

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON WEDNESDAY, NOVEMBER 8, 2023**

The meeting was called to order by Council President Pro-Tem Salvatore at 7:30 p.m., the clerk called the roll and the following Members of Council answered:

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

Also in attendance were Law Director Horvath, Safety Director Sensel, Interim Finance Director Maykut, Service Director Beyer and Engineer Piatak.

Councilwoman Coyne excused.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior to Meeting Minutes held on October 17, 2023.

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

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

NAYS: Troyer.

2. Regular Council Meeting Minutes held on October 17, 2023.

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

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

NAYS: Troyer.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Poindexter

Mr. Poindexter stated no report.

Finance Committee - Chairman, Scott

Mr. Scott reported the Finance committee has one (1) item on tonight's agenda. There have been two (2) Board of Control meetings; October 25th and November 6th. October 25th had seven (7) items with the three largest being Fabrizzi Trucking for the Sheldon Road waterline replacement - \$160,739.48; fire department turnout gear - \$115,110.00 and Microsoft licenses for three (3) new servers for tax and finance departments - \$8,445.40. November 6th had 19 items on the agenda with the three (3) largest being Montrose Ford for two (2) interceptor police vehicles - \$90,888.66; Road salt - \$50,000.00 and Euthenics up to October 20, 2023 - \$40,837.00, which will be reimbursed to the city.

Legislative Committee - Co-Chairman, Scott

Mr. Scott reported the Legislative committee has one (1) item on tonight's agenda.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini reported basketball signups are over the recreation staff is putting together teams and scheduling meetings. Women and girls' volleyball are played in the main gym. Congratulations to Recreation Program Coordinator Morgano on her recent wedding. Few upcoming holiday events; on November 24th the parade starts at 6:00 p.m., followed by the tree-lighting ceremony at the Amphitheater and fireworks. November 25th Santa will be touring the city and on December 2nd

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Reports of Standing Committees:

Parks & Recreation Committee - Chairman Mencini, cont.

is the Pancake breakfast from 9:00 a.m. to 12:00 p.m. with adults being \$5.00 children \$3.00 and pictures with Santa.

Planning Committee - Chairman, Troyer

Mr. Troyer reported the Planning Commission met on November 6th; first item was aesthetic project approval for construction of a maintenance building for All Erection Crane & Rental on Brookpark Road and West 164th Street; second item was a Conditional Use Permit for Circle K gas station located at 28050 Sheldon Road - tabled due to not having enough information of a traffic study and construction wall height.

Safety Committee - Chairman, Roberts

Mr. Roberts stated no report.

Service Committee - Chairman, Poindexter

Mr. Poindexter reported the Service Committee has one (1) piece of legislation in committee and requested to appear on the November 14th Caucus agenda.

Board of Zoning Appeals - Chairman, Salvatore

Mr. Salvatore reported the Zoning Board met on November 6th and approved three (3) variances for All Erection Crane located on Brookpark Road and West 164th Street.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini

Mr. Mencini reported the organizational goals are favorable for 2023; the performance and improvement plan is to achieve substantial growth and performance. Southwest General is health with 1.8% ahead and spending cash and investment totaling of \$251,000,000.00. Thanked the residents for approval of the recent tax levy.

Berea Board of Education Representative, Coyne

No report.

Technology & Innovation Council Representative, Poindexter

Mr. Poindexter stated the next meeting will be Wednesday, November 15th in the Council Chambers.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

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

Law Director Horvath

Madam Horvath reported with the case of City of Brook Park vs the City of Cleveland on November 3rd the City of Cleveland filed a notice of appeal with the Ohio Supreme Court, to exercise this case upon appeal. Also, there are two (2) new cases with the plaintiff being the same in both cases: First case being an appeal of the Civil Service Commission relating with the fire chief position. After that case was filed there was an appeal to the Ohio Supreme Court for a Writ of Quo Warranto with the Ohio Supreme Court asking the removal of the current fire chief in office and the plaintiff being placed in that office.

Safety Director Sensel

Mr. Sensel stated the paperwork for two (2) police officers and one (1) firefighter was approved last week and sent to the proper personnel.

Interim Finance Director Maykut

Madam Maykut stated no report.

Service Director Beyer

Mr. Beyer reported next week is bulk week with a five-item (5) total. Next week, Tuesday through Saturday, is the last week for drop-off of yard waste and rubbish at the garage. Beginning November 25th drop-offs will be accepted on Saturdays, weather permitting. The city will be observing Veterans' Day on Monday, November 13th meaning no rubbish pickup. Leaf pickup is continuing with two (2) to four (4) vehicles trying to get through the city once a week, reminder to residents. No sticks, dog feces, don't place leaves near poles or park in front of leave piles, recordings are made of automobiles blocking leaf piles.

Engineer Piatak

Mr. Piatak reported the Sheldon Road water-main project is completed and tested; the contractor is currently working on home connections. The roadway should be opened to normal traffic by Thanksgiving, weather permitting. The Brook Park Memorial abatement is complete, as of today, with a final inspection scheduled with the Environmental Consultant for tomorrow; once passed the contractor is ready to begin. With the Wedo retention basin excavation is complete with juncture chambers and conduits installed. Working on miscellaneous site-work such as concrete work; sidewalks, asphalt trail and parking lot paving, basin is functional.

Questions:

Mr. Troyer asked Mr. Piatak is too late to plant grass?

Mr. Piatak responded there is temporary seed down.

Mr. Troyer continued is there any problem with erosion; the basin is good to go except for grass?

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Questions to director: cont.

Mr. Piatak responded the function of basin is operational, the flat gates have to be installed but if there is a rain the basin will take water.

Mr. Troyer asked Mr. Sensel if the (fire) turnout gear has been received, that was passed by Board of Control?

Mr. Sensel responded that has not come in yet.

Mr. Troyer continued when is that expected?

Mr. Sensel will check with the fire chief.

Mr. Troyer continued with the police cruisers are there any dates to be received?

Mr. Sensel responded the city is in line but there are no dates, currently.

Mr. Troyer to Mr. Beyer the Saturday drop-off will be normal hours on Saturdays?

Mr. Beyer responded 9:00 a.m. to 1:00 p.m., weather permitting.

Mr. Troyer clarified if there is a snowstorm the yard won't be open.

Mr. Beyer concurred.

Mr. Poindexter stated to Mr. Piatak with the Wedo Park retention basin being functional; will a study be done to make sure the basin in performing its job? Will anyone follow-up with the functionality of the basin?

Mr. Piatak responded there are no provisions for long-term monitoring in place but am sure there will be people over there to see what is going on with the basin, the basin went in according to plan.

Mr. Mencini stated to Mr. Piatak with something like the basin would a dye-test show what is going in and leaving the area?

Mr. Piatak responded the sewers were bypassed to the basin so I'm not sure what a dye-test would show, the best thing to do is during an event going over there to make sure everything is operating.

Mr. Mencini continued to Mr. Piatak recently read an article on what is being done down south and on the east coast with dye-testing during a storm.

Questions to the directors: cont.

Mr. Piatak responded would be interested in reading that article; never said there won't be basement backups, that can't be guaranteed due to a number of reasons, but the basin will help.

Mr. Mencini asked Mr. Beyer is hot-patching done?

Mr. Beyer responded still doing patch-work, the asphalt closed November 1st, but crews still hot-patching roads.

Mr. Mencini stated to Madam Horvath with the Johnson vs Civil Service case, what is the sense of having a Civil Service Commission, if no decisions can be made

Madam Horvath responded I was able to sit through all the hearings on this matter and hear the testimony; anyone can choose to appeal that doesn't mean they will be successful. In this particular case, I would note that any promotions under Civil Service must be done after testing and to be promoted would normally be the number one position after testing. Those things have to occur in order to hold that position and Civil Service after hearing all the evidence made the determination that individual should not be reinstated to that office, after the interim appointment. Based on Civil Service rules and Ohio Revised Code that was determined to be appropriate. I have every confidence after this matter goes through the courts that the courts will view, in same fashion, as Civil Service Commission did. However, that's my prediction and doesn't mean that will be the outcome, think the city is on very firm ground with this appeal and will do the utmost to defend.

Mr. Troyer to Mr. Piatak to clarify with the Wedo Park retention basin the pipe has been intercepted that used to flow into the Kolleda Ditch and now goes into the basin, water has no other place to go.

Mr. Piatak concurred.

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

New Legislation:

1. REQUESTING THE COUNTY AUDITOR TO ADVANCE TAXES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE Introduced by Mayor Orcutt. Placed in Finance Committee.

New Legislation: cont.

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MANHEIM CLEVELAND AUTO AUCTION, PUBLIC AUCTIONEERS, FOR THE PURPOSE OF AUCTIONING FORFEITED VEHICLES AND A POLICE VEHICLE THAT IS NO LONGER IN SERVICE AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. Placed in Safety committee.

3. AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO TRADE-IN POLICE EQUIPMENT AND/OR UNCLAIMED OR FORFEITED PROPERTY NO LONGER NEEDED BY THE BROOK PARK POLICE DEPARTMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. Placed in Safety committee.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

James Krenisky

5723 Van Wert

Mr. Krenisky expressed concerns with spending monies street resurfacing and need to enforce heavy commercial vehicles traveling on resurfaced city streets.

ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORD. NO. 11367-2023
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MAKOVICH & PUSTI, ARCHITECTS, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mr. Salvatore stated Ordinance No. 11367-2023, has had its first reading.

2. ORD. NO. 11368-2023
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. & C/W.

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

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

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

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

NAYS: Unanimous. Ordinance No. 11368-2023, has passed under suspension of the rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. 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. Salvatore stated Ordinance No. 11361-2023, has had its second reading.

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, Scott
NAYS: Unanimous.

Council President Pro-Tem Salvatore declared this meeting adjourned at 8:08 p.m.

RESPECTFULLY SUBMITTED Carol Johnson
Carol Johnson
Clerk of Council

APPROVED November 21, 2023

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

