

REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, NOVEMBER 21, 2023
7:30 P.M.

- A. ROLL CALL OF MEMBERS
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:
1. Special Caucus Meeting Minutes October 30, 2023.
2. Special Council Meeting Minutes October 30, 2023.
3. Caucus Prior To Meeting Minutes November 8, 2023.
4. Regular Council Meeting Minutes November 8, 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. ORD. NO. 11369-2023

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.

2. ORD. NO. 11370-2023

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.

3. ORD. NO. 11371-2023

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.

4. RES. NO. 21-2023

A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAX REVENUES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

N. SECOND READING OF ORDINANCES AND RESOLUTIONS:

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.

O. THIRD 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.

P. ADJOURNMENT:

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, NOVEMBER 21, 2023**

The meeting was called to order by Council President Vecchio at 7:33 p.m., the clerk called the roll and the following Members of Council answered:

MENCINI, ROBERTS, POINDEXTER, TROYER, COYNE, SCOTT

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

Councilman Salvatore properly excused.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Special Caucus meeting minutes October 30, 2023.
2. Special Council meeting minutes October 30, 2023.
3. Caucus Prior to meeting minutes November 8, 2023.
4. Regular Council meeting minutes November 8, 2023.

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

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

NAYS: Troyer.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Poindexter

No report.

Finance Committee - Chairman, Scott

Mr. Scott reported the Finance committee has one (1) piece of legislation on the agenda. Board of Control met earlier today with 10 items on the agenda; three largest being Brook Park Elementary School abatement project - \$361,000.00, Independence Excavating Wedo Park Storm Basin - \$416,559.28 and Breezeline city-wide fiber connections - \$9,030.00.

Legislative Committee - Chairwoman, Coyne

Madam Coyne reported Legislative committee has one (1) item under third reading.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini reported the Recreation center is closed on Thanksgiving, Friday hours 9:00 a.m. to 5:00 p.m. and Saturday regular hours. A few programs at the recreation center are Yoga on Tuesdays' 6:00 to 7:00 p.m.; Body Sculpting on Tuesdays at 7:00 p.m. and on Saturday Zumba at 9:30 a.m. Silver Sneakers Program are held on Monday, Wednesday and Friday at 8:30 a.m. in the mini-gym.

Reports of Standing Committees: cont.

Planning Committee - Chairman, Troyer

Mr. Troyer stated no report and wished everyone a great and wonderful Thanksgiving

Safety Committee - Chairman, Roberts

Mr. Roberts reported the Safety committee has two (2) items on the agenda for auctioning of police vehicles and trade-in of unclaimed police equipment.

Service Committee - Chairman, Poindexter

Mr. Poindexter stated the Service committee has one (1) item on the agenda and thanked several people, by name, that helped make the fourth annual Volleyball a huge event by raising ten (10) turkeys and cash donations.

Board of Zoning Appeals - Chairman, Salvatore

No report.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini

Mr. Mencini stated the next meeting will be on December 13th. Southwest offers medical and caring procedures; bariatric surgery; hospice and many other services. Southwest has eight (8) locations in both Cuyahoga and Medina counties.

Berea Board of Education Representative, Coyne

Madam Coyne reported next meeting is December 11th

Technology & Innovation Council Representative, Poindexter

Mr. Poindexter reported the committee met on November 15th. The website is coming along with the company having all the content and currently being assembled, should see a prototype very soon. At the December meeting Brian Thumburg from the tax department will be attendance to explain online tax filing.

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 stated no report wished everyone a happy Thanksgiving

Safety Director Sensel

Mr. Sensel stated no report wished everyone a safe, healthy Thanksgiving.

Interim Finance Director Maykut

Madam Maykut stated no report, Happy Thanksgiving.

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

Recreation Program Coordinator Morgano

Madam Morgano reported the holiday parade will be on November 24th beginning at 6:00 p.m. Starting at elementary school to the amphitheater with fireworks to follow. On November 25th Santa will be touring the city beginning at 9:00 a.m. On December 2nd from 9:00 a.m. to 12:00 p.m. is Pancakes with Santa and pictures. The Santa holiday house decorating event has begun and the 'Mailbox to the North Pole' will be located in front of the recreation center, no postage or return address needed.

Service Director Beyer

Mr. Beyer reported leaf pickup will continue through December, reminder don't park in front of piles or place piles near telephone poles or street signs. The service yard will be open on Saturdays only from 9:00 a.m. to 1:00 p.m. for yard waste drop-off, weather permitting. There is no parking on city streets if snow exceeds two (2) inches so that plow crews can plow the streets. The Mayor has a family emergency but asked me to wish everyone a Happy Thanksgiving.

Engineer Piatak

Mr. Piatak reported with an update on the Wedo basin, the trail and parking lot have been paved and playground equipment installed. There is temporary seed and mulch around the basin and currently working on miscellaneous cleanup. The demolition of Brook Park elementary school is ongoing. The Sheldon Road waterline project the service connections are complete with two (2) mainline tie-ins being done next week and pavement restorations to follow.

Questions

Mr. Troyer asked Mr. Piatak will Sheldon Road be done before Christmas?

Mr. Piatak responded yes, that's the plan.

Mr. Troyer stated to Madam Horvath on November 8th an update was given on Active Civil litigation. With the fire department issue information was received to me that one case is at the Supreme Court level?

Madam Horvath responded there are two (2) lawsuits with one (1) pending in the Court of Common Pleas; records and transcripts need to be sent. Also, a separate matter filed as a Quo Warranto action filed in the Ohio Supreme Court, two different cases and two different lawsuits.

Mr. Troyer asked Madam Horvath was the case at the Ohio Supreme Court filed directly or start lower?

Questions to Directors: cont.

Madam Horvath responded filed directly to the Ohio Supreme Court as an extraordinary writ and where it's supposed to go. Ordinarily, this type of action deals with public offices and more times than not elective offices. Think the idea was to not go through years of litigation and go directly to the Ohio Supreme Court for determination of who should fill a particular office.

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

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS: REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORD. NO. 11369-2023
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.

Mr. Sensel stated an amendment is needed in the first 'Whereas' the (number) four (4) needs to be changed to three (3) reason being the 2008 Crown Victoria is not a forfeited vehicle, due to being paid with taxpayer dollars.

Motion by Mr. Poindexter, supported by Mr. Mencini, to amend the first 'Whereas' first word to change the word four (4) to three (3).

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

Mr. Troyer clarified in Section 3 wanted to make sure all remaining monies went into (Fund) 270. The fund numbers included in legislation is according to the Charter when spending money, not receiving.

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

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

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

ROLL CALL: AYES: Troyer, Mencini, Roberts, Poindexter, Mencini, Scott, Coyne
NAYS: Unanimous. Ordinance No. 11369-2023, has passed under suspension of the rules, as amended. Adopted.

Ordinances and Resolutions: First Reading: cont.

2. ORD. NO. 11370-2023

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.

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

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

NAYS: Unanimous.

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

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

NAYS: Unanimous. Ordinance No. 11370-2023, has passed under suspension of the rules. Adopted.

3. ORD. NO. 11371-2023

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.

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

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

NAYS: Unanimous.

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

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

NAYS: Unanimous. Ordinance No. 11371-2023, has passed under suspension of the rules. Adopted.

4. RES. NO. 21-2023

A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAX REVENUES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE 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, Poindexter, Roberts

NAYS: Unanimous.

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

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

NAYS: Unanimous. Resolution No. 21-2023, has passed under suspension of the rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

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. Poindexter stated speaking with the Mayor earlier today, he expressed there should be an updated exhibit for \$1,000.00 more.

Mr. Scott provided the updated exhibit to the clerk.

Motion by Mr. Poindexter, supported by Mr. Mencini, to amend exhibit A page four (4) to change \$30,500.00 to \$31,500.00.

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

NAYS: Coyne.

The clerk clarified with Law Director Horvath to use the updated Exhibit A as a substitution piece to the legislation.

Madam Horvath concurred.

Motion by Mr. Poindexter, supported by Mr. Roberts, to amend section two (2) from \$30,500.00 to \$31,500.00.

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

NAYS: Coyne.

Mr. Vecchio stated Ordinance No. 11367-2023 has had its second reading.

THIRD 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.

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

Mr. Troyer asked Madam Horvath will this pass constitutional muster, will there be any problems with this?

Madam Horvath responded this was discussed at a prior meeting with many people's input and the department worked hard in considering every angle. Cant' really say for sure but with the amount of time going into this and looking at all angles would leave me to conclude this would pass muster.

Third Reading of Ordinances and Resolutions:

Mr. Mencini concurred with Madam Horvath and Council must take a stand on some things that may get repercussions or challenges later.

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

NAYS: Unanimous. Ordinance No. 11361-2023, has passed under suspension of the rules. Adopted.

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

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

NAYS: Unanimous.

Council President Vecchio declared this meeting adjourned at 8:08 p.m., wishing everyone a Happy Thanksgiving.

RESPECTFULLY SUBMITTED



Carol Johnson
Clerk of Council

APPROVED



THESE MEETING MINUTES ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.