

REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, DECEMBER 5, 2023
7:30 P.M.

- A. ROLL CALL OF MEMBERS

- B. PLEDGE OF ALLEGIANCE

- C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

- 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
- N. SECOND READING OF ORDINANCES AND RESOLUTIONS:
- 1. THIRD 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.
- 2. ADJOURNMENT:

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, DECEMBER 5, 2023**

The meeting was called to order by Council President Vecchio at 8:10 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, Finance director-elect McGann, Interim Finance Director Maykut, Recreation Program Coordinator Morgano, Safety Director Sensel and Engineer Piatak.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Poindexter

No report.

Finance Committee - Chairman, Scott

Mr. Scott stated no report. The Board of Control met earlier with 12 items on the agenda; three largest being the Sheldon Road Water main Project - \$139,155.23, Brook Park Elementary abatement project, last payment - \$82,400.00 and gas and diesel fuel - \$50,000.00.

Legislative Committee - Chairwoman, Coyne

No report.

Parks & Recreation Committee - Chairman, Mencini

Mr. Mencini provided an update on the recreation membership with single (residents) - 478 non-residents - 136 total 614 and 350 monthly. Child residents - 62 and employees are low with four (4) residents and two (2). The senior memberships total 1,948.

Planning Committee - Chairman, Troyer

No report.

Safety Committee - Chairman, Roberts

No report.

Service Committee - Chairman, Poindexter

No report.

Board of Zoning Appeals - Chairman, Salvatore

No report.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini

Mr. Mencini gave an update on Southwest General by stating it is a 354-bed hospital founded in 1920 and merged with University Hospital in 1997; level three (3) trauma center and primary stroke center. One annual report that Southwest follows shows many challenges facing Southwest such as growing employer, activism against transparency and high costs on many sectors as well as purchasing of activities and equipment. Growing hostility of not for profit hospitals, increase tension with providers, hospital groups and insurers.

Reports of special committees: cont.

Berea Board of Education Representative, Coyne

Madam Coyne reported next meeting December 11th.

Technology & Innovation Council Representative, Poindexter

Mr. Poindexter stated next meeting will be held December 6th.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Orcutt welcomed a new police officer and firefighter. On November 24th the tree-lighting and parade ceremony were great events, many thanks to the recreation center, police and fire. There are five (5) pieces of legislation being introduced tonight. House Bill 23 has changes to the city's tax code before December 15th.

Mr. Troyer stated with the temporary budget the ADA compliance - \$50,000.00 appropriated has any monies been spent and give Council a list.

Mayor Orcutt responded may have spent some monies for a railing, fixing of sidewalks for wheelchair access. Those monies may not have come out of the ADA fund but one ticket item with ADA is the new playground equipment update or replacement - \$277,000.00 and looking into more grants for that project.

Mr. Troyer continued would like to see another \$50,000.00 appropriated in the budget.

Mr. Poindexter requested adding some moneys for rubbish cans for residents to buy.

Mayor Orcutt responded last year's budget did include new rubbish can and have heard that 20% of homes have a second can. Service crews have noticed that at certain homes contractors are disposing waste from their jobs by using the city's bulk program. New cans are available to new residents or to replace damaged cans.

Mr. Troyer stated trucks have cameras, there are laws and rules against certain materials.

Mayor Orcutt responded city would probably be dinged by Republic in Oberlin that is not the big issue. What is being seen is the same home, every month, having a tree lawn full of bulk, drywall and so forth.

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

Law Director Horvath

Madam Horvath reported with the Active Civil Litigation list, the first case being the City of Brook Park vs. City of Cleveland. City of Brook Park has filed notice of appeal responses on Monday; would expect in 90 days for that case to be definitive. With the State of Ohio vs. Pat Johnson and Mark Higgins, companion cases. The Supreme Court will most likely go forward first and disposed of. With the request for stay on the Common Pleas case probably won't know anything until the case management conference on January 16th. The new case listed is a foreclosure case, not typical, with this case the plaintiff sued the defendant and received a default judgement for a very large amount of money. Decided to foreclose on defendant's house that the city had a lien on the property.

Finance Director McGann

Mr. McGann reported working on November month-end reports.

Recreation Program Coordinator Morgano

Madam Morgano reported had a huge event over the weekend with the pancake breakfast having over 250 participants. Thanked everyone's who help including the recreation commissioner members. Letters to Santa are still being collected please put in the mailbox outside of the recreation center; if a reply letter is requested deadline date is December 17th, no envelope or postage required. Registrations are taking for holiday house decoration until December 26th.

Safety Director Sensel

Mr. Sensel welcomed new members to both police and fire departments.

Engineer Piatak

Mr. Piatak reported with the Wedo Park basin concrete the concrete sidewalk, and curb work will be finishing up this week with few miscellaneous site items; then will wind down until spring. The Shelby Drive resurfacing project, north of Hummel, was resurfaced last week with the 2023 General Pavement contract. The Brook Park Memorial school demolition will continue until January or February, 2024. The Sheldon Water Main Project the asphalt base-course was done today with surface course being done tomorrow, may be some traffic congestion please avoid area if possible. Working with the Mayor and Service Director Beyer on some options for applications projects through the County Public Works for 2024 county road reimbursements, deadline date is December 13th.

Mr. Troyer stated to Mr. Piatak with the Wedo Park retention basin it is functionally operational, correct?

Mr. Piatak concurred.

Mr. Troyer continued water from those streets goes into the retention basin?

Mr. Piatak concurred.

Questions to the director: cont.

Mr. Troyer continued with the grant mentioned what roads?

Mr. Piatak responded that grant is only for county roads with the alternative being possibly Snow Road crack sealing, joint repairs and so forth, last done in 2016.

Mr. Troyer stated to Mr. Piatak with the 2024 grant for Holland Road near the service department.

Mr. Piatak that is currently in the works with Cuyahoga County for 2024.

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

New Legislation:

1. 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. **Assigned Legislative committee.**

Motion by Mr. Poindexter, supported by Mr. Mencini, to move to letter M, first reading.

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

Mr. Vecchio stated will appear under M-1 as Ordinance No. 11372-2023.

2. 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. **Assigned Legislative committee.**

Motion by Mr. Poindexter, supported by Mr. Troyer, to move to letter M, first reading.

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

Mr. Vecchio stated will appear under M-2 as Ordinance No. 11373-2023.

New Legislation: cont.

3. 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. **Assigned Legislative committee.**

Motion by Mr. Troyer, supported by Madam Coyne, to move to letter M, first reading.

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

Mr. Vecchio stated will appear under M-3 as Ordinance No. 11374-2023.

4. AN ORDINANCE AMENDING PART EIGHTEEN OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'MUNICIPAL INCOME TAX' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. **Assigned Finance committee.**

Motion by Mr. Scott, supported by Mr. Mencini, to move to letter M, first reading.

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

Mr. Vecchio stated will appear under M-4 as Ordinance No. 11375-2023.

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. **Assigned Finance committee.**

Motion by Mr. Scott, supported by Mr. Mencini, to move to letter M, first reading.

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

Mr. Vecchio stated will appear under M-5 as Ordinance No. 11376-2023.

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. **Assigned Finance committee.**

Motion by Mr. Scott, supported by Madam Coyne, to move to letter M, first reading.

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

Mr. Vecchio stated will appear under M-6 as Ordinance No. 11377-2023.

New Legislation: cont.

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. **Assigned Finance committee.**

Motion by Mr. Mencini, supported by Mr. Scott, to move to letter M, first reading.
ROLL CALL: AYES: Mencini, Scott, Coyne, Troyer, Salvatore, Poindexter, Roberts
NAYS: Unanimous.

Mr. Vecchio stated will appear under M-7 as Ordinance No. 11378-2023.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. ORDINANCE NO. 11372-2023
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.

Motion by Mr. Mencini, supported by Mr. Roberts, to suspend.
ROLL CALL: AYES: Mencini, Roberts, Poindexter, 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. Ordinance No. 11372-2023 has passed under suspension of the rules. Adopted.

2. ORDINANCE NO. 11372-2023
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.

Motion by Mr. Poindexter, supported by Mr. Troyer, to suspend, as amended.
ROLL CALL: AYES: Poindexter, Troyer, Coyne, Scott, Mencini, Roberts, Salvatore
NAYS; Unanimous.

Motion by Mr. Poindexter, supported by Madam Coyne, to adopt.
ROLL CALL: AYES: Poindexter, Coyne, Troyer, Roberts, Mencini
NAYS: Scott, Salvatore. Ordinance No. 11372-2023 has passed under suspension of the rules. Adopted.

Ordinances and Resolutions: First Reading: cont.

3. ORDINANCE NO. 11374-2023
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 Madam Coyne, supported by Mr. Poindexter, to suspend.

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

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

ROLL CALL: AYES: Poindexter, Coyne, Troyer, Scott, Mencini, Roberts
NAYS: Salvatore. Ordinance No. 11374-2023, has passed under suspension of the rules. Adopted.

4. ORDINANCE NO. 11375-2023
AN ORDINANCE AMENDING PART EIGHTEEN OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'MUNICIPAL INCOME TAX' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mr. Vecchio stated Ordinance No. 11375-2023 has had its first reading.

5. ORDINANCE NO. 11376-2023
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.

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 Mr. Roberts, to adopt.

Mr. Troyer as stated before this has a Me Too (clause) and don't think that is good for the city, voting no.

ROLL CALL: AYES: Poindexter, Roberts, Mencini, Scott, Coyne, Salvatore
NAYS: Troyer. Ordinance No. 11376-2023, has passed under suspension of the rules. Adopted.

Ordinance and Resolutions: First Reading: cont.

6. ORDINANCE NO. 11377-2023
AN ORDINANCE AMENDING ORDINANCE NO. 11346-2023, THE APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK 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.

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

ROLL CALL: AYES: Poindexter, Roberts, Mencini, Scott, Coyne, Troyer, Salvatore
NAYS: Unanimous. Ordinance No. 11377-2023, has passed under suspension of the rules. Adopted.

7. ORDINANCE NO. 11378-2023
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.

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

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

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

ROLL CALL: AYES: Roberts, Mencini, Poindexter, Salvatore, Troyer, Coyne, Scott
NAYS: Unanimous. Ordinance No. 11378-2023, has passed under suspension of the rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

THIRD 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. Troyer stated this is for the city to get grants?

Mayor Orcutt responded this will be used a tool utilized to get grants. When introduced on October 17th wanted to get this moving along with Makovich & Pusti for scope renderings to be used in grant applications. The deadline date for the State Capital grant is December 17th that the city will not make due to having no renderings.

Mr. Troyer stated section 2 needs to be increased to 32,500.00 of the second last page of the contract - reimbursable expenses.

Third Reading of Ordinances and Resolutions: cont.

Mayor Orcutt responded the discussion at the October 30th special meeting a request was made to include in the scope of work an outdoor pool. An email was sent to Council on November 6th that was red-lined to include outdoor pool.

Mr. Troyer continued don't see a rendering for the (natatorium) roof and walls.

Mayor Orcutt responded that rendering was put out in 2021.

Madam Coyne stated this proposal demonstrates necessity of why studies should have been done. A lot of items on this proposal are cosmetic and should be appropriated for in the 2024 budget. Also, proposes to re-image the city buildings and incorporate a new building/recreation center. Most alarming is priority three

Mr. Troyer - Point of Order

Mr. Vecchio recognized audience speaking unable to hear.

Madam Coyne continued with the safety center - recreation center a comprehensive study must be done in order to give Council viable options; planning strategies and funding plans to meet the needs of this city, also public input.

Mr. Poindexter stated comfortable passing as is and come back to Council later.

Mr. Troyer expressed concerns with the Gateway to the city at Snow Road and I-71 discusses a pump station; is there a pump station there?

Mayor Orcutt responded the gateway entrances to the city is Smith Road - West 150th Street rendering of a pump station.

Mr. Troyer expressed concerns with many things and agreed the (natatorium) roof and walls must be done. Using this to get monies is fine.

Mr. Mencini stated there a lot of items liked with this and there are a lot of issues with money but must start moving forward and make those tough decisions.

Mayor Orcutt stated this investment will be able to put projects forward, presentations to the Planning Commission and budgeted through Council for approval. Trying to build tools for a master plan to recreate the city. The safety building is extremely old and in need of many repairs.

Third Reading of Ordinances and Resolutions: cont.

Motion by Mr. Poindexter, supported by Mr. Mencini, to adopt (Ordinance No. 11376-2023).

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

NAYS: Coyne. Ordinance No. 11376-2023 has passed under third reading. Adopted.

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, Coyne, Scott


NAYS: Unanimous.

Council President Vecchio declared this meeting adjourned at 9:05 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.