

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY MARCH 5, 2024
7:30 P.M.**

A. ROLL CALL OF MEMBERS:

B. PLEDGE OF ALLEGIANCE:

C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. SPECIAL CAUCUS MEETING HELD ON JANUARY 8, 2024.
2. CAUCUS PRIOR TO MEETING HELD ON JANUARY 16, 2024.
3. REGULAR COUNCIL MEETING HELD ON JANUARY 16, 2024.
4. SPECIAL COUNCIL MEETING HELD ON FEBRUARY 13, 2024.
5. CAUCUS PRIOR TO COUNCIL MEETING HELD ON FEBRUARY 20, 2024.
6. REGULAR COUNCIL MEETING HELD ON FEBRUARY 20, 2024.

D. REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Dufour
Finance Committee - Chairman, Scott
Legislative Committee - Chairman, Scott
Planning Committee - Chairman, Poindexter
Parks & Recreation Committee - Chairman, McCorkle
Safety Committee - Chairman, Troyer
Service Committee - Chairman, Roberts
Board of Zoning Appeals - Chairman, Mencini

E. REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini
Berea Board of Education Representative, McCorkle
Technology & Innovation Council Representative, Dufour

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:**
Appointments:
 - 1. Planning Commission - Charles Buckholz - Per Mayor Orcutt.

- L. **REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**

- M. **ORDINANCES AND RESOLUTIONS: (FIRST READING):**

- N. **SECOND READING OF ORDINANCES AND RESOLUTIONS:**

- O. **THIRD READING OF ORDINANCES AND RESOLUTIONS:**

- P. **ADJOURNMENT:**

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY MARCH 5, 2024**

The meeting was called to order by Council President Salvatore at 6:00 p.m., the clerk called the roll and the following Members of Council answered:

TROYER, ROBERTS DUFOUR, POINDEXTER, MENCINI, McCORKLE, SCOTT

Also in attendance were Mayor Orcutt, Law Director Horvath, Finance Director McGann, Engineer Piatak, Program Coordinator Mendoza, Service Director Beyer and Safety Director Sensel.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Special Caucus meeting held on January 8, 2024.

Motion by Mr. Dufour, supported by Mr. Mencini, to remove, due to incorrect date.

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

NAYS: Unanimous.

2. Caucus Prior to Council meeting held on January 16, 2024.

3. Regular Council meeting held on January 16, 2024.

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

ROLL CALL: AYES: Dufour, Roberts, Poindexter, Mencini, McCorkle, Scott

NAYS: Troyer

4. Special Council meeting held on February 13, 2024.

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

ROLL CALL: AYES: Dufour, Roberts, Poindexter, Mencini, McCorkle, Scott

NAYS: Troyer

5. Caucus Prior to Council meeting held on February 20, 2024.

6. Regular Council meeting held on February 20, 2024.

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

ROLL CALL: AYES: Mencini, Roberts, Dufour, Poindexter, McCorkle, Scott

NAYS: Troyer.

Motion by Mr. Dufour, supported by Mr. Roberts, to go out of regular order of business to letter K.

Appointments:

1. Planning Commission - Charles Buckholz - per Mayor Orcutt.

Mayor Orcutt stated Mr. Buckholz will be filling the position of Chris Sinclair due to work commitments, publicly thanked Mr. Sinclair for serving on the commission.

Mr. Mencini stated good choice heavily involved in the community.

Mr. McCorkle stated in full support.

Mr. Scott stated good selection, good intentions.

Appointments: cont.

Mr. Poindexter asked Mayor Orcutt how long is left in the term?

Mayor Orcutt responded a little over three (3) years.

Mr. Poindexter welcomed Mr. Buckholz.

Mr. Dufour stated vote proud to make, look forward to serving with Mr. Buckholz.

Mr. Roberts stated good choice.

Motion by Mr. Dufour, supported by Mr. Roberts, to appoint Mr. Buckholz to Planning commission.

Mr. Troyer stated not in good conscience not first choice.

ROLL CALL: AYES: Dufour, Roberts, Poindexter, Scott, McCorkle, Mencini
NAYS: Troyer.

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

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

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Dufour

Mr. Dufour reported there is no legislation in committee. The airlines serving Cleveland Hopkins Airport signed their approval for the terminal modernization program unanimously; approving \$175 million-dollars for projects associated with the multi-year development program. Attended first meeting with the Aerozone Alliance, group of people, dedicated to advancing the entire region. Also, has a conversation with the Soil, Water and Conversation group on different environmental projects for the coming year.

Board of Zoning Appeals - Chairman, Mencini

Mr. Mencini reported the board met last night, had two items on the agenda one (1) for a fence variance and for front yard setbacks in the Snow Road, Van Wert and Pemberton areas.

Finance Committee - Chairman, Scott

Mr. Scott reported no legislation on agenda. The Board of Control met earlier with 12 items on the agenda; three (3) largest being concrete for miscellaneous repairs - \$25,000.00; Microsoft software for several city departments - \$15,259.00 and annual dispatch software - \$9,050.00.

Legislative Committee - Chairman, Scott

No report.

Reports of standing committees: cont.

Parks & Recreation Committee - Chairman, McCorkle

Mr. McCorkle reported adult and youth softball signups are continuing as well as dodgeball and soccer signups. Midnight Madness will be on March 29th from 8:00 p.m. to midnight; \$20.00 per person. Congratulations to all Brook Park champion teams that will be playing at Berea-Midpark High School this Saturday.

Planning Committee - Chairman, Poindexter

Mr. Poindexter reported the commission met last night with seven (7) items of new business, on the agenda. The first (1st) was for aesthetic approval of a front porch on Engle Road - tabled. Second (2nd) for aesthetic approval for a storage addition on West 130th - passed. Third (3rd) was for a Conditional Use Permit for a lead laboratory on Snow Road - denied. Fourth (4th) rezoning of several parcels for the Pemberton Area for development. Fifth (5th) rezoning on Snow Road for proposed townhomes - approved. Sixth (6th) aesthetic approval for a flagpole in the municipal campus - approved. Seventh (7th) is the proposed Circle K gas station at the former Donte's restaurant - tabled due to traffic study.

Safety Committee - Chairman, Troyer

No report.

Service Committee - Chairman, Roberts

No report

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini

Mr. Mencini reported the focus for 2024 is to work to improve health care of patients; Medicare reimbursements and insurance plans. Strong management for chronic conditions and annual prevention care given to Medicare patients, who qualify; capital improvements projects in the capital budget; investment of various technology information projects; pharmacy changes in nurses' units; building infrastructure and recruitment of physicians.

Mr. Salvatore asked Mr. Mencini any further information on the high-school programs?

Mr. Mencini responded there is a meeting coming up to cover those topics i.e. scholarships and so forth.

Berea Board of Education Representative, McCorkle

Mr. McCorkle reported last meeting focused on the Makers Face Showcase working on coding; embroidery; 3D printing and laser technology; with many students helping other students with these tools, students are responding very well. The Art Club is making a vehicle for the next IX Center Auto Show with a monster theme; won six (6) years in a row. The safety and security board went over the safety of the schools with police departments in attendance and having role playing on how

Reports of special committees:

Berea Board of Education Representative, McCorkle: cont.

to save lives. All police officers will now have a master keys and also a central command post; the safety and security board will have meetings every few months.

Technology & Innovation Council Representative, Dufour

Mr. Dufour reported next meeting will be March 13th.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Orcutt reported last night's Planning Commission juggled a lot of items from lead testing to rezoning, great job by both the Planning Commission and Board of Zoning Appeals. Packed house with residents speaking on several topics liked and not liked. The new neighborhood in the Snow Road, Pemberton Drive and Van Wert area will include the storm water management that is required but also a retention dry basin that will be utilized by residents on Parkman and Westbrook Drives. With the former BP gas station, the administration has met with Cross-America partners and have not been successful with the lifting of the deed restriction that is in effect until 2029. Trying to come up with an alternative plan and possible resolution for that blighted area on Smith and Snow Roads.

Questions:

Mr. Troyer stated ecstatic with the Pemberton Drive area now having two-garages for adequate parking, whole project has fallen into place.

Mayor Orcutt responded all homes will now face Pemberton and have adequate parking.

Mr. Dufour asked with the municipal campus flagpole will that be lit?

Mayor Orcutt concurred.

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

Law Director Horvath

Madam Horvath reported Active Civil litigation list does not have many cases, with no changes from last report. On March 11th the trial court will give a schedule for discovery, schedule conferences, pre-trial and trial with the Cleveland vs. Brook Park lawsuit, will be provided to Council and letters to affected residents. Congratulated Mr. Buckholz on his recent appointment, looking forward to working.

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

Recreation Center Program Coordinator Mendoza:

Madam Mendoza reported, as stated, the final basketball games will be played at the Berea-Midpark High School, thanked the Berea School District for allowing the players to play on the high-school courts. The next event is Spring into the Park to be held on March 23rd from 11:00 a.m. to 2:00 p.m., that will include candy, prizes, pictures with the Easter bunny and food trucks.

Finance Director McGann

Mr. McGann reported February month end report end of week. March 18th auditors on site for field-work of the 2023 audit. The Tax Department extended hours will be Tuesday, March 19th from 8:30 a.m. to 5:30 p.m.; Saturday March 23rd from 9:00 a.m. to 12:00 p.m.; Tuesday, March 26th from 8:30 a.m. to 5:30 p.m.; Tuesday April 9th 8:30 a.m. to 5:30 p.m.; Saturday April 13th 9:00 a.m. to 12:00 p.m.; Monday April 15th 8:30 a.m. to 5:30 or as long as necessary, to help tax filers.

Safety Director Sensel

Mr. Sensel welcomed and congratulated the three new police officers sworn in this morning.

Service Director Beyer

Mr. Beyer reported next week is bulk pickup on regular scheduled rubbish day. The yard is open on Saturdays from 9:00 a.m. to 1:00 p.m. and starting April 8th the yard will be open Monday through Friday from 8:00 a.m. to 7:00 p.m. and on Saturdays from 9:00 to 1:00 p.m. The first (1st) shred-it day will be Saturday, April 27th from 10:00 a.m. to 1:00 p.m. Met with a company called for the rejuvenation, binding and preservation of asphalt for preserving the asphalt of streets, for next year's budget. The installer for the Kennedy Park playground equipment will be out late April-early May. The 74 or 75 decorative trash cans, received from a grant, have been placed throughout the city's parks and playgrounds.

City Engineer Piatak

Mr. Piatak reported the (former) Brook Park Memorial School demolition project and Wedo Park project have been suspended until warmer weather.

Questions

Mr. Roberts asked Mr. Beyer as of 6:00 p.m. tonight no calls on flooding. What is the time frame for the environmental mats to be put out?

Mr. Beyer responded the department does have some environmental mats in stock and will be purchasing more. Would say will be put out next few weeks want temperatures to be 35-degrees or higher, no snow.

Questions to the directors: cont.

Mr. Roberts asked Mr. Piatak for an explanation of the dry retention basin on Wengler Drive opposed to the wet basin at Wedo Park?

Mr. Piatak responded there is not a whole lot of difference except for the dry basin having dirt above the ground and easier to maintain, such as Wengler Drive. With the Wedo Park wet basin there are aesthetic features that the Wengler Drive dry basin would not require.

Mr. Roberts asked Madam Horvath if there is anything illegal or unethical with speaking with the Mayor on issues related to the city?

Madam Horvath responded there is the Open Meetings Act with the meeting of four (4) Councilmembers is a public meeting. There is a good bit of law on serial meetings that not having four (4) members getting together in shifts. Would be perhaps more worried of deceptive serial meetings being conducted by email or text messages. There is 2016 case law that serial meetings cannot be done by email. Talking about legislative business and accessing the pros and cons of the legislative business and having a legislative result would be forbidden.

Mr. Mencini asked Mr. Piatak with the former City Hall demolition the sewer cleanouts were not kept; was that the same scenario with the recent Brook Park Memorial school demolition project?

Mr. Piatak responded some of the service connections were crushed and terminated and by design some were left in place for drainage. Am looking at adding another drainage area on the football field with this project.

Mr. Mencini stated to Mr. Sensel thank you for your assistance with two recent incidents.

Mr. Dufour asked Mr. McGann to explain the new E-file capabilities?

Mr. McGann responded the tax department has implemented the (tax) filing system on the city's website; can be accessed under the Tax Connect tab by login using the tax identification number mailed out.

Mr. Troyer asked Mr. Beyer if the rubbish cans in the city parks are the same as the ones outside the recreation center?

Mr. Beyer concurred.

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

New Legislation:

1. An Ordinance to provide for the Appropriations of the City of Brook Park, State of Ohio, for fiscal year ending December 31, 2024 and declaring an emergency. Introduced by Mayor Orcutt.

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

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

Mr. Salvatore stated that will appear under M-1 as Ordinance No. 11390-2024.

2. An Ordinance amending Ordinance No. 11342-2023, passed May 16, 2023 which authorized the Mayor to hire the law firm of 'Ulmer & Berne, LLP' to act as co-counsel with the law director, due to a name change of the firm to 'UB Greensfelder, LLP' and declaring an emergency. Introduced by Mayor Orcutt. Placed in Legislative committee.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

Moved by **motion** to beginning of meeting.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Lisa Scullin

6216 Sylvia Drive

Ms. Scullin asked for clarification of a statement made at the Caucus Prior meeting earlier this evening referencing a dictator; greatly upset as well as other statements mentioned on the dais comparing the city to Nazi, Germany. Owes an apology and should be removed from office. References made like that from an elected official is an embarrassment to this city.

Ray Peterlin

5811 Wengler Drive

Mr. Peterlin expressed concerns of the pool being closed 10 years where did the funding go if there's no maintenance. Tennis court lighting very expensive. Recent tear down of the former Brook Park Memorial School being well maintained and not approved for the value.

Lou Modic

14399 Fayette Blvd.

Mr. Modic thanked Mayor Orcutt and Economic Development Commissioner for attending senior club meeting earlier today with someone not being professional anything in Council rules.

Audience Participation: cont.

Liz Sayers

23065 Cedar Point Road

Ms. Sayers expressed concerns with the structural construction engineer of the recreation center and proof of the roof warranty.

Tim Chornak

6236 West 130th Street

Mr. Chornak thanked everyone who donated to the Brook Park Boosters February 17th Night at the Races, all donations offset this event; \$6,000.00 will be given for local scholarships. Brook Park Boosters annual golf outing at Creekwood will be on May 18th; proceeds will feed needy families in December. Thanked Mr. Sinclair for serving on the Planning Commission.

Motion by Mr. Dufour, supported by Mr. Roberts, to address audience.

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

NAYS: Unanimous.

Mr. Dufour asked Mr. McGann with the different cost-setters in the budget they show the energy usage.

Mr. McGann responded that would be the utility line-item.

Mr. Mencini responded to the remark of removing someone that is called an election of every two (2) or four (4) years. Boosters do a great job and always willing to help. Methodist Church is having a spaghetti dinner on March 23rd from 4:00 p.m. to 8:00 p.m. for a price of \$25.00.

Mr. Troyer stated in reference to Germany comment, the reference was not Germany in the 1940's and had nothing to do with the city had to do with the legislation; please stop gas lighting people.

Mayor Elliott stated with the comment about a structural engineer it is the intention to move forward to get a second opinion. On the estimated revenue page seven (7) (of the budget) there are monies in Fund 552 that will be put to use to move forward with the repairs to the (recreation center) roof and walls.

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

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

NAYS: Unanimous.

ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. Ordinance No. 11390-2024

AN ORDINANCE TO PROVIDE FOR THE APPROPRIATIONS OF THE CITY OF BROOK PARK, STATE OF OHIO, FOR FISCAL YEAR ENDING DECEMBER 31, 2024 AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Motion by Mr. Mencini, supported by Mr. Dufour, to amend Fund 500 - Legal Department by increasing \$100,000.00 to total \$452,278.97.

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

Mr. Salvatore stated Ordinance No. 113900-2024, has had its first reading, as amended.

Motion by Mr. Dufour, supported by Mr. Mencini, to call for a special Council meeting following next week's Caucus meeting, for second reading of Ord. No. 11390-2024.

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


SECOND READING OF ORDINANCES AND RESOLUTIONS:

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, Troyer, Scott, McCorkle, Poindexter, Dufour
NAYS: Unanimous.

Council President Salvatore declared this meeting adjourned at 8:37 p.m.

RESPECTFULLY SUBMITTED 
Carol Johnson
Clerk of Council

APPROVED March 20, 2024

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