

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, MAY 16, 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.
Moved from May 2, 2023 Council Meeting.
2. REGULAR COUNCIL MEETING MINUTES HELD ON APRIL 18, 2023.
Moved from May 2, 2023 Council Meeting.
3. CAUCUS PRIOR MEETING MINUTES HELD ON May 2, 2023.
4. REGULAR COUNCIL MEETING MINUTES HELD ON May 2, 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:

1. ORDINANCE NO. 11331-2023
AN ORDINANCE AUTHORIZING THE MAYOR TO PARTICIPATE IN THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF OIL AND GAS RESOURCES MANAGEMENT'S (DIVISION) ORPHAN WELL PROGRAM, TO PLUG AN ORPHANWELL LOCATED IN THE RIGHT-OF-WAY AT 5841 RUPLE ROAD, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. ORDINANCE NO. 11332-2023
AN ORDINANCE CREATING FUND #550, THE SHELDON ROAD BRIDGE IMPROVEMENT PROJECT FUND, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
3. ORDINANCE NO. 11333-2023
AN ORDINANCE AUTHORIZING THE CITY OF BROOK PARK TO ACCEPT DONATED FUNDS, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
4. ORDINANCE NO. 11334-2023
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SUTPHEN CORPORATION, BASED UPON SOURCEWELL CONTRACT NO. 113021-SUT FOR THE PURCHASE OF ONE NEW SUTPHEN HEAVY DUTY CUSTOM PUMPER TRUCK AND RELATED MISCELLANEOUS EQUIPMENT, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
5. ORDINANCE NO. 11335-2023
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.
6. ORDINANCE NO. 11336-2023
AN ORDINANCE AMENDING ORDINANCE 11233-2021, WHICH AUTHORIZED THE MAYOR TO ENTER INTO A CONTRACT WITH CONSTRUCTION RESOURCES, INC. TO PREPARE DETAIL DRAWINGS, SPECIFICATIONS, AND BID PACKAGES FOR THE NATATORIUM REPAIR, AND A ROOF STUDY, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

M. **ORDINANCES AND RESOLUTIONS: FIRST READING: CONT.**

7. ORDINANCE NO. 11337-2023
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORSO) AND THE CITY OF BROOK PARK, FOR THE STORMWATER MCM #6 IMPLEMENTATION, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
8. ORDINANCE NO. 11338-2023
AN ORDINANCE AUTHORIZING THE MAYOR TO DISPOSE OF OBSOLETE CITY VEHICLES THAT ARE UNSAFE AND NO LONGER ROAD WORTHY, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
9. ORDINANCE NO. 11339-2023
AN ORDINANCE AUTHORIZING THE MAYOR TO TRADE-IN THE CITY'S 2007 NEW HOLLAND W170B WHEEL LOADER, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
10. RESOLUTION NO. 5-2023
A RESOLUTION TO EXTEND THE MORATORIUM ON VAPE AND SMOKE ESTABLISHMENTS OR SHOPS WITHIN THE CITY OF BROOK PARK FOR A PERIOD OF NOT MORE THAN 12 MONTHS, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
11. RESOLUTION NO. 6-2023
A RESOLUTION DECLARING THE MONTH OF MAY AS LUPUS AWARENESS MONTH IN THE CITY OF BROOK PARK, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt & C/W.

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 16, 2023**

The meeting was called to order by Council President Vecchio at 7:43 p.m., the clerk called the roll and the following Members of Council answered:

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

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

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

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

Note: Items number one and two were moved by **motion** from the May 2, 2023 Council agenda.

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

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

3. Caucus Prior to Council minutes held on May 2, 2023.
4. Regular Council minutes held on May 2, 2023.

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

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

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Poindexter

Mr. Poindexter reported the Aviation & Environmental committee has one item on tonight's agenda.

Finance Committee - Chairman, Scott

Mr. Scott reported the Finance committee has two pieces of legislation on tonight's agenda. The Board of Control met earlier with 22 items presented with the three largest being Brewer-Garrett HVAC replacement at the Safety Building - \$19,093.00; Brewer-Garrett main contract for the recreation center and city hall - \$38,067.48 and Euthenics Wedo Park basin design - \$12,311.52.

Legislative Committee - Chairwoman, Coyne

Madam Coyne reported there are two pieces of legislation on tonight's agenda.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini reported Volleyball clinics are every Thursday; Pickle ball are on Wednesdays and Fridays from 9:00 a.m. to 11:00 a.m.; Miss Brook Park and Junior Miss Brook Park applications are available at front desk. Co-ed Volleyball started with 12 teams and Flag Football ended up being in the playoffs at

Reports of Standing Committees

Parks & Recreation - Chairman, Mencini: cont.

Baldwin-Wallace (BW). Took over a team on Friday that won the first game and lost second game.

Planning Committee - Chairman, Troyer

Mr. Troyer stated no report and mentioned be careful, it's that time of year, with children running around and motorcycles.

Safety Committee - Chairman, Roberts

Mr. Roberts reported the Safety committee has two items on tonight's agenda.

Service Committee - Chairman, Poindexter

Mr. Poindexter reported the Service committee has five items on tonight's agenda.

Board of Zoning Appeals - Chairman, Salvatore

Mr. Salvatore stated no report.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini

Mr. Mencini reported the first four months of 2023 showed strong volumes throughout the hospital with premium labor pay continuing to be a challenge and something Southwest will continue to work on. The 2023 organizational goals were noted as favorable with highlights including better than expected targets on hospital acquired infections. Additional highlights were Southwest obtaining the 2022 Excellence Award for Cardiac Care and the Plain Dealer Top Work Place for Northeast Ohio for 14 consecutive years. A new pain management and oncology doctors joined in April, 2023.

Berea Board of Education Representative, Coyne

Madam Coyne reported at last night's meeting there was audience participation; the curriculum committee meets every five to six years to make sure the curriculum is up to Ohio standards. This past weekend there was a Ten years of a Titan showcase that was an awesome program but due to Mother's Day weekend the turnout was not as expected.

Technology & Innovation Council Representative, Poindexter

Mr. Poindexter reported the Technology & Innovation committee met last Wednesday, May 10th. Had two presentations for the website, the third company was unable to make it due to unforeseeable circumstances. The third company will be resending to the committee next Tuesday. Both presentations given were outstanding for different reasons and will have a hard decision deciding which company to select. No decisions will be made until after the third company's presentation next Tuesday. Once a decision is made will be shared with Council.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Orcutt reported volunteers were planting flowers throughout the municipal campus. Special thanks to resident, Liz Sayers, who volunteered to plant flowers at the gazebo, presented with a bottle of Pepsi. A few key events coming up on Monday, May 29th starting at 10:00 a.m. will be the Memorial Day parade beginning at Brookgate shopping center, traveling down Smith Road to Sylvia Drive to the Kennedy Park Memorial where a ceremony will be held for veterans that served our country. Second event is on June 10th from 12:00 p.m. to 4:00 p.m. the City of Brook Park and American Legion Post #610 will be hosting a free Picnic in the Park at the amphitheater with featured activities being food, games, prizes and music, bring own lawn chair. A new representative for the Tri-City Dog Park committee was chosen, Louie Modic. Also exciting news is a grant was received that will be utilized at the dog park.

Questions:

Madam Coyne commented think would be awesome if Council, Mayor and Administration marched in the parade together.

Mr. Mencini with the dog park will the grounds be redone?

Mayor Orcutt responded yes, the area has turned into a mud pit so all three cities, Brook Park, Berea and Middleburg Heights are working together with the committee; there will be new ground over there possibly a pea gravel type.

Mr. Mencini continued I thought they were going to use the turf from the Roehm field but turned out to be costly.

Mayor Orcutt responded all three Mayors and Service Director Beyer looked at that and it was decided not to use because of the weight.

Mr. Mencini continued getting calls on tall grass, most residents comply but there are a few habitual. Another thing is overnight parking issues that will be resolved before summer. Also, with summer coming the parking on the front yards, don't want to become that city.

Mayor Orcutt responded the grass happens every year, at this time, and service department crews received overtime to attack this problem. Crews would do concrete all day and then come back to the department to cut grass for four hours. Residents that high grass there are two inspectors that have been putting out notices to people. With the habitual residents the process has been changed since becoming Mayor. In the past there was a three-day notice given and if nothing done another three-day notice and then mediation. Mediation has been eliminated due to if a notice is received from the property inspector that is

Questions to the Mayor: cont.

enough. If nothing is done a certified letter is sent and if nothing is done a citation is written.

Mr. Mencini interjected when saying habitual it means they haven't cut the grass, at all, including back yards.

Mayor Orcutt responded that is being worked on there was a resident in Ward One that no one was available at the home. The safety director is coming up with a volunteer system and last week two homes had their yards cleaned up. With the overnight parking there is no excuse for parking on the streets; a priority of that would be a car accident or certain activities that have been happening, that have increased in Cuyahoga County and this country with whacked-out behavior. Parking on the front lawn there was one person that received four citations and has stopped doing that. If there are people parking on the front lawns or tree lawns call or text me immediately so the police chief can be notified and the resident receive a courtesy knock on the door that it's not allowed.

Mr. Poindexter stated to Mayor Orcutt, have received concerns from residents about the five item bulk pickup policy. Some residents don't use bulk pickup very often but when they do have more than five items; feel they are being inconvenienced. Did explain to this person that contractors were taking advantage of this program; the response received was why should residents be punished due to contractors overstepping their bounds. Could that five-item rule be reconsidered and possibly come up with a different alternative? For example, if a bedroom set is put out the bed frame, dresser, drawers, nightstands are more than five items.

Mayor Orcutt responded I always open for dialogue but my immediate response would be no, we will not reconsider. There have been discussions about this with the service foreman, service director and myself and the reasons why is being a former Ward Councilperson I saw U-Haul trucks pulling and dropping construction materials on tree lawns. What happening is this occupy a lot of the service crews time when they could be doing other things and the city doesn't want to pay for the contractor's waste. With putting out a bedroom set that is one entire item and dining room and chairs are one entire item. A lot of thought went into this and the labor factor is spending a lot of time on the streets picking up bulk items and trash. Maintenance was also a big issue the more wear and tear on the rear loaders with the cylinders are moving more parts are breaking and another big factor was lack of maintenance time. The rear loaders are on the roads and when brought back to the garage they are hosed down and cylinders greased and that was losing a lot of maintenance time. When spending \$300,000.00 or more we want to protect the city's assets, it came down to labor, maintenance and taking away from the contractors dumping materials. Cardboard can be broken down

Questions to the Mayor: cont.

and placed in the recycle can the city gets reimbursed for that and we are seeing more dollars coming back to the city.

Mr. Troyer stated hearing same kind of issues that Mr. Mencini brought up and must uphold the laws, agree with everything that was said.

Mayor Orcutt rebutted when running for this position the number one complaint was property maintenance and this administration is going to work on cleaning this city up.

Mr. Troyer stated if someone is having a hard time with property maintenance the courts allow as long as progress is being made, the time.

REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS, AND OTHER PUBLIC OFFICIALS:**Interim Finance Director Maykut**

Madam Maykut stated to Mr. Mencini's question last meeting, between March 1st and April 18th the tax department collected \$84,068.00 with a total of 2,750 residents coming to the window. The April collections are right alongside the collections of 2022 at 99.1%, and with May's collections will be alongside from law year. The city issued 259 Work from Home Covid refunds for this year totaling \$449,056.00 that is still ongoing and will keep Council abreast monthly on these refunds.

Law Director Horvath

Madam Horvath stated with the Active Civil litigation list there are four cases with two of them being removed.

Engineer Piatak

Mr. Piatak stated the Sheldon Road water main project is out to bid with bids being opened next Tuesday. This past week the city submitted a grant application to the sewer district for participation in their Member Opportunity Program a sanitary project involving septic tank abandonments along Sheldon Road between Engle and Eastland Roads.

Service Director Beyer

Mr. Beyer stated this week is bulk week on regular scheduled rubbish day, everything is discretionary, a bedroom set is considered one piece as well as kitchen cabinets. What crews are seeing is the extra rubbish bags and cardboard; cardboard can be dropped off at eight different locations in the city. Want to thank the Brook Park Elementary School Garden Club children, overseers and families for beautifying the Kennedy Park Memorial with the annual flower planting, weeding and maintenance throughout the year. Recently met with Dominion Gas and on May 30th construction will begin on Elm and Smith Roads to replace a high-pressure gas main under Smith Road, one lane only both north and south. This Saturday the library is hosting a 'Touch a Truck' in the Kennedy Park

Reports and communications from the departments, commissions and other public officials:

Service Director Beyer: cont.
parking lot.

Recreation Director Gonzales

Mr. Gonzalez stated football and cheer registrations are ongoing until July 1st; softball and baseball games will begin after Memorial Day; schedules can be found online or Facebook, cost savings measure no more paper schedules. Upcoming summer events are on Friday, June 2nd, first drive-in movie showing Light-year sequel in the recreation center parking lot. The department is targeting June 5th, tentative date, for opening of the water park. Memberships are available and also a perfect location to host a party, booking are filling up quickly. Want to wish the Berea-Midpark fast-pitch and baseball team for advancing to district and the girls' baseball team on their upcoming game.

Questions:

Mr. Salvatore stated to Madam Horvath reviewed report, nice to see only four on the list. Is there any update with the City of Cleveland lawsuit?

Madam Horvath responded yes, waiting for the three judge panel to be appointed then have oral arguments and the city with co-counsel will assert their position to the panel.

Mr. Salvatore stated with case number two the city received a settlement \$3,366.86 as a first installment; will their other installments coming forth?

Madam Horvath responded yes, but needs to check on the timing of the installments and will send email to Council. The other two cases are settled and they have 30 days to appeal? Case number three has been dismissed permanently and case number four is a unique case by being a nuisance case that should not have been filed. It was very fortunate that the city was able to get this case dismissed, without prejudice, early. The plaintiff has an estimated 20 days to file an appeal, it is a possibility. This case not only involved the city but also four police officers and am glad it is resolved; thanked both law department employees, outside counsel to get the case closed.

Mr. Poindexter to Madam Maykut are all those refunds from this year?

Madam Maykut responded yes, 2022.

Mr. Poindexter continued was there anyone that didn't file a return last year and applied this year?

Questions to the directors: cont.

Madam Maykut responded could be one or two, the bulk is for this year and have three years to request refunds. What the department is seeing is people who requested refunds last year are following up quicker this year.

Mr. Poindexter continued is there any movement to bring NASA into compliance with collecting outside city taxes?

Madam Maykut responded there has been no movement to enforce that issue being a federal agency who has basically said being a federal agency will not comply and don't know what steps can be taken with NASA being the city's largest employer?

Madam Horvath stated the key point is federal and federal law pre-empts state or local laws, something may be looked at this month or next month.

Mr. Troyer stated to Madam Horvath with case number three what was the settlement?

Madam Horvath responded that is still being processed and currently signing the documents.

Mr. Troyer stated the building can stand as erected?

Madam Horvath responded no, will be abated.

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

New Legislation:

1. 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 to Service Committee.

Motion by Mr. Poindexter, supported by Mr. Roberts, to place under letter M-14.

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

NAYS: Unanimous.

Mr. Vecchio assigned Ordinance No. 11340-2023.

New Legislation: cont.

- 2. AN ORDINANCE AMENDING ORDINANCE NO. 9891-2014, PASSED FEBRUARY 25, 2014, WHICH AUTHORIZED THE MAYOR TO HIRE THE LAW FIRM OF KAUFMAN AND COMPANY, LLC TO ACT AS CO-COUNSEL WITH THE LAW DIRECTOR, DUE TO A NAME CHANGE OF THE FIRM TO ULMER & MERNE, LLP AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. Assigned to Legislative committee.

Motion by Madam Coyne, supported by Mr. Poindexter, to place under letter M-15.

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

Mr. Vecchio assigned Ordinance No. 11342-2023.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Liz Sayers
23065 Cedar Point Road
Ms. Sayers thanked everyone for the bottle of Pepsi and visits.

Lou Modic
14399 Fayette
Mr. Modic provided a dog park update with a capital improvement from each of the three cities for gravel in the amount of \$40,000.00; City of Berea - \$10,000.00, City of Brook Park - \$10,000.00 and City of Middleburg Heights - \$20,000.00. Memorial Paver project to raise funds and the City of Middleburg Heights was approved for a grant for a pavilion to be named Carl Burgio.

Ray Peterlin
5811 Wengler Drive
Mr. Wengler expressed concerns of wanting concrete streets and provided four petitions clerk, requesting to be attached to the minutes. **Note:** Due to the names and addresses not being verified the petitions cannot be included with the minutes but will be kept on file in the Council office. Tennis courts lit up at night with no one using them.

ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORDINANCE NO. 11331-2023

AN ORDINANCE AUTHORIZING THE MAYOR TO PARTICIPATE IN THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF OIL AND GAS RESOURCE MANagements (DIVISION ORPHAN WELL PROGRAM) TO PLUG AN ORPHAN WELL LOCATED IN THE RIGHT-OF-WAY AT 5841 RUPLE ROAD 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, Troyer, Coyne, Scott
NAYS: Unanimous.

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

ROLL CALL: AYES: Coyne, Poindexter, Roberts, Mencini, Scott, Troyer, Salvatore
NAYS: Unanimous. Ordinance No. 11331-2023, has passed under suspension of the rules. Adopted.

2. ORDINANCE NO. 11332-2023

AN ORDINANCE CREATING FUND #550, THE SHELDON ROAD BRIDGE IMPROVEMENT PROJECT FUND AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

ROLL CALL: AYES: Troyer, Poindexter, Roberts, Mencini, Scott, Coyne, Salvatore
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. 11332-2023, has passed under suspension of the rules. Adopted.

3. ORDINANCE NO. 11333-2023

AN ORDINANCE AUTHORIZING THE CITY OF BROOK PARK TO ACCEPT DONATED FUNDS 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, Troyer, Coyne, Scott
NAYS: Unanimous.

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

ROLL CALL: AYES: Mencini, Poindexter, Roberts, Salvatore, Troyer, Coyne, Scott
NAYS: Unanimous. Ordinance No. 11333-2023, has passed under suspension of the rules. Adopted.

Ordinances and Resolutions: First Reading: cont.

4. ORDINANCE NO. 11334-2023

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SUTPHEN CORPORATION, BASED UPON SOURCEWELL CONTRACT NO. 113021-SUT FOR THE PURCHASE OF ONE NEW SUTPHEN HEAVY DUTY CUSTOM PUMPER TRUCK AND RELATED MISCELLANEOUS EQUIPMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

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

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

ROLL CALL: AYES: Mencini, Scott, Coyne, Troyer, Salvatore, Poindexter, Roberts
NAYS: Unanimous. Ordinance No. 11334-2023, has passed under suspension of the rules. Adopted.

5. ORDINANCE NO. 11335-2023

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.

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

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

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

ROLL CALL: AYES: Mencini, Roberts, Poindexter, Salvatore, Troyer, Coyne, Scott
NAYS: Unanimous. Ordinance No. 11335-2023, has passed under suspension of the rules. Adopted.

Ordinances and Resolutions: First Reading: cont.

6. ORDINANCE NO. 11336-2023

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.

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

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

Motion by Mr. Troyer, supported by Mr. Poindexter, to adopt.

Madam Coyne stated cannot vote on hiring the same contractor from the previous administration with the many mistakes found. Also, cannot vote on replacement of the roof and walls with no plans afterwards for the area.

ROLL CALL: AYES: Troyer, Mencini, Roberts, Poindexter, Salvatore, Scott
NAYS: Coyne. Ordinance No. 11336-2023, has passed under suspension of the rules. Adopted.

7. ORDINANCE NO. 11337-2023

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND THE CITY OF BROOK PARK FOR THE STORMWATER MCM#6 IMPLEMENTATION 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. Poindexter, supported by Mr. Roberts, to adopt.

ROLL CALL: AYES: Poindexter, Roberts, Mencini, Scott, Coyne, Troyer, Salvatore
NAYS: Unanimous. Ordinance No. 11327-2023, has passed under suspension of the rules. Adopted.

8. ORDINANCE NO. 11338-2023

AN ORDINANCE AUTHORIZING THE MAYOR TO DISPOSE OF OBSOLETE CITY VEHICLES THAT ARE UNSAFE AND NO LONGER ROAD WORTHY AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

Ordinances and Resolutions: First Reading: cont.

Mr. Troyer clarified it was never the safety of the vehicles, the issue was the fiduciary responsibility to get the most money on city assets and told by a company representative that the vehicles will be scrapped, never to be on the road again.

Mr. Salvatore stated I met with Mr. Beyer and the city's lead mechanic and the vehicles will be scrapped and the city seals removed.

Mr. Troyer stated when I looked at the trucks they still had the full plow packages included and the legislation did not mention the vehicles will be scrapped and plow packages removed, nice to have that information first.

The clerk called the roll on the **motion** by Mr. Scott, supported by Mr. Mencini, to suspend.

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

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

ROLL CALL: AYES: Mencini, Scott, Coyne, Troyer, Salvatore, Poindexter, Roberts
NAYS: Unanimous. Ordinance No. 11338-2023, has passed under suspension of the rules. Adopted.

9. ORDINANCE NO. 11339-2023

AN ORDINANCE AUTHORIZING THE MAYOR TO TRADE-IN THE CITY'S 2007 NEW HOLLAND W170B WHEEL LOADER AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Motion by Mr. Troyer, supported by Mr. Poindexter, to amend to reflect the legislation from this evening's Caucus Prior to agenda item number three, with attachments.

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

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. Troyer, supported by Mr. Poindexter, to adopt as amended.

ROLL CALL: AYES: Troyer, Poindexter, Roberts, Mencini, Salvatore, Coyne, Scott
NAYS: Unanimous. Ordinance No. 11339-2023, has passed under suspension of the rules. Adopted.

10. RESOLUTION NO. 5-2023

A RESOLUTION TO EXTEND THE MORATORIUM ON VAPE AND SMOKE ESTABLISHMENTS OR SHOPS WITHIN THE CITY OF BROOK PARK FOR A PERIOD OF NOT MORE THAN 12 MONTHS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Ordinances and Resolutions: First Reading: cont.

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

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

Motion by Mr. Troyer, supported by Mr. Roberts, to adopt.

ROLL CALL: AYES: Troyer, Roberts, Mencini, Poindexter, Salvatore, Coyne, Scott
NAYS: Unanimous. Resolution No. 5-2023, has passed under suspension of the rules. Adopted.

11. RESOLUTION NO. 6-2023

A RESOLUTION DECLARING THE MONTH OF MAY AS LUPUS AWARENESS MONTH IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt and C/W.

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

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

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

ROLL CALL: AYES: Roberts, Coyne, Scott, Troyer, Salvatore, Poindexter, Mencini
NAYS: Unanimous. Resolution No. 6-2023, has passed under suspension of the rules. Adopted.

12. ORDINANCE NO. 11340-2023

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.

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

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

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

ROLL CALL: AYES: Mencini, Roberts, Poindexter, Salvatore, Troyer, Coyne, Scott
NAYS: Unanimous. Ordinance No. 11340-2023, has passed under suspension of the rules. Adopted.

13. RESOLUTION NO. 7-2023

A RESOLUTION TO EXTEND THE MORATORIUM ON VAPE AND SMOKE ESTABLISHMENTS OR SHOPS WITHIN THE CITY OF BROOK PARK FOR A PERIOD OF NOT MORE THAN 12 MONTHS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

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

Ordinances and Resolutions: First Reading: cont.

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

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

NAYS: Unanimous. Resolution No. 7-2023, has passed under suspension of the rules. Adopted.

14. ORDINANCE NO. 11341-2023

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR THE WEDO PARK STORM WATER BASIN PROJECT AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

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

NAYS: Unanimous.

Motion by Mr. Poindexter, supported by Mr. Troyer, to adopt.

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

NAYS: Unanimous. Ordinance No. 11341-2023, has passed under suspension of the rules. Adopted.

15. ORDINANCE NO. 11342-2023,

AN ORDINANCE AMENDING ORDINANCE NO. 9891-2014, PASSED FEBRUARY 25, 2014, WHICH AUTHORIZED THE MAYOR TO HIRE THE LAW FIRM OF KAUFMAN AND COMPANY, LLC TO ACT AS CO-COUNSEL WITH THE LAW DIRECTOR, DUE TO A NAME CHANGE OF THE FIRM TO ULMER & MERNE, LLP AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

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

NAYS: Unanimous.

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

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

NAYS: Unanimous. Ordinance No. 11342-2023, 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. Roberts, supported by Mr. Salvatore, to adjourn.

Motion by Mr. Troyer, supported by Mr. Poindexter, to go into executive session.

Mr. Vecchio took the **motion** to adjourn first.

The clerk called the roll on the **motion** to adjourn.

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

NAYS: Troyer, Coyne.

Council President Vecchio declared this meeting adjourned at 9:00 p.m.

RESPECTFULLY SUBMITTED



Carol Johnson
Clerk of Council

APPROVED _____ JUNE 6, 2023 _____

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