vecchio at 7:48 p.m., the clerk called the roll and the following Members of Council answered:

TROYER, MENCINI, ROBERTS, SCOTT, COYNE, POINDEXTER, SALVATORE

Also in attendance were Mayor Orcutt, Law Director Horvath, Assistant Finance Director Maykut, Service Director Beyer, Recreation Director Gonzalez and Engineer Piatak.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior to meeting minutes held on April 18, 2023.
2. Regular Council meeting minutes held on April 18, 2023.

Motion by Mr. Mencini, supported by Madam Coyne, to remove and amend properly.

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

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Poindexter

Mr. Poindexter, reported the Aviation & Environmental has one (1) item in committee.

Finance Committee - Chairman, Scott

Mr. Scott reported the Finance committee has nothing on the agenda. The Board of Control met on April 24th, three largest \$108,992.25 - ambulance first-year of a five-year lease; \$50,00.00 - gas and diesel; \$45,000.00 - fireworks. The Board of Control met on April 26th with 21 items on the agenda the three highest \$23,487.00 - police building & video system, Euthenics - \$24,197.32 engineering services through March 24th; \$35,000.00 - concrete for American Legion park. The Board of Control met on May 2nd 17 items on the agenda the three largest \$62,891.26 - Middlebrook Blvd. reconstruction project final payment and Senior grass-cutting services five vendors Kale Landscaping - \$18,195.00; Cambodia lawn services; \$27,993.00 - Legend lawn care; \$27,993.00; Martin's Mowing - \$25,194.00 and Stromboli & Sons - \$20,062.80.

Legislative Committee - Chairwoman, Coyne

Madam Coyne reported the Legislative committee has nothing on the agenda. Just a note that I work at Spry Senior on Snow Road and there are many programs for seniors ages 58 and older, art classes and Silver Sneakers and there are also programs at the Brook Park recreation center i.e. Tuesday walking program and once a month blood pressure checks on Wednesdays.

Reports of standing committees: cont.**Parks & Recreation Committee - Chairman, Mencini**

Mr. Mencini reported the Junior Miss, Miss Brook Park and little Princesses for Home Days can be taken care of at the front desk; last week for Flag Football at Kennedy Park with the championships the following week at Baldwin-Wallace stadium.

Planning Committee - Chairman, Troyer

Mr. Troyer reported due to no requests the Planning commission meeting was cancelled. Remiss last month of reminding women and men to get their breast cancer checks if they did not in October.

Safety Committee - Chairman, Roberts

Mr. Roberts reported the Safety committee has no legislation in committee. Council representatives for Citizen of the Year Committee met last week and the winner for Citizen of the Year is Ellen Albright, who was very happy and emotional and will get back to me on recognition.

Service Committee - Chairman, Poindexter

Mr. Poindexter reported there are two (2) pieces of legislation in committee; one is the community cost-share with Northeast Ohio Regional Sewer District and disposal of city vehicles no longer road-worthy.

Board of Zoning Appeals - Chairman, Salvatore

Mr. Salvatore reported the board met last night with three (3) items on the agenda. A variance was approved for a new carport on Shelby Drive; a variance was approved for a new storage shed on Southway Court and a variance was approved for a ten-foot low-voltage fence on Engle Road. Very productive meeting with many residents' in attendance and several letters read.

REPORTS OF SPECIAL COMMITTEES:**Southwest General Health Center Trustee, Mencini**

Mr. Mencini stated Ellen Albright does an excellent job with the seniors and thanked Southwest CEO, Bill Young, for coming to address Council. Mr. Mencini reported the Southwest Hospital Entities, Vision and Envision was given at the last delegate meeting. Southwest does and is involved with satellite medical centers including Medina county. Community Accu-Care rehabilitation inpatient and outpatient behavior services; Lifeworks; Strongsville medical center and Brunswick medical center and emergency room. Home health care hospice services for both inpatient and outpatient. Southwest General comprises of 100 providers. Big Creek surgery center and fine-standing outpatient rehabilitation therapy. Covid-19 breakdown update 0.5 positive patients in-house and the Southwest testing center has closed; maintenance is 90-day supply of protective equipment in case of another surge; no visitor restrictions and is prepared for a potential surge with the last surge being the first (1st) quarter of 2022.

Berea Board of Education Representative, Coyne

Madam Coyne reported the next meeting is May 15th.

Reports of special committees: cont.**Technology & Innovation Council Representative, Poindexter**

Mr. Poindexter reported there has not been a technology meeting since last report. The next meeting is Wednesday, May 10th in Council Chambers at 5:30 p.m. The committee will have presentations from the three (3) companies who submitted quotes for redoing the city's website.

REPORTS OF BOARDS AND COMMISSIONS:**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:****REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Orcutt reported the House of Representatives' budget has been processed and sent to the Senate. Recently met with State Representative, Tom Patton, to discuss the 2024 & 2025 budget. Mr. Patton took a tour of the recreation center including the natatorium for possible funding for the roof and walls. Welcomed lateral transfer police officer, Nicholas Foster, who is a three-year veteran from the City of Cleveland, wished him good luck. Excited to announce that Brook Park will be adding a canine to the city's police department, K-9 Oden, who will be introduced at an upcoming Council meeting. Most of the cost and K-9 equipment came from various foundations and all city costs have been paid from a donation from Mr. Morsillo of the Greater Cleveland Auto Auction. Mayor Orcutt welcomed K-9 Oden and thanked Mr. Morsillo for his donation. Mayor Orcutt gave an update on the Home Maintenance Assistance Program (HMAP) stating one (1) application has been approved and there are two (2) applications under review, reminder to residents' this program is on a first-come, first-serve basis.

Questions:

Mr. Mencini stated with the city newsletter, with the Forward Innovation received some calls, possibly having a guest speaker at a meeting. Are there any updates seems when driving by to be stagnant?

Mayor Orcutt responded will have another newsletter before Home Days and planning on doing an economic development update. The economy and cost material have hampered development throughout the country. Hopefully, will have some exciting news to put out in near future, waiting for certainties i.e. law department to sign-off on paperwork on possible building number two (2). The Westin Group will be hosting this Thursday, a tour for businesses and city leaders to tour the new building of 364,000 square-feet. Mr. Troyer and Mr. Salvatore already know that the preliminary plans have passed for building number two (2) for 569,000 square-feet; of the 208 acres available one the announcement of the second (2nd) building going up there will still be 125 acres left for development.

Questions to the Mayor: cont.

Mr. Mencini continued representatives from the Glimcher group were at a previous meeting; is there any possibility to have them back to see what the long-term plan is for Brookgate Shopping Center? Mr. Marnacheck does a great job and would also like to see him at a meeting.

Mayor Orcutt responded the demographics of Brook Park historically is that Brook Park doesn't support commercial retail shops, especially food. On a weekly basis I and Mr. Marnacheck meet with different development teams and find out that Brook Park is not passing some of the demographic tests for these big companies. The fact of the city's demographics is what is hindering the city and firmly believe that if the former Harpo's filled with a nice sports bar, we have to be very strategic on how we actually correct this.

Mr. Troyer agree with 110% with the demographics and stated it's all about disposable income. In talking to people recently the issue came up with the traffic light at Engle and Sheldon Roads with the lack of a turn signal. It is better with the adjustments but would like to see a traffic study done. If there is any money left over with the roads program the Sylvia Court cul-de-sac needs to be grinded out, there is one area that is mud and dirt.

Mayor Orcutt responded the Sheldon and Engle Roads is an issue with trucks coming from Middleburg Heights traveling west onto Sheldon. Mr. Beyer administered a meeting with the Middleburg Heights service director and Middleburg Heights Councilman, Bill Meany, attended to discuss that intersection. There is going to be a lot of activity in that area beginning in 2024 with the water replacement project following with the resurfacing project on Sheldon Road. Both the service directors from Middleburg Heights and Brook Park will work together to possibly push out that intersection as far as possible, move the Brook Park sign, and put in some curbs and widen the area but a lot of the issue is the power lines.

Mr. Poindexter stated I like the demographics of Brook Park so they can do all the studies they want. Secondly, was there a recent hire in the service department?

Mayor Orcutt responded yes.

Mr. Poindexter asked when that was?

Mayor Orcutt responded can get the date.

Mr. Poindexter asked for the advertisement of the hire?

Mayor Orcutt responded the human resources commissioner has many applications on file and hire from that file.

Questions to the Mayor: cont.

Mr. Poindexter continued are there any plans to move forward with the Civil Service commission to hire foremen, truck drivers and laborers employed in the department of public service, per the Charter on page 27.

Mayor Orcutt no, there is not any intention to hire a foreman.

Mr. Poindexter stated so we're not going to follow the Charter and it bothers me that I find out there was a hire through rumor or speculation. I am the service committee chairman and should have been notified of the hire.

Mayor Orcutt disagreed and stated it is Council's job to vote legislation up or down and the Mayor operates the city.

Mr. Poindexter reiterated that foremen, truck drivers and laborers should be hired through the Civil Service commission.

Mayor Orcutt continued this wasn't an issue when my predecessor was in office and as soon as I took office you brought this up as an issue. This came up last year and it went to Civil Service commission, opinion can be given from the law director. Will provide the opinion from when this was brought up last year and deferred to the service director being part of the hiring process.

Mr. Beyer stated to Mr. Poindexter, you referenced laborer, truck driver and foreman classification. Out of those three (3) classifications named none of those classifications were hired; a HMO light-heavy machine operator was hired.

Madam Horvath stated that each union has their own collective bargaining agreement with certain terms listed on hiring. About 12 years ago, there were categories of HMO light and HMO heavy that were added to the collective bargaining agreement. The Civil Service commission discussing doing entry-level tests for people who apply to the service department and have been trying to work with coming up with a specific agency to be able to give those tests. There was discussion on having an immediate need to hire someone and the Civil Service commission understood the immediate need for that position. As far as I know the collective bargaining agreement would take precedence over the Civil Service rules.

Madam Coyne stated to Mayor Orcutt thank you for the HMAP update and have seen advertisements for the program. Is there any way to send applicant information and status of who signed up, that would be much appreciated and suggested making this a permanent fund?

Questions to the Mayor: cont.

Mayor Orcutt stated 60 applications have been mailed out, as requested, with one (1) being completed and two (2) under review.

REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS, AND OTHER PUBLIC OFFICIALS:**Recreation Director Gonzalez**

Mr. Gonzalez reported last week the spring basketball program wrapped up with 100 children participating. Also, last week the adaptive basketball program wrapped up with the next offering being summer baseball. Summer baseball and softball will begin practicing weather permitting, all teams have their equipment. Thanked the generous sponsors who sponsored a baseball or softball teams. Reminded everyone of the Memorial Day parade and ceremony on Monday May 29th.

Service Director Beyer

Mr. Beyer reported the yard will be open from 8:00 a.m. to 7:00 p.m. and Saturdays from 9:00 a.m. to 1:00 p.m. The next bulk week is May 15th. Thanked the City of Berea Foreman, Vince Smith, and the grounds crew of the Cleveland Browns for the tour of the Cleveland Browns training facility and had questions on how they grow the grass so nice and quick. The City of Berea used growth blankets that are now being used by Brook Park and are spread out through the Brook Park municipal campus.

Engineer Piatak

Mr. Piatak reported two items this evening, the Sheldon Road Water Main project between Engle Road and I-71; the city has received approval by the Cleveland Water department and anticipating the start of the bid process next week. Hopefully, there is legislation to be introduced this evening for the city to enter into an agreement with the Regional Sewer District for the Sheldon Road bridge and profile raising project, near Eastland over Abrams Creek. Would like to have sewer district representatives at the next Caucus meeting to go over this project.

Law Director Horvath

Madam Horvath reported no report, next meeting the pending civil litigation list will be provided.

Assistant Finance Director Maykut

Madam Maykut reported the Finance department is continuing with the 2022 year-end audit. A special shout out to tax department employees for all their help in assisting residents coming to the window to file their 2022 tax returns, the tax department is still processing tax returns.

Questions:

Madam Coyne asked Mr. Vecchio if there are any updates on laptops?

Mr. Vecchio responded one quote has been received and multiple quotes are needed, will keep Council apprised.

Questions to the directors: cont.

Madam Coyne stated to Mr. Piatak with the residents on Sandhurst, that face the new school, they have had flooding in the past but it seems to have increased with the new school being built and is now in the backyards and homes. Is the city responsible for this or do I need to reach out with the school board engineering? Has anyone talked to the school board engineering?

Mr. Piatak responded I have looked at drawings from when the school was originally constructed and those lots were lower than the school, and have always been lower. There is no public sewer in those rear yards for the city to maintain. When the new school was put in there were provisions to intercept the land flow away from the backyards and not sure why it's getting worse, should have improved, would be glad to show you the information I'm basing this opinion on.

Madam Coyne reiterated there was flooding in the backyard and now it's getting into the homes. If you inquired with the school and they're not taking responsibility what is the next step?

Mr. Piatak responded something could be looked into further to see if there are other records. I suggest let's look at the drawings and try to come up with a plan. Those lots have always been lower and the school has made improvements over there.

Mr. Troyer stated to Engineer Piatak ecstatic to hear about Sheldon Road getting done with the waterline and resurfacing. Where is the city currently with that?

Mr. Piatak responded Council needs to pass the legislation and the piece of legislation being introduced is for design only for the project slated for 2025.

Mr. Troyer continued is the MetroParks involved with the lake to lake trail?

Mr. Piatak responded no, have had contact with the MetroParks, so they are aware of the project, and maybe in the future they will be included possibly with a new trail.

Mr. Troyer thanked Mr. Beyer and service crews for the recent patching; and to Mr. Beyer thank you for letting me look at the trucks.

Mr. Mencini asked Madam Maykut how did the city do with tax returns compared to last year.

Madam Maykut responded we are still processing returns and I will have better statistical numbers at the next meeting. There were over 1,000 people helped at

Questions to the directors: cont.

window and the department is still processing returns by the boxes as they come in.

Mr. Mencini asked Mr. Beyer with all the rain have there been a lot of sewer calls?

Mr. Beyer responded other than normal there have not been much of an influx, nothing abnormal. The prone areas of Ashland, Harrison, Shelby, Robert, Doris, Wengler, Pemberton, Michael and Van Wert where the mats have been placed are helping out.

Mr. Mencini asked any flooding?

Mr. Beyer responded no.

Mr. Mencini continued calls are received is residents' telling me, some is private property, and neighbor's backyard being two-foot higher than mine. With the city being built in the 1950's and 1960's and people putting gardens, patios, pools, etc. This guy tells me that the neighbor filled up his backyard and now my backyard floods my little sentence is come see mine, am I missing something?

Mr. Beyer responded no, my backyard as well, the neighbor to the north there was a crock installed that acts as a leech-bed with water draining into it and disperses underground. I think maybe they were not leveled out correctly when the homes were built.

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

New Legislation:

1. An Ordinance creating Fund #550, the Sheldon Road bridge improvement project fund and declaring an emergency. Introduced by Mayor Orcutt. Assigned finance committee.
2. An Ordinance amending Ordinance no. 11217-2021, passed September 21, 2021 designating the depositories of the active funds of the City of Brook Park, Ohio, for a period of five years beginning October 7, 2021, to include Cache Valley Bank and declaring an emergency. Introduced by Mayor Orcutt. Assigned finance committee.

Motion by Mr. Poindexter, supported by Mr. Mencini, to move to letter M-1, first reading.

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

Mr. Vecchio stated this will appear under M-1 as Ordinance No. 11330-2023.

New Legislation: cont.

3. An Ordinance authorizing the City of Brook Park to accept donated funds and declaring an emergency. Introduced by Mayor Orcutt. Assigned finance committee.
4. A Resolution to extend a temporary moratorium on car washes establishments within the City of Brook Park for a period not to exceed 12 months and declaring an emergency. Introduced by Mayor Orcutt. Assigned legislative committee.
5. A Resolution to extend a moratorium on vape and smoke establishments or shops within the City of Brook Park for a period of not to exceed 12 months and declaring an emergency. Introduced by Mayor Orcutt. Assigned legislative committee.
6. An Ordinance authorizing the Mayor to enter into an agreement with Sutphen Corporation, based upon Sourcewell contract no. 113201 for the purchase of one new Sutphen heavy-duty custom fire truck and related miscellaneous equipment and declaring an emergency. Introduced by Mayor Orcutt. Assigned safety committee.
7. An Ordinance authorizing the police chief to trade-in police equipment and/or unclaimed or forfeited property no longer needed by the Brook Park police department and declaring an emergency. Introduced by Mayor Orcutt. Assigned safety committee.
8. An Ordinance authorizing the Mayor to execute a project agreement with Northeast Ohio Regional Sewer District for the Sheldon Road profile raising and bridge replacement design project and declaring an emergency. Introduced by Mayor Orcutt. Assigned service committee.
9. An Ordinance amending Ordinance no. 11233-2021, which authorizes the Mayor to enter into a contract with Construction Resources, Inc., to prepare drawings, specifications and bid packages for the natatorium repair and roof study and declaring an emergency. Introduced by Mayor Orcutt. Assigned service committee.
10. An Ordinance authorizing the Mayor to trade-in the city's 2007 new Holland wheel loader and declaring an emergency. Introduced by Mayor Orcutt. Assigned service committee.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

1. Interim Finance Director - Mary Maykut.

Motion by Mr. Troyer, supported by Mr. Mencini, to appoint assistant finance director to interim finance director position.

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

Ms. Maykut accepted the appointment and received a standing ovation.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Donna Calvey

15400 Muskingum Blvd. secondary address, primary address North Olmsted.
Ms. Calvey expressed concerns with flooding and Southwest CEO not aware of ACES study.

Liz Sayers

23065 Cedar Point Road

Ms. Sayers expressed concerns with flooding and Middleburg Heights Abrams Creek flooding.

Louis Modic

14399 Fayette Blvd.

Mr. Modic thanked Mr. Roberts for the recent appointment by the Citizen of the Year committee, thanked Mr. Gonzalez for the recent craft show. Mr. Marnacheck appeared at the senior club, this morning, to discuss the Home Maintenance Assistance Program (HMAP) and having a lien put on the homes.

Ray Peterlin

5811 Wengler Drive

Mr. Peterlin presented the clerk with four-pages of petitions from the Wengler Drive Club and asked to be included in the minutes. Since these petitions have not been verified they cannot be included with the minutes but will be kept on file in the Council office for review by the public.

Motion by Madam Coyne, supported by Mr. Mencini, to address the audience.

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

Madam Coyne stated to the audience to keep coming, nice to see all of you. To Madam Calvey very passionate, Ms. Sayers I do care about the flooding and am representing people who are experiencing flooding issues. Signed Mr. Peterlin's petitions and met the Wengler Drive residents. Mr. Modic thank you for coming.

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

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

ORDINANCES AND RESOLUTIONS: (FIRST READING):

ORDINANCE NO. 11330-2023

1. AN ORDINANCE AMENDING ORDINANCE NO. 11217-2021, PASSED SEPTEMBER 21, 2021, DESIGNATING THE DEPOSITORIES OF THE ACTIVE FUNDS OF THE CITY OF BROOK PARK, OHIO, FOR A PERIOD OF FIVE YEARS BEGINNING OCTOBER 7, 2021, TO INCLUDE CACHE VALLEY BANK AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

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

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

ROLL CALL: AYES: Mencini, Scott, Coyne, Troyer, Salvatore, Poindexter, Roberts
NAYS: Unanimous. Ordinance No. 11320-2023, has passed under suspension of the rules. Adopted.


SECOND READING OF ORDINANCES AND RESOLUTIONS:

THIRD READING OF ORDINANCES AND RESOLUTIONS:

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

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

Council President Vecchio declared this meeting adjourned at 9:07 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.