

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, OCTOBER 10, 2023**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING HELD ON SEPTEMBER 12, 2023.

IV. DISCUSSION:

1. AN ORDINANCE AMENDING SECTION 123.01 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'POSTING PLACES' AND DECLARING AN EMERGENCY. Introduced by former Council President Astorino - PER COUNCIL PRESIDENT VECCHIO.
2. DEPARTMENT OF LIQUOR CONTROL - MACS CONVENIENCE STORES, LLC, DBA CIRCLE K; 20850 SHELDON ROAD, BROOK PARK, OH 44142 **C NEW 5405419-5331; POSTMARK DATE 10/30/2023** - PER COUNCIL PRESIDENT VECCHIO.

V. FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. A RESOLUTION SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR THE 2024 CUYAHOGA COUNTY MUNICIPAL GRANT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR IMPROVEMENTS TO BROOK PARK CENTRAL PARK AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. A RESOLUTION SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT SUPPLEMENTAL RANT PROGRAM FOR THE 2024 CUYAHOGA COUNTY MUNICIPAL GRANT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR IMPROVEMENTS TO BROOK PARK CENTRAL PARK AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS 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 AUTHORIZING THE MAYOR TO 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 SFN 1810286) OVER SNOW ROAD, IN THE CITY OF BROOK PARK (PID 114522) AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

VII. SAFETY COMMITTEE - CHAIRMAN, ROBERTS:

1. A RESOLUTION EXPRESSING THANKS TO THE DONORS FOR OUR NEW K9 UNIT FOR THE BROOK PARK POLICE DEPARTMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

VII. SERVICE COMMITTEE - CHAIRMAN, POINDEXTER:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT TO CONVERT LIGHT FIXTURES TO LED AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt and Councilman Poindexter.

IX. ADJOURNMENT:

Posted 10/06/2023

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, OCTOBER 10, 2023**

The meeting was called to order by Council President Pro-Tem Salvatore 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 and Interim Finance Director Maykut.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING HELD ON SEPTEMBER 12, 2023.

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

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

NAYS: Troyer.

DISCUSSION:

1. AN ORDINANCE AMENDING SECTION 123.01 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'POSTING PLACES' AND DECLARING AN EMERGENCY. Introduced by former Council President Astorino.

Mr. Mencini stated have no issue or problem with posting at city hall but it's an electronic age and don't need to have posted at all six places. Asked fire personnel if anyone comes to view the postings and the answer was no.

Madam Coyne concurred with Mr. Mencini with posting outside the Council Chambers and library.

Mr. Troyer stated to Madam Horvath, section two (2) there is a typo 'as passed by passed'.

Madam Horvath responded that will be corrected and the law department can redo this legislation as Council desires.

Mr. Troyer continued the changes made would follow the current state law?

Mr. Salvatore stated the new piece of legislation has not been drafted to date.

Mr. Troyer stated where it reads 'all posting locations and on City Council website will that be in accordance with state law, or is more needed?

Madam Horvath responded want to be consistent with new Ohio Revised Code (ORC) 731.21 (a), amended by House Bill (HB) 33. That section reads that a summary of

Discussion: cont.

each municipal ordinance or resolution, all statements, orders, proclamations, etc. either in three manners; in a newspaper, which is very expensive, the official public notice web, but that's not technology feasible. Or on the website and social media account of the municipal corporation. Think it is Council's intent to have new legislation drafted indicating that is what should be done pursuant to the revised section of the ORC.

Mr. Troyer stated City Council website is not enough to be consistent.

Madam Horvath responded no, also should be on social media and may choose to do some posting places for residents, that would be appropriate.

Mr. Troyer suggested on the second page remove #4 - fire station at Holland Road and keep the police station; Ruple Road fire station; Community Center should be changed to Council office and library.

Mr. Poindexter stated to Madam Horvath could the ordinance be written to suffice with the ORC by only putting City Council website and social media; then change the Council rules for the additional posting places.

Madam Horvath responded that could be a possibility.

Mr. Poindexter continued draft legislation with just the online items that have to be done and with new Council coming in draft new Council rules for the posting locations.

Mr. Troyer commented that was what was discussed last week.

Mr. Mencini stated post where there is most traffic; library, police station.

Mr. Troyer change City Hall to Council office. Ruple Road (fire station) was one of the places that people don't go to look.

Madam Coyne stated the website is not up to date and agreed with Mr. Poindexter and Mr. Mencini with the recreation center and library, but don't see many people going to Ruple Road fire station. Maybe ask residents what would be beneficial to them, since not all people use the Internet.

Mr. Salvatore to Madam Horvath the deadline has passed, to have this up and running.

Madam Horvath responded the deadline date was October 3rd and posting on the website the city is in compliance.

Discussion: cont.

Mr. Poindexter clarified the website is functional and shows postings; the new website will be easier to navigate. Suggested legislation drafted for the two (2) online locations and Council rules can show posting locations with new Council, coming in.

Mr. Mencini to Madam Horvath will the Charter need to be changed?

Madam Horvath responded don't think so am in the process of reviewing that issue.

Motion by Mr. Troyer, Mr. Roberts, to change social media wording, determined by law department, to comply with current state law.

Madam Coyne stated when saying the website is not up to date meant some of the tabs and so forth.

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

2. DEPARTMENT OF LIQUOR CONTROL - MACS CONVENIENCE STORES, LLC, DBA CIRCLE K; 20850 SHELDON ROAD, BROOK PARK, OH 44142 **C NEW 5405419-5331; POSTMARK DATE 10/30/2023.**

Madam Horvath stated law department has no objections with liquor permit.

Mr. Poindexter clarified address stating that's Donte's Pizza.

Madam Horvath responded the address is correct.

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

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

FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. A RESOLUTION SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR THE 2024 CUYAHOGA COUNTY MUNICIPAL GRANT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR IMPROVEMENTS TO BROOK PARK CENTRAL PARK AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt and C/W.

Mayor Orcutt stated this is one (1) of two (2) grants on tonight's agenda; both grants are seeking county funds to assist in updating the playground at Kennedy Park. The playground equipment total is \$278,000.00 to remove existing 30-year-old equipment; update 13-year-old equipment and adding new pieces to replace equipment removed. The application deadline is October 31st and up to \$150,000.00 for the Community Development Block Grant (CDBG).

Mr. Mencini asked what equipment will this entail?

Mayor Orcutt responded this will be the equipment behind the memorial and adjacent to the pavilions. The swing set and American Disabilities Act (ADA) swing will stay. There will be new attachments for the pieces and slides. There will also be two (2) 53-foot dual zip-lines; one being ADA compliant with a chair and the other will have a handle.

Motion by Mr. Salvatore, supported by Mr. Roberts, to place on the next Council agenda.

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

2. A RESOLUTION SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT SUPPLEMENTAL GRANT PROGRAM FOR THE 2024 CUYAHOGA COUNTY MUNICIPAL GRANT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR IMPROVEMENTS TO BROOK PARK CENTRAL PARK AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt and C/W.

Mayor Orcutt stated this is another county grant from the Community Development Supplemental program (CDSF) in the amount of \$50,000.00 that

Finance Committee - Chairman, Scott: cont.

will be applied to the playground at Kennedy Park, if awarded, and be in conjunction with the monies received from the Cooper Foundation amounting to \$25,000.00.

Motion by Mr. Troyer, supported by Madam Coyne, to place on the next Council agenda.

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

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 this legislation was put in place by Mr. Mencini and is now being amended to add the word rentals to read 'short term rentals' throughout the legislation. The other amendment is in section 1122.02 which defines what is a short term rental as well as on page five (5) adding section 1122.99, penalty clause.

Mr. Mencini stated good with this legislation and as a business needs to be taken care of; there is financial incentive, financial reward and a lot of work involved.

Mr. Salvatore stated good piece of legislation and the amendments are necessary.

Mr. Troyer stated to Madam Horvath in the Charter it states (Section 4.08 #2) 'no Ordinance or Resolution shall be revised or amended unless the Ordinance or Resolution superseding it contain the entire Ordinance or Resolution so revised or amended or the section or sections so revised or amended and the original Ordinance, Resolution or section or sections shall be expressly repealed'. The only thing that I think applies is (section) 1122.02 being adding, not eliminating anything except changing lease to rentals. Want to make sure this legislation is solid upon passage, according to standards of the Charter.

Madam Coyne asked isn't a lease and rental kind of the same thing, still paying either way.

Madam Horvath responded to Mr. Troyer my understanding is you like all the content and are questioning the form, amended a different way. Today, I believe the format is fine and will take another look. To Madam Coyne, you are correct terms of how a rental is being defined is very important and will help when trying to work with these types of entities.

Legislative Committee - Chairwoman, Coyne: cont.

Mr. Troyer continued to Madam Horvath any existing homes being used in this matter with the homeowner not living there. Is there any recourse the city can take for illegal operation?

Madam Horvath responded would hope the city will know if there are any illegal businesses being operated in the city, cannot be applied to something that's happened in the past. Some situations use the term 'grandfathered in' for situations that don't have all of these particulars but have to be complied with. The major factor is that it must be owner-occupied and am not worried too much of this being applied to someone currently running an Airbnb. The important thing is that the city is able to know what is going on; regulate in a more precise manner and make sure any taxes due to the city are collected.

Madam Coyne clarified if renting a home, the homeowner doesn't have to live on the property.

Madam Horvath responded no, if renting the home.

Madam Coyne continued the Airbnb would not be allowed to be doing that.

Madam Horvath responded think there are three (3) Airbnb's that are operating and must be owner occupied for a very short term. This legislation is not changing owner-occupied it defines what a short-term rental is and adds the penalty clause.

Madam Coyne continued with an Airbnb the person who owns the home doesn't stay there when the rentals come in. Would hope that the Airbnb's would have to go through the proper channels with the city.

Mr. Mencini stated the point is the owner has to live on the premises, lot of things can happen doing short terms.

Madam Coyne stated last time discussed there were parking issues and in the city's cookie-cutter neighborhoods don't think there are areas appropriate for an Airbnb. With rental properties yes but not Airbnb's.

Mr. Mencini continued there is a thing called property owner rights and renters do have rights.

Mr. Troyer stated on page two (2) - section 1122.04 (b) 'owner of short term rental shall live on the premises'.

Mayor Orcutt clarified on page two (2) 1122.04 paragraph A explains how these

Legislative Committee - Chairwoman, Coyne: cont.

have to be operated. Section 1122.03 states a conditional use permit must be granted to operate.

Mr. Troyer stated 1122.04 (a) reads 'short term rentals shall be allowed in any detached structure, or in a garage; may want to change that.

Motion by Mr. Troyer, supported by Mr. Salvatore, to insert the word 'not' before allowed.

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

Mr. Troyer stated may want to put something in the legislation that would require enough parking spaces, for occupants.

Madam Horvath responded that is something that is taken up when requesting the conditional use permit.

Motion by Mr. Poindexter, supported by Mr. Mencini, to place on next week's Council agenda, as amended.

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

2. 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 SFN 1810286) OVER SNOW ROAD, IN THE CITY OF BROOK PARK (PID 114522) AND DECLARING AN EMERGENCY.
Introduced by Mayor Orcutt.

Mayor Orcutt stated this legislation allows the Mayor to sign a contract with the Ohio Department of Transportation (ODOT) District 12 to move forward with the replacement of State Route (SR) 237 bridge; both north and southbound lanes. The work is tentatively scheduled to begin July 1, 2024 and run through October 31, 2025 at a cost of \$3.5 million-dollars to be paid by the State of Ohio.

Mr. Poindexter asked Mayor Orcutt in section six (6) - Maintenance. Is that for routine maintenance in the future, if the deck needs replacing?

Mayor Orcutt responded 121.16 lists the guidelines that have to be followed and

Legislative Committee - Chairwoman, Coyne: cont.

the city may be responsible for future repairs.

Mr. Poindexter continued the deck stays up but the roadway breaks down and that would be routine maintenance.

Mr. Troyer asked Mayor Orcutt the new entrance to the airport is that in this plan?

Mayor Orcutt responded no, that is completely separate. The preliminary plans show a cost of \$4 billion-dollars, that may have increased, to do everything. One proposed plan is one (1) entrance/exit ramp being elevated leaving I-71 parallel to Snow Road when leaving the airport. My understanding this is being done in phases with Phase One being the purchase of the hotel that will be raised for parking and possible car rental on-site.

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

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

SAFETY COMMITTEE - CHAIRMAN, ROBERTS:

1. A RESOLUTION EXPRESSING THANKS TO THE DONORS FOR OUR NEW K9 UNIT FOR THE BROOK PARK POLICE DEPARTMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt & C/W.

Mayor Orcutt stated K9 Odin is doing a great job for the city and has been utilized around town i.e. elementary school and different city events. This expresses thanks to the seven (7) donors that donated cash or equipment.

Mr. Sensel stated the seven different donors were very gracious and helped out tremendously.

Mayor Orcutt thanked Mr. Sensel for spearheading the K9 unit and all his hard work.

Motion by Mr. Mencini, supported by Mr. Troyer, to place on next week's Council agenda.

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

SERVICE COMMITTEE - CHAIRMAN, POINDEXTER:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT TO CONVERT LIGHT FIXTURES TO LED AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt and Councilman Poindexter and Council as a Whole.

Mayor Orcutt stated legislation was passed for 410 street lights for the Snow Road, Smith Road and Henry Ford Boulevard areas for conversion to LED lighting. With the sale of the former Brookview Elementary School city funds can be utilized to do the rest of the city lights. Through due diligence with the selling of (former) Brookview school this will be a good investment to reduce the city's electric bills allowing other projects to be done throughout the city.

Mr. Poindexter thanked Mayor Orcutt for putting up with him on this project and stated the city is doing a lot with grants but sometimes the city needs to invest in itself; this is a good opportunity for investing in the city.

Mr. Troyer clarified in favor of this since brought up but will take time to get this project done.

Mr. Poindexter continued there is no timetable for this, it's a pay up front program and First Energy has other priorities i.e. storms but Brook Park is now on the list.

Motion by Mr. Roberts, supported by Mr. Mencini, to place on the next Council agenda under first reading.

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

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

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

Council President Pro-Tem Salvatore declared this meeting adjourned at 8:09 p.m.

RESPECTFULLY SUBMITTED Carol Johnson
 Carol Johnson
 Clerk of Council

APPROVED November 14, 2023

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

