

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, SEPTEMBER 19, 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 September 5, 2023.
2. Regular Council Meeting Minutes September 5, 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. 11357-2023
AN ORDINANCE AUTHORIZING THE MAYOR TO DISPOSE OF OBSOLETE COMPUTER, NETWORK, AND PHONE EQUIPMENT, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. ORDINANCE NO. 11358-2023
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE SALE OF PARCEL NOS. 344-15-008, 344-15-009, 344-15-178, AND 344-29-086 AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
3. ORDINANCE NO. 11359-2023
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.
4. RESOLUTION NO. 14-2023
A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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 SEPTEMBER 19, 2023**

The meeting was called to order by Council President Vecchio at 8:20 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, Service Director Beyer, Recreation Center Program Coordinator Morgano and Engineer Piatak.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior to meeting minutes September 5, 2023.
2. Regular Council meeting minutes September 5, 2023.

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

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

NAYS: Troyer.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Poindexter

Mr. Poindexter stated committee has not legislation or report.

Finance Committee - Chairman, Scott

Mr. Scott reported committee has two items on tonight's agenda. The Board of Control met earlier today with 11 items on the agenda; three largest City of Brook Park vs. City of Cleveland services - \$23,688.50; Euthenics services for the Sheldon Road and Bridge improvements - \$28,689.00 and Independence Excavating for Wedo Park storm basin - \$122,249.69.

Legislative Committee - Chairwoman, Coyne

Madam Coyne reported committee has two items on tonight's agenda.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini reported are in the fourth week of the Fall baseball and softball program; third week of Titan football and signups are coming for basketball. The senior group has some good trips coming up and meet every Tuesday morning at 10:00 a.m. The next Recreation Commission meeting is Thursday, September 28th at 7:00 p.m., at the recreation center.

Planning Committee - Chairman, Troyer

Mr. Troyer reported the commission met on September 11th, first item Conditional Use Permit was removed due to a denied zoning variance. Aesthetic approval to convert the former Burger King to Savvy Sliders at 14101 Snow Road passed; I voted no due to including a 20' monument sign in front, that is against city codes. A Conditional Use Permit was granted for a Gymnastics training facility at 2000 Apollo Drive. Aesthetic approval was granted for aesthetic approval of a storm water basin at PPN# 344-06-126 Wedo Park. A Conditional use permit was tabled for Albert Einstein.

Reports from Standing Committees: cont.

Safety Committee - Chairman, Roberts

Mr. Roberts reported the Safety Fair was held last Saturday, well attended event; would like to thank the Mayor, staff, safety forces, residents who attended and everyone who participated to make this a great event.

Service Committee - Chairman, Poindexter

Mr. Poindexter stated no legislation, no report.

Board of Zoning Appeals - Chairman, Salvatore

Mr. Salvatore reported the board met on September 11th with three items on the agenda: Request for a BNB (Bed & Breakfast) in Glenway Townhouses - denied; request for four-inch curbs for the new car wash on West 130th - denied and installation of a 20' sign for the former Burger King building on Snow Road - approved.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini

Mr. Mencini reported that Southwest General EMS for continuing education received a certificate from Ohio Department of Public Safety; Southwest General is meeting 12 of 13 targeted areas and Southwest General IT personnel is leader for digital strategy for use with new technology.

Berea Board of Education Representative, Coyne

Madam Coyne the next meeting is October 9th, will give a report at the Council's next meeting.

Technology & Innovation Council Representative, Poindexter

Mr. Poindexter reported the committee met on September 6th with Brian Thumberg from the city's tax department in attendance. The upcoming tax season the tax department will have a new system in place using a new tax system so residents can E-file returns. Committee is willing to assist as needed with this new program. Update on the website the safety department is providing needed content this week and the Mayor will be collecting information on the building of the new website. The next meeting is scheduled for October 11th.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Orcutt reported a code-red text message and email was put out Code red text message and/or email was put out that the Department of Defense is doing training throughout the Greater Cleveland area; training started Monday night and will continue until Wednesday of this week. Thanked all employees that participated for the very successful summer concert event held last Friday. An update of the Natatorium roof and walls the project went out to bid and opening

Reports and communications from the Mayor: cont.

bids will be held on September 27th. The next big event the city will have is the Boo Park Fall festival on October 8th from 12:00 p.m. to 3:00 p.m.

Questions:

Mr. Mencini stated with budget times starting would like to see a few things come up i.e. doorbell cameras, safety building and commercial parking enforced and getting done.

Mayor Orcutt responded absolutely, and the Air BNB piece you put out will be a key-role for the administration, law department and building department to be able to enforce that issue.

Mr. Poindexter thanked Mayor Orcutt for the recent conversation regarding LED lighting, look forward to working with you.

Mayor Orcutt responded look forward to working with you on this good project for the city to move forward, once completed will have an immediate return on the investment.

Mr. Troyer asked Mayor Orcutt to elaborate on the LED lighting conversation due to when the presentation was made I mentioned taking \$360,000.00 for city-wide lighting.

Mayor Orcutt responded what occurs is the service director will apply for the application and once approved the administration will bring legislation forward for city-wide lighting.

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

Recreation Center Program Coordinator Morgano

Madam Morgano reported the Boo Park festival will be held on Sunday, October 8th from 12:00 p.m. to 3:00 p.m. with hay rides, magic shows, petting zoos, contests and food trucks. The main gym floor and track will be closed from Thursday, September 21st through Friday, September 29th. Basketball registrations will begin on October 1st and the recreation center is taking applications for Adult Women's volleyball.

Service Director Beyer

Mr. Beyer reported Crossroads Asphalt started on Elmdale Road today, will do Cynthia Drive tomorrow and repairs to a few roads done earlier this year. Leaf season will begin soon. September 22nd is the deadline for the Sidewalk replacement program. C & J Contractors will be rock-hounding and reseeding the former Super 8 property this week.

Reports and communications from departments, commissions and other public officials: cont.

Engineer Piatak

Mr. Piatak reported with the Sheldon Road water line project detours were set up yesterday with pavement operations taking place today. With the Brook Park Memorial demolition project abatement work will continue through early October. The Wedo Park retention basin project hauling operations are continuing and it's estimated that approximately 20,000 yards of material has been removed, equating to 40%, with another 2 1/2 to 3 weeks of hauling to go.

Law Director Horvath

Madam Horvath reported there have been no changes to the case status on the city's pending litigation list. Would like to talk about a few changes that will be implemented on October 3rd to the Ohio Revised Code (ORC). Everyone knows that legislation, agendas and notices are posted at five different posting places throughout the city; pursuant to ORC 731.25. That section has been repealed by House Bill (HB) 33 eliminating the posting location options for municipalities. The new ORC section 731.21(a) gives three methods for posting of summaries for ordinances, resolutions and agendas. First being general circulation in a newspaper; second being posting on a city social media website per section 125.082 that does not seem possible and third and most viable for Brook Park would be posting on the city's website. Section 125.082 doesn't have the ability to post on a city social media website and posting in a newspaper can be quite expensive. The best option is to post on the city's website and the law department will be looking at ordinances and Council rules for moving of all postings to the city's website.

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

New Legislation:

An Ordinance authorizing the Mayor as the local public authority, to give consent, on behalf of the City of Brook Park, to the Ohio Department of Transportation for replacing the superstructure of the Berea Freeway (SR-237) bridge (Bridge SF 181026) over Snow Road, in the City of Brook Park (PID 114522) and declaring an emergency. Introduced by Mayor Orcutt. Placed in Legislative committee.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Albert Wolf

6580 Wengler Drive

Mr. Wolf thanked everyone who participated with the recent Rock the Park and Safety Fair events, both great events.

Remarks from the audience on any subject matter: cont.

Louie Modic

14399 Fayette Drive

Mr. Modic gave an update on the Tri-City dog park there will be a ceremony on October 12th at 6:00 p.m. to name the pavilion after Carl Burgio. Expressed confusion with a sign variance given by the zoning board that is against the codes. The other issue is with the former Brookview Memorial Elementary school sale thinks good idea as long as Parkman Drive won't have traffic congestion, in that area.

Susan Schweter

5771 Somerdale Avenue

Madam Schweter expressed concerns with 61 new homes coming to her neighborhood, water coming out of those homes and experienced flooding twice this year. Also, Northeast sewer monies should be used for Brook Parks' sewer system hiring employees to get the jobs done. Brookgate shopping center looks awful.

Motion by Mr. Troyer, supported by Mr. Poindexter, to respond to the audience.

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

Mr. Troyer stated to the gentleman that talked about Planning & Zoning meetings the sign was included in aesthetic approval and I disagreed and voted no. To Ms. Schweter the storm water management is a negative aspect that was put on the sewer bills; 100% goes to the sewer district and the city can only get 25% back. The program the Mayor is bringing forward will be for Brook Park, different from the storm water management.

Mr. Poindexter stated to Ms. Schweter the development at (former) Brookview school and north side of Snow Road any new development has to have negative water on the system. Should have some relief with the retention pond being installed on the north side of Snow Road and two retention ponds that the Mayor negotiated at the (former) Brookview school property. Brookgate (shopping center) is privately owned and until there is incentive it's up to them.

Mr. Mencini stated to Mr. Modic good move that the dog park pavilion being named after Carl Burgio. To Ms. Schweter the city helped the Brookgate owners to get a grant to remove the former BP gas station and when the owners attended a meeting they were told to pick up their game but they're happy. Have also heard that no one shops at Brookgate, going outside the city.

Mr. Roberts thanked Ms. Schweter for coming and stated that's why the grant was done for the former BP gas station demolition and the three retention basins. With Brookgate when I go into Marcs there are long lines at Marcs and Planet Fitness is

Response to the audience: cont.

busy, so people do shop there. Can be made better and the city is trying but, as said, it's not always easy working with them.

Mayor Orcutt clarified any builders that come to Brook Park must put in a retention basin, to assist with the water. With the plans from the developer there will be a large retention basin at Van Wert and Snow Road. With the sewer fees most frontages in Brook Park are 60 feet so that's \$60.00, as an example. With shopping I hear from the residents would like more restaurants. Economic Development commissioner and myself speak with developers and they don't want to come to Brook Park based on demographics; to see the household income. The housing project put in front of City Council for the sale of the property will put higher-end rentals, \$1,500.00 to \$2,500.00 per month driving the demographics up.

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

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

ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORDINANCE NO. 11357-2023

AN ORDINANCE AUTHORIZING THE MAYOR TO DISPOSE OF OBSOLETE COMPUTER, NETWORK AND PHONE EQUIPMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

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

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

ROLL CALL: AYES: Roberts, Coyne, Scott, Troyer, Salvatore, Poindexter, Mencini
NAYS: Unanimous. Ordinance No. 11357-2023, has passed under suspension of the rules. Adopted.

2. ORDINANCE NO. 11358-2023

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

Motion by Mr. Troyer, supported by Mr. Poindexter amend section 2 after Fund 243, with \$360,000.00 designated for citywide LED street lighting.

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

Ordinances and Resolutions: First Reading: cont.

Mr. Troyer mentioned as far as the process, there are two different zonings; residential and office buildings. Those 21 units along Snow Road would be able to have offices, if the zoning isn't changed.

Mr. Scott mentioned let's get this done, haven't sold the property yet, there is a process that needs to be followed.

Mr. Troyer commented should change the zoning, rather than a conditional use permit, zoning takes three readings.

Mayor Orcutt stated have been working with the law director, building commissioner and an outside consultant to look at those options. The way the property is zoned to go through with a conditional use permit will be looking at multiple variances that is much easier to deal with, rather than rezoning. The outside consultant is not costing the city any money.

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 Mr. Roberts, to adopt.

ROLL CALL: AYES: Mencini, Roberts, Poindexter, Salvatore, Troyer, Coyne, Scott
NAYS: Unanimous. Ordinance No. 11358-2023, as amended, has passed under suspension of the rules. Adopted.

3. ORDINANCE NO. 11359-2023

AN ORDINANCE ENACTING A NEW SUBSECTION 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.

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

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

Ordinances and Resolutions: First Reading: cont.

4. RESOLUTION NO. 14-2023

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER 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 Madam Coyne, supported by Mr. Poindexter, to adopt.

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

NAYS: Unanimous. Resolution No. 14-2023, has passed under suspension of the rules. Adopted.

5. ORDINANCE NO. 11360-2023

AN ORDINANCE APPROVING A 1.283 ACRE LOT SPLIT, LABELED PARCEL B-1 AT 14801 HOLLAND ROAD, FOR THE PURPOSE OF LICENSING AND CONVERTING THE STRUCTURE LOCATED ON THE PROPOSED LOT TO AN ASSISTED LIVING FACILITY, LOCATED IN THE U1-A5 ZONING DISTRICT 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. Poindexter, supported by Madam Coyne, to adopt.

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

NAYS: Unanimous. Ordinance No. 11360-2023, has passed under suspension of the rules. Adopted.

6. RESOLUTION NO. 15-2023

A RESOLUTION GRANTING A LOT CONSOLIDATION OF PARCEL #'S 343-05-034, 343-05-035, 343-05-036, 343-05-008, 343-05-018 AND 343-05-019 INTO A 4.08 ACRE LOT AND ALSO CONSOLIDATE PARCEL #'S 343-05-032 AND 343-05-033 INTO A 1.80 ACRE LOT AT BROOKPARK ROAD AND WEST 164th STREET LOCATED IN THE U7-B ZONING DISTRICT AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

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

NAYS: Unanimous.

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

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

NAYS: Unanimous. Resolution No. 15-2023, has passed under suspension of the rules. Adopted.

Ordinances and Resolutions: First Reading: cont.

RESOLUTION NO. 16-2023

A RESOLUTION GRANTING A CONDITIONAL USER PERMIT TO OPERATE A GYMNASTICS TRAINING FACILITY AT 2000 APOLLO DRIVE, LOCATED IN THE U-6 ZONING DISTRICT AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

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

ROLL CALL: AYES: Troyer, Scott, Coyne, Mencini, Roberts, Poindexter, 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. Resolution No. 16-2023, 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. Mencini, supported by Mr. Roberts, to adjourn.

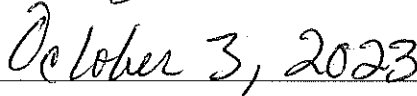
ROLL CALL: AYES: Mencini, Roberts, Poindexter, Salvatore, Troyer, Coyne, Scott
NAYS: Unanimous.

Council President Vecchio declared this meeting adjourned at 9:22 p.m.

RESPECTFULLY SUBMITTED


Carol Johnson
Clerk of Council

APPROVED


October 3, 2023

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

