

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY OCTOBER 17, 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 October 3, 2023.
2. Regular Council Meeting Minutes held on October 3, 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. Res. No. 17-2023
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 Council as a Whole.

2. Res No. 18-2023
A RESOLUTION SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR THE 2024 CUYAHOGA COUNTY DEVELOPMENTAL SUPPLEMENTAL 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 & C/W.

3. Ord. No. 11361-2023
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.

4. Ord. No. 11362-2023
AN ORDINANCE AUTHORIZING THE MAYOR AS 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.

5. Res. No. 19-2023
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

6. Ord. No. 11363-2023
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO CONVERT LIGHT FIXTURES TO LED AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt & C/W.
7. Ord. No. 11364-2023
AN ORDINANCE AMENDING SECTION 123.01 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'POSTING PLACES' AND DECLARING AN EMERGENCY. Introduced by C/W
8. Res. No. 20-2023
A RESOLUTION IN SUPPORT OF THE PASSAGE OF THE HEALTH CENTER RENEWAL LEVY AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

N. SECOND READING OF ORDINANCES AND RESOLUTIONS:

O. THIRD READING OF ORDINANCES AND RESOLUTIONS:

1. 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.

P. ADJOURNMENT:

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, OCTOBER 17, 2023**

The meeting was called to order by Council President Vecchio at 7:30 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, Interim Finance Director Maykut, Recreation Program Coordinator Morgano and Service Director Beyer.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior to Council meeting minutes October 3, 2023.
2. Regular Council meeting minutes October 3, 2023.

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

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

NAYS: Troyer.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Poindexter

Mr. Poindexter stated no report.

Finance Committee - Chairman, Scott

Mr. Scott reported Finance committee has two items on tonight's agenda. There were two (2) Board of Controls since last report, October 5th and 17th. On the October 5th there were three (3) items on the agenda, curb shoes for snow removal - \$8,400.00; worn out arm parts for sanitation truck - \$4,077.76 and asphalt recycling for Elmdale Road and Cynthia Drive - \$296,574.78. The October 17th had 18 items on the agenda Council of Governments radio system - \$722,040.00.00; Wedo Park storm - \$695,544.43 and Brook Park Elementary (school) abatement project - \$88,780.00.

Legislative Committee - Chairwoman, Coyne

Madam Coyne reported the Legislative committee has two (2) items under first reading and one (1) item under third reading.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini reported the next recreation commission meeting is Thursday, October 19th at 7:00 p.m., at the recreation center. Flag football completed last Sunday with the flag and tackle for all teams this weekend. Softball and baseball programs finished up two (2) weeks ago. To everyone, come up and get a recreation pass to enjoy the programs and activities the center offers.

Planning Committee - Chairman, Troyer

Mr. Troyer reported there will be a special Planning commission meeting on Wednesday, October 25th for project aesthetic approval for Kennedy Park located at 16900 Holland Road, located in the municipal - board of education district.

Reports of standing committees: cont.

Safety Committee - Chairman, Roberts

Mr. Roberts reported Safety committee has one item under first reading thanking the donors for K9 Odin.

Service Committee - Chairman, Poindexter

Mr. Poindexter stated Service committee has one (1) item under first reading, to convert city street lights to LED light fixtures.

Board of Zoning Appeals - Chairman, Salvatore

Mr. Salvatore stated no report.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini

Mr. Mencini reported Southwest General is financially healthy and there is an elevated improvement plan being addressed for areas of concern. Southwest completed the Automated Data Processing (ADP) for Southwest payroll for employees, leaders and scheduling and Southwest completed \$6.4 million-dollar capital improvements to date.

Berea Board of Education Representative, Coyne

Madam Coyne reported at the last board meeting there was a lengthy discussion of the State report card; which is a more implemented report card to get everyone involved. The assistant superintendent reported being pleased with the overall growth in state testing.

Technology & Innovation Council Representative, Poindexter

Mr. Poindexter reported the Technology & Innovation committee met on October 15th with discussions of the website upgrade; there is no definitive timeline to date, hopefully end of the year. Also discussed the ability for police to share large files of evidence and hopefully will have something back by next meeting. Also, discussed the potential of coming before Council to expand the role of committee members to help with broadcasting that has been a problem along things of that nature. The next committee meeting is scheduled for November 15th.

Mr. Troyer mentioned the playground renderings are available after the meeting for anyone that wants to see them.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Orcutt reported the Carl Burgio dedication of the Tri-City Dog Park pavilion held on October 12th was a huge success, publicly thanked Middleburg Heights Councilman, Tim Ali, the dog park committee and volunteers for putting on a great event. On October 8th the city hosted the Boo Park Fall festival that had a great turnout and publicly thanked both the recreation and service departments for all

Reports and communications from the Mayor: cont.

their help bringing this together, along with the safety director who was in charge of pumpkin decorating. On October 19th the newest fire lieutenant will be sworn in at the fire station. The recreation center bid tallies for repairs to the natatorium area were opened on October 4th. The original engineer's estimate was for \$3 million-dollars and the lowest bid received was for \$5.1 million-dollars. The team members and administration will be working on an affordable way to move forward with repairs. Two (2) bids were received and this will only be repairs to the roof and walls; does not include the pool area, HVAC system, lighting or any interior work. Later this meeting, legislation will be introduced to replace playground equipment at Kennedy park with a special Planning meeting scheduled for October 25th; to consider aesthetic approval. At last week's Caucus meeting grants were discussed to help with paying for the new equipment and there is a deadline date of November 21st to place the equipment to secure 2023 pricing. A representative from Congressman Max Miller's office is in attendance at tonight's meeting and I want to emphasize that both Congressman, Max Miller and Senator, Sherrod Brown, have been working together with assisting Brook Park.

Questions:

Mr. Mencini stated to Mayor Orcutt very expensive for the roof and walls, this center is my second home being here four (4) days a week, always say come to the recreation center. The recreation staff is doing a great job in promoting the recreation center. The \$5.1 million-dollars is a huge expense along with the other city issues i.e. roads, flooding and city buildings.

Mayor Orcutt responded the city had fire trucks that were outdated and there was legislation from six (6) years ago for a fire truck that was never ordered; now costing 30% more. Working with Council two (2) fire trucks have been ordered in the amounts of \$1 million-dollars and \$1.2 million-dollars. Four (4) police vehicles were ordered last year; two (2) more this year and the safety director is looking at possibly two (2) more by utilizing the law enforcement fund to pay straight up; as well as improvements to the west-end fire station. The city works with an 80%-20% program for monies brought in. Meaning 80% goes for operational costs and 20% going towards capital improvements, like the items mentioned. Then need to subtract from that with last year the city beginning with \$3.8 million-dollars. There still are debt-services in the amount \$1,051,000.00 where the city is still paying for the 2010 Roads Program and items purchased throughout the years. This Administration and City Council have worked very well, over the last 21-months, to secure \$13 million-dollars in grant monies and will continue to do so. The (natatorium) roof and walls cannot be discussed due to the city not having the money to pay for repairs. We need to get creative by possibly doing a phase-two and looking at energy-savings programs at the west-end fire station; service and building departments and 14 pump stations that have older pumps. Need to get creative by possibly looking at performance contracts like what was done with the

Questions to the Mayor: cont.

recreation center. There was a lot of controversy with that but at the end of the day the program that paid for the recreation center building created \$70,000.00 of positive cash-flow for this community. Whole building wasn't done so have to continue to work towards that need to look at something the city can afford and generate money. The Makovich & Pusti scope of work has a line item for city-owned land at Five-Points and need to start getting creative for possible utilization of airport parking; need to generate revenue to pay off bonds and repairing some of the city's older infrastructure. The reason the Holland Road safety building was left out is there are some major structural issues there. The leaking in the server room has been repaired; the sally-port is closed down and there was a concern that had to be addressed with no egress steps from the second floor in case of a fire. Don't think spending \$5.1 million-dollars for repairs to the natatorium roof and walls to be used as a storage facility, with no lights is a good idea. State Senator, Matt Dolan, and Representative, Tom Patton, have been proactive with helping Brook Park and hopefully will know a bit more in December, 2023, for state funding to be put towards that program and with Council approving my budget the \$1.8 million-dollars ARPA funds have been secured.

Mr. Mencini continued always bringing having the directors and police and fire chiefs at a meeting, possibly in early November to get ready for the budget.

Mayor Orcutt responded have already started with the budget and plan to have the Economic Development Commissioner at a Caucus meeting in November for an update. What will be included in detailing of budget exhibits i.e. A-7 was the capital and now will show the debt services.

Madam Coyne stated glad these things came to fruition, one of the biggest issues is the roof and walls and knew the cost would be big. To expend all that money when there are other priorities needed i.e. safety building; roads and flooding need to keep moving forward with transparency being the key.

Mayor Orcutt responded will still have to keep moving forward with repairs and as everyone knows the city still has a \$5.2 million-dollar project of the recreation center. Think this is year four (4) of a 20-year project and will be aggressive because that roof is also over other parts of the recreation building. One thing helping the city is the lighting program that is non-taxable revenues coming into the city, once the 1,900 lights are replaced. Will need to look at other areas for revenue like what we did with the creativity of the retention basin. If all goes well the city isn't paying for that retention basin with all the help from the county through the help from the finance director, service director and engineer.

Mr. Troyer thanked Mayor Orcutt for saying that and stated wished would have been done years ago, would have been cheaper. That roof covers not only the

Questions to the Mayor: cont.

pool area but the work-out area; restrooms and some offices. Still looking at doing something because if that collapses will have to shut down the recreation center.

Mayor Orcutt concurred and stated without a doubt, the bid process was based off my predecessor and nothing happened. For example, the waterline on Sheldon Road had a bid of \$800,000.00 and the service director found out today it's going to cost \$1 million-dollars; with inflation it's tough to go to the residents so need to get creative.

REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS, AND OTHER PUBLIC OFFICIALS:**Law Director Horvath**

Madam Horvath stated no report.

Safety Director Sensel

Mr. Sensel stated no report.

Interim Finance Director Maykut

Madam Maykut stated no report.

Recreation Program Coordinator Morgano

Madam Morgano thanked Council for assistance with the Boo Park festival, great turnout. Basketball registrations will continue through end of October. The recreation center is offering 20%-off yearly residential memberships through the end of October.

Service Director Beyer

Mr. Beyer reported leaf pickup program has commenced do not place around trees, street lights or poles; cars parked in front of leaf piles will be skipped. This Saturday, October 21st is the city's drive-thru shred-it event. The service yard will continue to stay open for drop-off of yard waste and rubbish until November, Monday through Saturday. Beginning Saturday, November 25th the service yard will be open on Saturdays only from 9:00 a.m. to 1:00 p.m., weather permitting.

Questions:

Mr. Troyer asked Mr. Beyer any idea when the transition on Engle Road will take place from concrete to asphalt, south of Holland Road?

Mr. Beyer responded planned on doing that this week but weather did not cooperate. Hoping to wrap-up the sidewalk program this week and anticipate getting that done. The major issue will be traffic control due to being a heavily traffic area; anticipating being done next week and have had conversations with Mr. Sensel for a moving traffic plan.

Mr. Troyer continued to Mr. Sensel are there any numbers with the recent checkpoint?

Questions to the directors: cont.

Mr. Sensel advised Mr. Troyer to call him tomorrow.

Mr. Mencini stated to Madam Horvath when there is an Ohio Revised Code (ORC) change can that overrule the City Charter?

Madam Horvath responded being a chartered city the Charter provides directions as to how things operate; if any of those changes would be made to the ORC the Charter would take precedence. Areas that would need to conform with the ORC would be any made changes with the criminal statute.

Mr. Mencini stated to Mr. Sensel tell safety forces great job, on all they do.

Mr. Mencini continued to Mr. Beyer when working at the garage there were 90 employees, how many employees are at the garage on a given day?

Mr. Beyer responded on any given day there are 28 dispatched for daily duties doesn't include mechanics, dispatch or a couple of custodians. Also, doesn't include vacations, personal time or injuries. The department is providing same services, once done with 90 employees, just more challenging.

Mr. Mencini asked Mr. Beyer within the next few years how many can retire?

Mr. Beyer guesstimated eight (8) to ten (10), very talented employees.

OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL

APPROVAL: (INTRODUCTION OF NEW LEGISLATION):

New Legislation:

1. AN ORDINANCE AMENDING SECTION 123.01 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'POSTING PLACES' AND DECLARING AN EMERGENCY. Introduced by C/W. Assigned Legislative committee.

Motion by Mr. Poindexter, supported by Mr. Mencini, to place on letter M on tonight's agenda.

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

Mr. Vecchio stated that will appear under M-7 as Ordinance no. 11364-2023.

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GAMETIME FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT AT KENNEDY PARK PLAYGROUND AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. Assigned Finance committee.

3. A RESOLUTION IN SUPPORT OF THE PASSAGE OF THE HEALTH CENTER RENEWAL LEVY AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Motion by Mr. Poindexter, supported by Mr. Scott, to place under letter M.

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

Mr. Vecchio stated that will appear under M-8 as Resolution No. 20-2023.

3. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MAKOVICH & PUSTI, ARCHITECTS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. Assigned Planning committee.
4. AN ORDINANCE AUTHORIZING THE MAYOR TO TRADE-IN THE CITY'S OLD BOSCH SCAN TOOL, ASSET #11099, FOR AN ADDITIONAL YEAR OF SOFTWARE AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. Assigned service committee.
5. AN ORDINANCE AMENDING ORDINANCE NO. 11350-2023 TO INCLUDE ADDITIONAL ROADWAY REPAIRS IN THE 2023 EQUIPMENT AND GENERAL PAVEMENT SERVICES PROGRAM (CONTRACT 202303) AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

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

Mr. Vecchio stated that will appear under M-9 as Ordinance No. 11365-2023.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Albert Wolf

5880 Wengler Drive

Mr. Wolf stated fantastic job with the new road upgrade program; service department employees from 90 to 28 employees and still do a great job, as well as other departments.

Lou Modic

14399 Fayette Blvd.

Mr. Modic stated dedication of dog park pavilion huge success and expressed concerns with revised state law postings.

Wayne Bereman

16234 Bowfin Blvd.

Mr. Bereman expressed concerns with disorderly sporting events legislation as well as short-term leases being unconstitutional.

Remarks from audience: cont.

Chase Conklin

Field Representative of Congressman, Max Miller

Introduced himself to Mayor & Council please reach out if any issues; office in Cities of Parma and Medina and Washington.

ORDINANCES AND RESOLUTIONS: (FIRST READING):

5. Res. No. 19-2023

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

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

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

NAYS: Unanimous.

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

Mr. Troyer commented wished legislation voted on in the past was on agenda.

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

NAYS: Unanimous. Res. No. 19-2023, has passed under suspension of the rules. Adopted.

Mayor Orcutt thanked both Safety Director Sensel and Police Chief Powers for working with all these agencies for K9 Odin. If it wasn't for the donors this would not be a reality for bringing K9 Odin to the city's police department. This is a big deal for the City of Brook Park and publicly thanked everyone for what they have done for this great community.

Mr. Sensel thanked four (4) people not in attendance: Blue Line Unlimited Jim Bucks, George Moser and Dan Clementi along with Erica Baker from Midpark Animal Hospital.

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

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

NAYS: Unanimous.

Ordinances and Resolutions: First Reading: cont.

1. Res. No. 17-2023

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 Council as a Whole.

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. Mencini, supported by Madam Coyne, to adopt.

ROLL CALL: AYES: Mencini, Coyne, Scott, Troyer, Salvatore, Poindexter, Roberts
NAYS: Unanimous. Res. No. 17-2023, has passed under suspension of the rules. Adopted.

2. Res. No. 18-2023

A RESOLUTION SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR THE 2024 CUYAHOGA COUNTY DEVELOPMENTAL SUPPLEMENTAL 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 & C/W.

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

ROLL CALL: AYES: Troyer, Poindexter, Salvatore, Roberts, Mencini, Scott, Coyne
NAYS: Unanimous. Res. No. 18-2023, has passed under suspension of the rules. Adopted.

3. Ord. No. 11361-2023

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.

Mr. Vecchio stated Ordinance No. 11361-2023, has had its first reading.

Ordinances and Resolutions: First Reading: cont.

4. Ord. No. 11362-2023

AN ORDINANCE AUTHORIZING THE MAYOR AS 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.

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. Poindexter, supported by Madam Coyne, to adopt.

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

NAYS: Unanimous. Ord. No. 11362-2023, has passed under suspension of the rules. Adopted.

5. Res. No. 19-2023

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

Moved by **motion** to number one (1) under first reading.

6. Ord. No. 11363-2023

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO CONVERT LIGHT FIXTURES TO LED AND DECLARING AN EMERGENCY.

Introduced by Mayor Orcutt & C/W.

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

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

NAYS: Unanimous.

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

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

NAYS: Unanimous. Ord. No. 11363-2023, has passed under suspension of the rules. Adopted.

7. Ord. No. 11364-2023

AN ORDINANCE AMENDING SECTION 123.01 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'POSTING PLACES' AND DECLARING AN EMERGENCY. Introduced by C/W

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

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

NAYS: Unanimous.

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

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

NAYS: Unanimous.

Ordinances and Resolutions First Reading: cont.

8. Resolution No. 20-2023

A RESOLUTION IN SUPPORT OF THE PASSAGE OF THE HEALTH CENTER RENEWAL LEVY AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt & C/W.

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

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

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

ROLL CALL: AYES: Mencini, Troyer, Scott, Coyne, Salvatore, Poindexter, Roberts
NAYS: Unanimous. Resolution No. 20-2023, has passed under suspension of the rules. Adopted.

9. Ord. No. 11365-2023

AN ORDINANCE AMENDING ORDINANCE NO. 11350-2023 TO INCLUDE ADDITIONAL ROADWAY REPAIRS IN THE 2023 EQUIPMENT AND GENERAL PAVEMENT SERVICES PROGRAM (CONTRACT 202303) 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. Ordinance No. 11365-2023, has passed under suspension of the rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

THIRD READING OF ORDINANCES AND RESOLUTIONS:

1. Ord. 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 Councilmembers Scott, Coyne, Salvatore, Roberts and Mencini and Council President Vecchio.

Mr. Scott stated there was an issue brought up about vocal confrontation and continued to read section one (1) of the legislation. State law says criminalizing an official is to be taken seriously and that it's not okay to physicaly punch a referee. This legislation is very specific to physical confrontation and umpires do understand verbal confrontation. There was also an issue brought up of referees quitting due to expenses. The new official startup costs are \$350.00 and 80% of referees quit in first few years not because of expenses but of abuse. This is about the children and has involved the city's safety director, law director and the city prosecutor who went through this legislation with a fine-point comb. Because he is the one who will be dealing with these types of offenses; everything is in this legislation is constitutional and very specific as to physical confrontation.

Third Reading of Ordinances and Resolutions: cont.

Mr. Poindexter stated does not support the legislation believes the legislation misses the mark; the narrative of not wanting to protect the children is ridiculous. Events get intense and my issues is with in Section 1 (one) 509.03 (a) (6) 'Engaging in any conduct being not specific which results in a physical confrontation of any conduct. That could be a look or a statement bad call umpire. There was an incident at Grosse field where a coach entered the stands of a mother defending her child because she thought the coaches were being aggressive. If this ordinance passes it says nothing about the children but protecting certain types of coaches or referees and the coach who went into the stands doesn't get charged with anything. Disorderly conduct is already a crime; assault is already a crime there was a recent video that showed players punching umpires. Piling on these rules will create more criminals that get too involved in the game. The umpires have the right to call the police and have people removed. Believe law is already clear people need to understand there are not college scouts at that game and no reason these coaches should be so intense to climb into the stands going after parents and no reason parents are so intent to scream, yell and fight. Must understand there is honor in things besides sports.

Mr. Scott stated term officials goes to anybody associated with city or school sports events. Hopefully, this could be a deterrent with signs posted of third or fourth degree offense, hopefully this will adults to act as adults and hopefully will alleviate the actions on the field.

Mr. Mencini stated have coached many games and caught the incident at the flag football that was ignited by yelling. Mr. Scott has great intentions with this and will support but will never hit the mark. Have seen people escorted out of games or removed from the gym with no arrests coming from it. This shows the officials, umpires, leaders, recreation center officials that make a determination some protection. There is a lot in this and if we don't start somewhere this will continue with nobody wanting to be an official. There are high-school football games being canceled due to violence. This will not solve it all but it's up all of use to talk with the children and parents.

Mr. Troyer read from the legislation 'Sports Official' means any person who serves as referee, umpire, timer, scorer, coach, athletic trainer, manager or assistant; doesn't say children. Section 509.03 (a) (6) iii reads 'which otherwise directly or indirectly serves to create an atmosphere of content for the sporting official meaning those people mentioned above and is unable to continue their service at the sporting event without a stoppage in play or forcibly removing the person from the event'. How does any of those people forcibly remove anyone that is a police officer's job. At the recent football game from what I understand that coach would have been charged with a fourth-degree misdemeanor and the parent would have been charged with a third-degree misdemeanor, under this legislation. With the

Third Reading of Ordinances and Resolutions: cont.

Whereas' where is the proof or letter from sports officials that they won't work in Brook Park, not in support.

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

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

NAYS: Poindexter, Troyer. Ordinance No. 11359-2023 adopted.

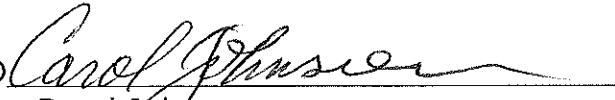
There being no further business to come before this meeting a **motion** by Mr. Mencini, supported by Madam Coyne, to adjourn.

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

NAYS: Unanimous.

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

RESPECTFULLY SUBMITTED



Carol Johnson
Clerk of Council

APPROVED November 8, 2023

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