

**ITEMS TO BE CONSIDERED  
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING  
TO BE HELD ON TUESDAY, DECEMBER 5, 2023  
7:00 P.M.**

**I. ROLL CALL OF MEMBERS:**

**II. PLEDGE OF ALLEGIANCE:**

**III. DISCUSSION:**

1. DEPARTMENT OF LIQUOR CONTROL- JJK TAVERN LLC DBA TAVERN 150  
5771 SMITH RD, BROOK PARK, OH 44142, C TRFO 4179374 POSTMARK  
DATE: 12/11/23.- PER COUNCIL PRESIDENT VECCHIO.
2. 2024 CAUCUS-COUNCIL MEETING SCHEDULE
3. AN ORDINANCE ENACTING CHAPTER 719 OF THE BROOK PARK CODIFIED  
ORDINANCES ENTITLED 'ADULT USE CANNABIS OPERATIONS', AND  
DECLARING AN EMERGENCY. Introduced by Councilmembers Troyer,  
Poindexter, Roberts, Mencini, and Coyne.
4. AN ORDINANCE ENACTING CHAPTER 1127 OF THE BROOK PARK CODIFIED  
ORDINANCES ENTITLED 'ADULT USE CANNABIS DISPENSARIES', AND  
DECLARING AN EMERGENCY. Introduced by Councilmembers Troyer,  
Poindexter, Roberts, Mencini, and Coyne.
5. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT  
WITH THE BROOK PARK FIREFIGHTERS ASSOCIATION LOCATE 1141, AND  
DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
6. AN ORDINANCE AMENDING ORDINANCE NO. 11346-2023, THE  
APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK, AND  
DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
7. AN ORDINANCE TO PROVIDE FOR THE TEMPORARY APPROPRIATIONS OF  
THE CITY OF BROOK PARK, STATE OF OHIO, FOR THE THREE  
MONTHS ENDING ON MARCH 31, 2024, AND DECLARING AN  
EMERGENCY. Introduced by Mayor Orcutt.

8. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SOUTHWEST GENERAL HEALTH CENTER FOR THE LEVY OF A TAX AND THE PAYMENT OF THE PROCEEDS THEREOF FOR THE MAINTENANCE AND SUPPORT AND AS COMPENSATION FOR THE USE OF SAID HEALTH CENTER, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

**IV. ADJOURNMENT:**

Posted 12/1/23

**ITEMS TO BE CONSIDERED  
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING  
HELD ON TUESDAY, DECEMBER 5, 2023**

The meeting was called to order by Council President Vecchio 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, Interim Finance Director Maykut, Finance Director-elect McGann, Recreation Program Coordinator Morgano and Safety Director Sensel.

**DISCUSSION:**

1. DEPARTMENT OF LIQUOR CONTROL - JJK TAVERN LLC, DBA TAVERN 150, 5771 SMITH ROAD, BROOK PARK, OH 44142. **C TRFO 4179374, POSTMARK DATE 12/11/23.**

Madam Horvath stated met with new owner and sees no problems with this permit.

Mr. Mencini asked Madam Horvath if Council were to reject this permit, what would happen?

Madam Horvath responded the new owner is currently working with a management agreement with the former owner's liquor license. If rejected I am sure there would be an appeal process and the new owner would still run under the management agreement.

**Motion** by Mr. Troyer, supported by Mr. Poindexter, discussed.

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

2. 2024 CAUCUS-COUNCIL MEETING SCHEDULE

Mr. Troyer suggested two months to include a fourth (4th) Caucus meeting.

Mr. Poindexter agreed with a temporary schedule and have the fourth (4th) week for special meetings on an as needed basis.

Mr. Mencini concurred with approval of the January dates, as presented.

**Motion** by Mr. Scott, supported by Mr. Mencini, to approve January, 2024 as written.

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

**Discussion; cont.**

Council President-elect Salvatore stated the Organizational meeting will be held on January 2, 2024 at 6:00 p.m.

3. ORDINANCE ENACTING CHAPTER 719 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'ADULT USE CANNABIS OPERATIONS' AND DECLARING AN EMERGENCY. Introduced by Councilmembers Troyer, Poindexter, Roberts, Mencini and Coyne

Mr. Poindexter stated this topic has been all over the place at the state level and have seen some drafts at the state level. One particular draft is the state would collect ten-percent (10%) and give the host city 19 2/5 or just under two-percent (2%). The latest draft strips the host city funding so my proposal would be to include 719.08 (c) Fees from the Medical Marijuana legislation. Think that should be in there in case the state strips funding to host cities; Brook Park still has a claim to funding.

Mr. Roberts stated agreed wholeheartedly.

Madam Horvath stated an email was sent explaining why any tax or special licensing fee was pulled out due to what is passed in the state. Section 3780.25 (g)(2) says levying any tax fee on adult cannabis operators, owners or property which is not genuinely charged on other businesses in municipal corporations or townships is prohibited. Seems that Council is putting some additional tax back into the legislation and my understanding is what will be in effect on December 7th that will be prohibited. Just making Council aware there is that conflict and don't know what Columbus is going to do. The bill with the state's proposed changes was also emailed and would urge Council to be very, very cautious in this area. Most cities are going with a moratorium and I understand this Council's reluctance to do so. Council may not with the Ohio Revised Code have the ability for an additional tax.

Mr. Mencini asked Madam Horvath with this proposed amendment is there a possibility of the state taking something away from Brook Park?

Madam Horvath responded Brook Park could be in conflict with what the state eventually passes. State wants to treat this business like any other business without additional taxes put on it. Think the state wants to tax the business and distribute the funds and that's where the problem begins, because no one knows how the state will do that.

Mr. Mencini continued understand with other cities moratoriums and Brook Park not wanting to go that way but Brook Park being cautious where these types of businesses go.

**Discussion: cont.**

Madam Horvath responded correct, with one important aspect being zoning and where these businesses would be; that is something that is, of course, in the municipality's parameter.

Mr. Troyer stated don't want to kick the can down the road like with medical marijuana that may have cost the city money or lost the city money. Only interested in areas only where medical marijuana is allowed. The reason for the fee to be put back in is so people know there is a fee to operate, that could be more advantageous to Brook Park.

Mr. Poindexter stated spoke with State Senator, Antonio, earlier today, asking if the (state) draft passes would that make the city's fee viable?

Mr. Troyer continued better to have that in there (fees) than not having in there.

Mr. Scott stated did put out there of a moratorium and enacts the city's zoning. The moratorium being spoken of is with the City of Lakewood that is in effect until July, 2024. Not against recreational marijuana just want to make sure the city is protected.

Mr. Troyer stated to Mr. Scott, this protects the city and works with the city's zoning.

**Motion** by Mr. Troyer, supported by Mr. Poindexter, to add 719.08 subsection c of original back and current section c will move to section d.

Madam Horvath commented by adding that back into this ordinance that would be in conflict with the Ohio Revised Code effective December 7, 2023.

Mr. Poindexter stated to Madam Horvath since having that in place for medical marijuana wouldn't this be the same type of business with assessed fees?

Madam Horvath responded medical marijuana is separate and my point is with the (proposed) \$25,000.00 licensing fees and additional taxes; the law that goes into effect on December 7th prohibits that.

Mr. Poindexter stated always hearing that Brook Park is a chartered city; can do whatever it wants. That does not apply in this case.?

Madam Horvath responded it applies in certain cases but when getting into public safety and where the state is the preempted authority then run into a conflict. Two examples, in 2016 the City of Toledo decided they were going to deviate from the Ohio Revised Code on how much marijuana someone can possess. The City of

**Discussion: cont.**

Toledo, being a chartered city, made an ordinance for the city to deviate; the City of Toledo was in conflict with the state which resulted in litigation. Second example, another area that can be looked at is, yes, Brook Park is a chartered city so let's make all the wages in the City of Brook Park \$20.00 an hour; when the State of Ohio is generally in charge of hourly wage rates. It's not something having to do with procedures, zoning or other things in the municipality this involves public safety. I would have to research that issue and in most cases lately the courts have ruled against chartered cities. Entering no man's land, I cannot give any type of opinion as to how this would work out because no one has had the time to look at it or research it. What I am doing is pointing out that if this legislation is passed Brook Park will be in conflict with what goes into effect on December 7th.

Mr. Poindexter continued with 719.18 would that apply if Brook Park fees become invalid? Wouldn't those be automatically removed if determined those fees are invalid?

Madam Horvath responded didn't a number of cities in the State of Ohio have trouble collecting on licensing fees with medical marijuana? Would imagine that's where the push and pull would start. Entering into this type of business I don't know if someone would go into a municipality with a \$25,000.00 licensing fee versus a municipality that does not have that.

Mr. Poindexter stated think that needs to be put in there because the state's latest draft is striking the proposal of funding to the municipalities. Would still want that in there due to the economic activity to the city and the increased funding.

The clerk called the roll on the **motion** by Mr. Troyer, supported by Mr. Poindexter to amend.

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

**NAYS:** Salvatore, Scott.

Mr. Poindexter commented what we need to do now is protect the city to limit areas where medical marijuana is allowed.

**Motion** by Mr. Troyer, supported by Mr. Poindexter, discussed.

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

**NAYS:** Unanimous.

**Discussion: cont.**

4. AN ORDINANCE ENACTING CHAPTER 1127 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED ADULT CANNABIS DISPENSARIES AND DECLARING AN EMERGENCY. Introduced by Councilmembers Troyer, Poindexter, Roberts, Mencini and Coyne

**Motion** by Mr. Troyer, supported by Mr. Poindexter, discussed.

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

5. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE BROOK PARK FIREFIGHTERS ASSOCIATION, LOCAL 1141, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this is a three-year (3) agreement and one (1) key point being added back in is the captain's position; currently there are three captains' and two lieutenants. There were also a lot of language issues cleaned up, that were lost in past years. This will be a three-year (3) agreement with raises of 3 1/4%; 3 1/4% and 3%. Thanked Council for the professionalism given and stated both sides were professionalism with doing this.

Mr. Mencini stated good job on this and at times negotiations are tough but to keep good employees have to pay.

Mr. Poindexter will the promotions for captain be done by testing or seniority?

Mayor Orcutt responded testing advancement is in section 717.07 but as discussed and agreed on. Is to take the three (3) senior lieutenants' and make them captains this time only, to save on testing.

Mr. Troyer stated Juneteenth is something new, how will that work?

Mayor Orcutt responded for those not familiar with the shifts at the fire department, there are a, b and c shifts; the (day) shift working June 19th will get overtime for that shift only. The holiday payout currently for firefighters' is 156 hours per-year with annual hours being 2,496. That is different than the typical employee working eight-hours (8) a day five-days (5) a week; nothing is being added to the holiday pay the incentive is overtime for June 19th.

Mr. Troyer asked what the total number increase is for the fire department.

Mayor Orcutt responded don't have that number but the total increase will be under \$600,000.00 if all unions agree with the raises.

**Discussion: cont.**

**Motion** by Mr. Poindexter, supported by Mr. Mencini, discussed.

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

**NAYS:** Unanimous.

6. AN ORDINANCE AMENDING ORDINANCE NO. 11346-2023, THE APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt welcomed Finance Director-elect, Bob McGann, on his first (1st) day on the job and thanked Interim Finance Director Maykut on all her hard work serving as (interim) finance director. This legislation is the end of the year adjustments to balance funds. Key points, some big changes, are balancing out staff changes in the court office. Originally, the Mayor's office assumed \$50,000.00 for a floater between Mayor's Court, Building Department and (City Hall) front desk, more times than not that person is used in court. Recreation center extra dollars are being adjusted due to less personnel.

Mr. Mencini interjected utilities have decreased.

Mayor Orcutt responded yes, utilities have decreased in all departments due to working with a new broker that charges a lesser price per kilowatt. Will be working with this broker in 2024 to have the same done with natural gas. Mayor's office is down \$61,000.00 in salaries, due to court staff change. Corrections department is down \$54,000.00 due to changes made with the City of North Royalton contract. The police department is down \$179,000.00 due to four (4) senior patrolman and detectives retiring. There is a reduction in the fire department overtime by \$40,000.00. The service department was adjusted to \$30,000.00 due to fuel. There was a savings of \$75,000.00 - Miscellaneous Expenses, due to new contract with Republic Waste Services. Street lighting was reduced to \$40,000.00 with the General Fund overall reduction of \$192,724.98. Transfers to Fund 100 to Fund 880 was \$250,660.00. Fund 517 - Sound Insulation Fund fees were increased by \$150,000.00 due to lawsuit with City of Cleveland. Police Pension Fund increased to \$45,000.00 due to retirement payouts and Fire Department pension was increased by \$30,000.00.

Mr. Mencini asked doesn't the State of Ohio want communities putting more money in the police and fire funds?

**Note:** Due to not speaking into the microphone unable to transcribe Interim Finance Director Maykut's response.

Mr. Mencini continued what is the reason for the decrease in Fund 519 Workmen's Compensation?



**Discussion: cont.**

Madam Maykut responded there were committee meetings (state level) that may have affected that and also the less amount of claims filed.

Mayor Orcutt continued something this city should work on is House Bill 296 which is an increase of 25% for police. Hope to take the marijuana monies the state gives municipalities for funding that would amount to \$200,000.00 for Brook Park. There was an increase in the Insurance fund of \$194,600.00 to bring closer to a healthier fund, should be around \$690,000.00 to be in the healthy range, that will continue to increase and be a burden on the municipalities and employees.

Mr. Troyer stated to Mayor Orcutt Fund 880 - Transfers/Refunds - \$250,600.00 what is the breakdown?

Mayor Orcutt responded Fund 517 - Sound Insulation Fund -\$150,000; Police Pension - \$45,000.00; Fire pension - \$30,000.00; Fund 141 Postage - \$600.00 and Economic Development Fund 243 - \$25,000.00.

Mr. Troyer continued with Fund 282 - American Rescue Act Plan the appropriation of \$228,000.00 roughly is that the \$1.8 million-dollars being held for the (natatorium) roof and walls?

Mayor Orcutt responded no, the \$1.8 million-dollars is secured for the roof and walls.

Madam Maykut responded the \$228,000.00 was received due to the Economic Development Commissioner filing with the government for a retention bonus. Those funds have been received and given to both police and fire personnel who worked during the year of COVID-19.

Mr. Troyer clarified those monies were received this year?

Madam Maykut concurred.

Mr. Troyer continued with street lighting - \$58,000.00 - total \$108,000.00 is that for the LED's or another project.

Mayor Orcutt responded those are new monies received.

Madam Maykut concurred and stated those were grant monies received where the actual expense was not allocated and brings the appropriation in balance.

**Discussed:**

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

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

**NAYS:** Unanimous.

7. AN ORDINANCE TO PROVIDE FOR THE TEMPORARY APPROPRIATIONS OF THE CITY OF BROOK PARK, STATE OF OHIO, FOR THREE MONTHS ENDING ON MARCH 31, 2024 AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this is the temporary budget to get through the first (1st) three-months (3) of 2024 for operational purposes.

Mr. Troyer continued with Fund 240 - Street, Construction, Maintenance and Repair (SCMR) - \$167,000.00. Was that for the five (5) employees at the beginning of the year?

Mayor Orcutt responded total of \$320,000.00 and referred to Interim Finance Director Maykut.

Madam Maykut stated that is the amount encumbered at end of 2023 and carried forward, cash outlays, for 2024; cannot say if that is for the five (5) employees.

**Motion** by Mr. Mencini, supported by Mr. Roberts discussed

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

**NAYS:** Unanimous.

8. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SOUTHWEST GENERAL HEALTH CENTER FOR THE LEVY OF A TAX AND THE PAYMENT OF THE PROCEEDS THEREOF FOR THE MAINTENANCE AND SUPPORT AND AS COMPENSATION FOR THE USE OF SAID HEALTH CENTER AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated received a letter from Southwest CEO thanking the city, residents and everyone that advocated for the renewal of the levy, this allows the city to enter into the contract.

Mr. Mencini stated currently a board member and Southwest does a great job.

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


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


**NAYS:** Unanimous.

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

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

Council President Vecchio declared this meeting adjourned at 8:04 p.m.

RESPECTFULLY SUBMITTED   
Carol Johnson  
Clerk of Council

APPROVED 

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