

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, SEPTEMBER 12, 2023**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING MINUTES HELD ON JUNE 3, 2023.

IV. DISCUSSION:

V. FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THEM TO THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE SALE OF PERMANENT PARCEL NOS. 344-15-008, 344-15-009, 344-15-178 AND 344-29-086 AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

VI. LEGISLATIVE COMMITTEE – CHAIRWOMAN, COYNE:

1. AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1122 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SHORT TERM LEASES' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. AN ORDINANCE ENACTING A NEW SUB-SECTION OF THE GENERAL OFFENSES CODE OF THE CITY OF BROOK PARK ENTITLED 'DISORDERLY CONDUCT AT SPORTING EVENTS' AND DECLARING AN EMERGENCY. Introduced by Councilman Scott.

VII. ADJOURNMENT:

Posted 09/08/2023

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, SEPTEMBER 12, 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, SCOTT

Also in attendance were Mayor Orcutt, Law Director Horvath, Economic Development Commissioner Marnacheck, Service Director Beyer and Engineer Piatak.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Caucus meeting minutes held on June 13, 2023.

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

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

NAYS: Troyer.

DISCUSSION:

Mr. Vecchio stated with the livestream the city's technician was out today and found out the issue happening sporadically at last week's meeting is the camera that was on the dais was out, even though audio could be heard there was no video. Technician found out the switcher is bad and what he did is remove the two (2) switchers and currently will not have a podium camera, the switcher has been put to the dais. Until the new part is received and installed there will be video on the dais; there will still be audio but video will only show on the dais. New part to be ordered tomorrow and will update accordingly.

Mr. Mencini thanked Mr. Vecchio for taking care of that matter.

FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THEM TO THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this is an annual housekeeping issue.

Motion by Mr. Mencini, supported by Mr. Roberts, to place on the next Council agenda, September 19th.

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

NAYS: Unanimous.

Finance Committee - Chairman, Scott: cont.

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE SALE OF PERMANENT PARCEL NOS. 344-15-008, 344-15-009, 344-15-178 AND 344-29-086 AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated these parcels are related to (former) Brookview Elementary School on Snow Road. The company interested is called Grey Fox Capital whom I met with in June for selling of property at \$1 million-dollars. One contingency that Council wants in the contract is if these homes go up for sale an HOA (Home Owners Association) is initiated for individual sales and that has been completed. Once this legislation is passed this will be for the entire 9.8 acres on Snow Road with the former school being raised and demolished. The company is looking to put 61 units on the property with two oversized retention basins that has been written into the contract. The homes on Parkman will be able to tap into those basins for help with flooding in that area. With this contract Gray Fox Capital has reserved the rights for development across the street on the north side from Pemberton Drive to the railroad bridge to the east on Snow Road and Van Wert. This development would have approximately 23 units on the north side of Snow Road which will be two-story, two or three bedrooms' units with open-floor concept with a garage. None of the roads will not be dedicated so the city is not responsible for street maintenance or storm sewers, will be a full-service unit, with rental prices of \$1,500.00 to \$2,500.00, will have their own maintenance team onsite. The south side will have two retention basins to assist with Stormwater management and two clubhouses; one for workouts and the other a community room rental. Also, on the south side will be Pickleball courts and small dog park. On the north side there will be a dry retention basin in the Van Wert area with Snow Road having a nice buffer. To view this product can drive Hinckley, Ohio at West 130th Street and Route 303.

Mr. Poindexter stated like the project, had reservations with hoping to do mixed-use but after seeing the designs and renderings grateful for the selling of the property. Will the city be exploring any TIF (Tax Increment Financing) on the property?

Mayor Orcutt responded the only TIF the city should be looking into would be non-school on commercial property. With this one not sure if the city can apply but if so suggest it be done. Legislation was passed last year for a non-school TIF from the former Ford property now called the Forward Innovation Center. A non-school TIF is for the first 15 years property tax is not paid on the building; the next 16-30 years the non-school TIF would be the city and county portion; that must be used for streets and so forth in that area.

Mr. Poindexter continued would like to explore the opportunity, if available. In the

Finance Committee - Chairman, Scott: cont.

legislation the funds are going into the Economic Development Fund; any plans on using those funds or just keep them in the fund?

Mayor Orcutt responded think the funds should be kept in there so the Administration and Legislative branch can work together with reinvesting money to explore other commodities.

Mr. Poindexter stated would like to take \$250,000.00 to pay for all the LED lighting up front; once paid up front the Illuminating Company can put them on the priority list.

Mayor Orcutt continued after last week's meeting I reached out to Brook Park's Illuminating Company representative and the rough estimate given to do the rest of the lighting was \$359,000.00. Not against making that investment and will look for monies in the budget to get that done; but must also diversify city funds. The Illuminating Company engineers the program and with the 1,900 lights only 50 are done a time.

Madam Coyne stated this is a wonderful idea and a big step for the city. the residents will love the three retention basins that will assist with flooding; may not solve the flooding problem but will help. This project opens up opportunities for the positive for Brook Park and needs to get done.

Mr. Mencini stated like the idea but will be cautious in the aspect that something good is needed on Snow Road but have seen development come and go in this city. This is a high-price for rentals and my worry is will it be the same 10 or 20 years from now. Do Like the idea of this company demolishing the school building doesn't fall on the city. Will there be a public hearing for residents living in that area?

Mayor Orcutt responded this legislation is for the sale and a public hearing would be held for any variances, aesthetic approval or needed conditional use permits during the Board of Zoning and Planning Commission meetings. A good example of a project like this that did well is Gateway Condominiums on Hummel Road that is an HOA and individually owned. Gateway board decides on what must be done such as gutters, roofs and so forth. Another good thing with this project is it is sole-owned.

Mr. Mencini continued optimistic on a start for Snow Road and residents wanting a certain store or business in Brook Park.

Mayor Orcutt responded am constantly being told by residents would like an Outback (Restaurant) but the bottom line is demographics; not bringing new

Finance Committee - Chairman, Scott: cont.

businesses but it's also for businesses that are already here. Developers own the buildings by lease and looking at the demographics determine if that lease is retained. Mr. Poindexter stated mixed-use and am in favor of that can't say it's not an option because there is room for development on Snow Road and few other lots elsewhere. The developer for the Forward Innovation Center is looking for mixed-uses as well; so piece by piece strategically can make this city the residents want.

Mr. Roberts stated for this and there are concerns with increase in traffic but when residents hear of the one retention basin that will help them, think they will be for it. Could be a concern of what this will look like in ten years but if they're investing this kind of money and city passes it up, what will that area look like in ten years. All for this and let's get it done.

Mr. Troyer stated there a lot of good things about this and wish there would have been a public hearing or meeting before the sale, think moving fast on this. Looking into the future doesn't matter what the city pays need to get what it's worth. Would like the written appraisals.

Mayor Orcutt responded property is worth \$1 million-dollars, can get the appraisals for you.

Mr. Troyer suggested in Section 2 of legislation after 243, remove period and add comma that \$360,000.00 of the money can go towards LED lighting citywide. Have concerns with the conditional use permits actually think zoning must be changed. That's a big area and the proper procedure would be to rezone for multi-family housing. Asked Mr. Piatak if there are any numbers of the groundwater that needs to be retained?

Mr. Piatak responded calculations have not been calculated or submitted.

Mr. Troyer stated to be able to take water from that neighborhood into that one retention (basin).

Mr. Piatak responded the codes would require for them to retain x-amount of water for the project and the consideration would be to go above and beyond; to help provide storm relief on what's not part of the project. What that number is I don't know.

Mr. Troyer continued would like to see the numbers and statistics that is going to happen, could be better than we think. Would have to help during a 100-year equivalent and not a normal rain.

Finance Committee - Chairman, Scott: cont.

Mr. Vecchio interjected the area still gets flooding in normal rains so it's going to help either way. What you're asking for is the numbers?

Mr. Troyer concurred.

Mr. Vecchio continued they won't have those numbers until the design is there and whatever the size of the retention pond will be.

Mayor Orcutt asked to interject for some dialogue, the building is somewhat over 50 square-foot with roof and parking lot; that is all going into the city's storm system currently with a zero retention basin. When the building is knocked down that issue will be eliminated and when new homes are constructed a design pond will be to be done that will be suitable to handle that project area; the city didn't have that before so that's an upgrade for that property. The additional retention basin negotiated with the company to install is a bonus since having nothing there before; and will help alleviate the Parkman circuit.

Mr. Troyer continued the code requirement for water retention is a 100-year equivalent.

Mr. Piatak responded it is based on the increase in the pre-development and post-development and built off of that, a 100-year storm is not a standard being used in the country.

Mr. Troyer asked what is the equivalent in the code?

Mr. Piatak responded would be increased by the flow and my suspicion would be ten to 25-year storm.

Mr. Troyer stated still looking at this lot of positives, but would like the law director to look into this being a zoning change, not a conditional use permit.

Mayor Orcutt with zoning versus conditional both ordinances written currently are somewhat vague and historically can be done either way, historically the city has done conditional use.

Mr. Scott stated to Mayor Orcutt on Parkman wasn't there discussion of not having an entrance, would be used for emergencies only.

Mayor Orcutt concurred yes, that would be for emergency use only. Also, in this contract since the city is not picking up the cost of the retention basin; the Brook Park service director will responsible for semi-annual maintenance of the basin.

Finance Committee - Chairman, Scott: cont.

Mr. Scott continued residents on Parkman and Westbrook want that building done and the retention basin will help, as stated, won't alleviate flooding.

Mr. Salvatore stated the selling of the property for one-million-dollars is most important and also spend some time with the contract to prepare for the unexpected. Some of that has been done already with the setting up the HOA. Personally, would like to see them all sold now but that's not an option because that determines what it looks like 20-years from now.

Madam Coyne stated keep in mind these homes are designed for people that want to downgrade i.e. seniors and/or veterans; who want to get into a home where everything is taken care of. As far as the future, with the economy there are a lot of people looking into renting and will move this city forward.

Mr. Troyer stated good news is, one owner taking care of everything for these rentals, no individual sales currently.

Mr. Poindexter stated let's say individual units are sold-off in the future. Will the homeowner association still be responsible for the sewers and maintenance? Or will the city then take that over?

Mayor Orcutt responded the example would be Gateway, individually owned, but the homeowners' association is responsible for roads, sewers and everything. As talked about with reinvesting cash from the sale a great idea is the LED lights to reinvest monies and get something in return.

Motion by Mr. Poindexter, supported by Mr. Mencini, to place on next Council agenda, first reading.

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

LEGISLATIVE COMMITTEE – CHAIRWOMAN, COYNE:

1. AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1122 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SHORT TERM LEASES' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated the amendments being made to this legislation is in Section 1122 is identifying what a short term is by adding '**rentals**' throughout the legislation. The second amendment is in 1122.02 short term rental defined and adding a brand new section 1122.99 – Penalty; for people doing wrongful rentals in residential properties. First offense would be a misdemeanor of the third offense; second violation is a misdemeanor of the second degree and any violation of a third or further will be a misdemeanor of the first degree.

Legislative Committee - Chairwoman, Coyne: cont.

Mr. Mencini to Madam Horvath what does this legislation match with legislation I brought forward few years back. Does this cancel that out?

Madam Horvath responded this enhances that legislation with the addition of the penalty change. It seems that people have been doing this for a while and when getting caught comes to the city asking for a conditional use permit. Will take a look at both pieces of legislation to make sure they fit together.

Mr. Mencini continued this has teeth and I put a lot of work into the other one as long as its enforced. The owner requirements with the piece I brought forward the owner had to live on the premises and looking through this not seeing that.

Madam Horvath stated in 1122.04 may see some of that revisited and agree it's important that the premises be occupied by an owner.

Mr. Mencini questioned where would this fall in with family members living there maybe taking care of a sick family member?

Madam Horvath responded this is not intended for that type of situation with family members moving back home, possible illness; this should not be intended for those types of situations. Let's say I need to take care of an elderly parent and bring my family with me; that's a once and done. Don't have different people coming and going or the subsequent advertising on the Internet that is sometimes seen with some of these places.

Mr. Vecchio clarified that is specified in Section 1124.04(b); such owner shall be the record owner of no less than fifty-percent interest of the property in question.

Mayor Orcutt stated to Councilman Mencini you were the first person that had to deal with this and worked with the law department to strengthen the penalty.

Mr. Troyer stated would like to bring the law director's attention 1122.04(b) on page 2 after end of continuation sentence two rows down a conditional use permit shall be required by approval of these codified ordinances shall be required in order to allow said permit shall be effective for two years. Does that sound right to you?

Madam Horvath stated more verbiage could be included in there.

Mr. Troyer continued in 1122.04(b) this has always been the owner has to live there to be a bed & breakfast or short term rental.

Mrs. Horvath stated that is how the legislation was drafted.

Legislative Committee - Chairwoman, Coyne: cont.

Mr. Mencini concurred.

Mr. Troyer continued same section 1122.04(a) a uses will be allowed in any detached structure or garage?

Mrs. Horvath responded there may be rooms over the garages, could be an oversight, will take a look.

Mr. Troyer stated again, the Charter requires anytime legislation is amended must be presented in original form and shall read 'shall be amended to read with the amendment'; old version has to be repealed. If this gets done will have two pieces of legislation that contradict each other.

Madam Horvath responded will look into that and think what would be really great is now that you have presented these ideas; if you send an email detailing all the changes pointed out, that would be much appreciated.

Mayor Orcutt stated with the garage this is popular in other cities, Cleveland Heights, for one, have lofts above garages, so that's not abnormal.

Mr. Mencini stated going back to 1122.05(b) and Mr. Vecchio's reference my piece stated must live there. Do not like the wording but feel doesn't have the strength my legislation had.

Mrs. Horvath commented that is a good point that could be discussed.

Motion by Mr. Poindexter, supported by Mr. Troyer, to place back in committee until appropriate changes are made.

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

NAYS: Coyne, Roberts.

2. AN ORDINANCE ENACTING A NEW SUB-SECTION OF THE GENERAL OFFENSES CODE OF THE CITY OF BROOK PARK ENTITLED 'DISORDERLY CONDUCT AT SPORTING EVENTS' AND DECLARING AN EMERGENCY. Introduced by Councilman Scott.

Mr. Scott stated it's too bad something like this has to come out, talking with the law director, prosecutor and safety director there are all types of legislation out there. The State (of Ohio) has tried introducing this twice and going on a third time. This will protect anyone associated with sporting events by putting teeth into disorderly conduct. First offense is a misdemeanor of the third degree; second offense is a misdemeanor of the second degree and third offense is a misdemeanor of the first degree. Want to let people know that Brook Park is here

Legislative Committee - Chairwoman, Coyne: cont.

to protect officials, players, fans, etc.; once this legislation is passed signage will be put up.

Mayor Orcutt concurred.

Mr. Poindexter stated tossed and turned over this the past week and came to the conclusion this doesn't protect anyone, it's after the fact. Think more beneficial would be security at the games and to say that coaches, officials or players aren't protected is ridiculous. Have coached many years and have seen both good and bad officiating and being a parent in the stands seeing my child hurt by that officiating; have a right as a parent to say something. Now, since that was said that referee or umpire could take action against me physically then I get charged with disorderly conduct. Think this is too broad of an ordinance and think that it can be abused and don't support it. Do support the safety of the officials, coaches, players and all the fans. People have a responsibility to control ourselves and also the people around us. Don't think an ordinance is going to solve the problem of people going overboard at games. If someone gets out of hand that umpire has the authority to remove someone from the field or suspend and/or forfeit the game or call the police.

Mr. Troyer to Mr. Scott was any of this wording taken from the state legislation?

Mr. Scott responded yes, some it; there wording was stricter to include community service and felonies.

Mr. Troyer continued on the second page, first Whereas, reads sports officials at Brook Park sports events have had to forcibly remove an attendee. When did that happen and what sport event was it?

Mr. Scott responded there was an incident a few years back with a gun involved and coaches have been removed by umpires. Think this year there was an incident with the 7th or 8th year-old incidents with a City of Parma Heights coach.

Mr. Troyer continued in the second whereas sports officials have advised the Brook Park recreation director that they will decline to officiate at sporting events in Brook Park; due to prior incidences of disorderly conduct. Was that done in writing?

Mr. Scott responded verbal.

Mr. Troyer continued to make events secure have security whether police officers collecting overtime; outside company or auxiliary officers. Do like fact of the signs being put out. There have been little incidents but unless there is a written letter

Legislative Committee - Chairwoman, Coyne: cont.

from sports officials not showing up. This is only for sports officials engaging in any conduct at events; police aren't there to witness. Safety director did mention that police take testimonies or remarks from the people there and charges can be lowered. This is arbitrary and subjective and not in support.

Mr. Scott read sports official means any person who serves as a referee, umpire, timer, scorer, coach, athletic trainer, manager or assistant for a school or community sponsored sports event or service in a similar capacity regardless of title and whether the person is compensated or a volunteer or in a similar capacity. Secondly, a police officer is not present at any types of incidents that happen; they take statements and video that is then presented to the prosecutor for determination to proceed. How many officials would be needed for the city's sporting events.

Mr. Mencini stated have heard a few things that may have been overboard, like the idea of the signs but do people look at them. Sports officials includes everyone involved in the program and this covers that. Is there going to be a police officer standing over a t-ball game or second graders game. This shouldn't be for youth sports but will support and have heard things while in different cities about Brook Park. This legislation does show the officials and umpires that Brook Park is with them and are good at stopping any incidents that occur without involving the police.

Mr. Vecchio stated think some action is needed this goes back to ethics and morals in society. That has been forgotten in what athletics are and what it does to children. It's sad to have to take these steps but how to police this there are probably other ways and sure there are. This is not only Brook Park this is all over and it's truly sad.

Mr. Roberts stated kind of forgetting that it's Council's job to legislate not enforce. If someone is getting out of hand and there are no police to see it. Most people at the events are videotaping their child so if someone is getting out of hand they are videotaped and there's the evidence.

Mr. Salvatore stated been coaching a long time, have never seen a fist-fight but have heard from the stands bad remarks when a child is sliding into second base. This won't solve the problem but something has to be done because teams are not only playing in Brook Park anymore; playing in Middleburg Hts., Fairview Park and playing in Parma Hts. If something is going to be done everybody must be brought in to play by the same rules, that's important. Something has to be done and convince other cities to join Brook Park because it's all about children having fun. If this can be controlled or get the ball rolling with this legislation would be a start.

Legislative Committee - Chairwoman, Coyne: cont.

Mr. Poindexter stated this type of legislation puts neighbor against neighbor because instead of going up to a person letting them know the referee is a volunteer, no stake in the game. Rather pull out the phone and start recording that's neighbor against neighbor, that is the breakdown is in this country, and amplifies the situation more. The umpire shortage isn't new it's not because of assaults and somewhat; there are classes, training and certified to umpire. Maybe the pay should be increased to get more umpires. Any action can lead to disorderly conduct this is too broad or wide open. Don't want a videotape that can be seen for years and years; not just for the case. Mr. Scott your heart is in the right place but don't think it's the answer and can't support.

Mr. Troyer stated can have all recordings and the ones that don't support you disappear, that's a fact. Reiterated Mr. Scott's reference to sports officials and asked do you know who you are talking too? Something should be done and it's too arbitrary or subjective. Someone watching from the stands how do you now the position? Any of these listed people can confront someone and they get charged.

Madam Coyne stated think everyone on this dais makes an excellent point and it's very sad this discussion has to be had. Children come from other cities and can see Mr. Poindexter and Mr. Roberts points about recordings and neighbor against neighbor. What about police officers that are getting attacked with no one helping but standing there recording the incident. Last meeting believe the safety director said police officers will not be at the games, they are out protecting the city. This should be up to the adults to police ourselves and yes, something has to be done. Mr. Scott this is a good piece and it's sad because Brook Park is known for their sports and with the way of the world something positive to look forward to. This won't stop everything but need to start somewhere. This is about the children and people who want to make it positive and do the umpires have guidelines that need to be followed.

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

ROLL CALL: AYES: Troyer, Poindexter

NAYS: Roberts, Mencini, Salvatore, Coyne, Scott. Failed.

Motion by Mr. Scott, supported by Mr. Mencini, to place on September 19th Council agenda under letter M.

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

NAYS: Poindexter, Troyer.

Mr. Troyer stated the lot splits and consolidations are supposed to be on the next Council agenda with one under letter M and one on the Caucus Prior to agenda, no longer in Planning commission as placed, just a formality with passing of legislation.

There being no further business to come before this meeting a **motion** by Mr. Mencini, supported by Mr. Roberts, to adjourn.

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

Council President Vecchio declared this meeting adjourned at 8:43 p.m.

RESPECTFULLY SUBMITTED *Carol Johnson*
Carol Johnson
Clerk of Council

APPROVED *October 10, 2023*

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