

NOTICE
SPECIAL MEETING OF COUNCIL

Clerk's Office, Brook Park, Ohio

MARCH 22, 2024

TO: COUNCILMEMBERS TROYER, MENCINI, ROBERTS, SCOTT, DUFOUR, POINDEXTER, MCCORKLE, COUNCIL PRESIDENT SALVATORE AND MAYOR ORCUTT, LAW DIRECTOR HORVATH, AND FINANCE DIRECTOR MCGANN

YOU ARE HEREBY NOTIFIED THAT A SPECIAL MEETING OF COUNCIL
HAS BEEN CALLED FOR THE PURPOSE OF:

 COUNCIL MEETING

 XXX CAUCUS MEETING

 EXECUTIVE SESSION

 OTHER (Specify)

Such special meeting will accordingly be held on Tuesday the 26th day of March, 2024 AT 7:00P.M. at the place of holding regular meetings. (*Refer to Rules of Council, No. 4, if applicable.)

ROLL CALL OF MEMBERS:

PLEDGE OF ALLEGIANCE:

BOARD OF ZONING APPEALS COMMITTEE: CHAIRMAN, MENCINI

1. AN ORDINANCE AMENDING SECTION 1121.23(c)(1)(D)(1) OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED "U-3A BUSINESS DISTRICT", AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

LEGISLATIVE COMMITTEE: CHAIRMAN, SCOTT

1. AN ORDINANCE AMENDING SECTION 937.02(a) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'QUALIFICATIONS', AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. A RESOLUTION RECOGNIZING OUR HOMETOWN HEROES, OUR ACTIVE DUTY SERVICE MEMBERS AND MILITARY VETERANS WITH A BANNER PROGRAM, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

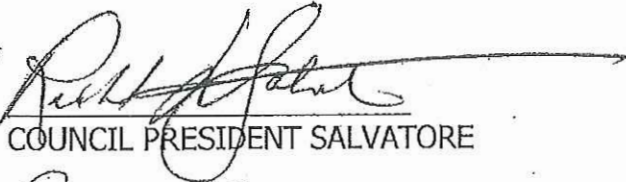
SAFETY COMMITTEE: CHAIRMAN, TROYER

1. AN ORDINANCE AMENDING SECTION 303.08(a)(10) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'IMPOUNDING OF VEHICLES; REDEMPTION', AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. AN ORDINANCE AMENDING SECTION 1513.04 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED "AMBULANCE TRANSPORT FEES", AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
3. AN ORDINANCE AMENDING SECTION 1507.04 OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED 'FALSE ALARMS', AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

SERVICE COMMITTEE: CHAIRMAN, ROBERTS

1. AN ORDINANCE AUTHORIZING THE INCLUSION OF ORNAMENTAL PATHWAY LIGHTS AND AN AERATING FOUNTAIN IN THE WEDO PARK STORM WATER BASIN PROJECT (CONTRACT 202211), AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING ("MOU") WITH LOCAL 860, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

ADJOURNMENT


COUNCIL PRESIDENT SALVATORE


Clerk of Council

**SPECIAL COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, MARCH 26, 2024**

The meeting was called to order by Council President Salvatore at 7:00 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, Assistant Law Director Sackett, Finance Director McGann, Engineer Piatak, Service Director Beyer and Safety Director Sensel.

BOARD OF ZONING APPEALS - CHAIRMAN, MENCINI:

1. AN ORDINANCE AMENDING SECTION 1121.23(c)(1)(D)(1) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'U-3A BUSINESS DISTRICT; AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated with the moratorium on smoke shops a team was put together to review the zoning with new vapes and smoke shops, which was a concern of the residents. Amending 1121.23 to add letter D - Vape Shop/Smoke Shop to read 'Any business whose principal product line for retail sale is alternative nicotine; nicotine products; smoking paraphernalia; vape juice or any combination of the above listed items'. The verbiage continues to describes in length the heating sources; power sources and vape juice meaning as well as nicotine products and smoking paraphernalia listed in Brook Park Codified Section 513.12. Continues number two (2) through six 6.

Mr. Sackett stated to understand the law of vape-ness that is very vague and this is to have a very itemized detail of what a vape shop is.

Mr. Salvatore stated on number six (6) that vape shops/smoke shops shall not exceed one per every ten-thousand (10,000) or portion thereof of the population of the city. How many vape shops are located in the city currently?

Mayor Orcutt responded the city didn't have any restrictions on a smoke shop in a retail area or anywhere else in the city; this identifies what a smoke shop is.

Mr. Sensel stated the ones located in the city will be okay, going forward.

Mr. Mencini clarified that includes the four (4) shops already in the city?

Mayor Orcutt stated there were no restrictions so the Building Department could not do anything; this establishes the guidelines and parameters.

Board of Zoning Appeals - Chairman, Mencini: cont.

Mr. Salvatore continued how will the current vape shops/smoke shops be established or does this affect only new establishments?

Mr. Sackett responded there was a moratorium in place restricting businesses to come into the city. These types of businesses currently in the city would be grandfathered in and this new matter would only apply to new businesses coming in after May 17th when the moratorium ends.

Mayor Orcutt commented since the moratorium was put in place no new smoke shops have moved into the city.

Mr. Troyer stated glad to see this before the moratorium ending and don't want to stifle competition, some residents do this. Need to have a handle on this and the question to Mr. Sackett is with number six (6) Vape shops/smoke shops shall not exceed one per every ten-thousand (10,000) why the words 'a portion thereof'?

Mr. Sackett stated looking at other cities legislation i.e. Lakewood, Medina that number of 10,000 was included, think it should be left in.

Mr. Mencini stated to Mr. Troyer people do this but what I see is children vaping. Question to Mr. Sackett can this or will this be challenged?

Mr. Sackett responded that question was visited more than once and am confident this is an appropriate form of government and will hold up in court.

Motion by Mr. Dufour, supported by Mr. McCorkle, to place on the April 2nd Council agenda.

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

LEGISLATIVE COMMITTEE - CHAIRMAN, SCOTT:

1. AN ORDINANCE AMENDING SECTION 937.02(a) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'QUALIFICATIONS' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. (Senior Services)

Mayor Orcutt stated this would be amended to include the parameter 'Is at least seventy (70) years-of-age by April 30th for grass-cutting and November 14th for snow-removal.

Mr. Dufour asked is there any specific reason for these dates; is this for seasonal?

Mayor Orcutt responded the cut-off dates are when the programs begin, there is a total of 18 cuts that is being shared between the resident and city.

Legislative Committee - Chairman, Scott: cont.

Mr. Troyer asked Mayor Orcutt residents can sign-up at age 69 and must be age 70 when the season starts?

Mayor Orcutt concurred.

Mr. Mencini stated must have guidelines and rules, this is a start.

Mr. Troyer asked Mayor Orcutt people can sign up at age 69; but must be age 70 when the season begins?

Mayor Orcutt concurred, can apply at age 69. These are some of the issues that come up by residents and all this does is define who is eligible for these program and eligibility timeline.

Mr. Poindexter stated would prefer to see this extended to 70 years-old to the end of the season, instead of beginning.

Mayor Orcutt agreed and stated would like to expand this program and lower the age but by making those changes throws off the common denominator, cost of the program. With the money appropriated and paid-out for the program the city is at the \$230,000.00 threshold and changing a little bit could throw off by possibly \$30,000.00 or \$50,000.00.

Mr. Poindexter stated like the idea of residents may not qualify for grass-cutting but can still qualify for snow-plowing.

Mr. Troyer stated would make the age 70 as of January 1st to get the programs for the whole year, look at in the future.

Motion by Mr. Troyer, supported by Mr. Mencini, to move to April 2nd Council agenda, first reading.

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

NAYS: Unanimous.

2. A RESOLUTION RECOGNIZING OUR HOMETOWN HEROES, OUR ACTIVE DUTY SERVICE MEMBERS AND MILITARY VETERANS WITH A BANNER PROGRAM AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt and C/W.

Mayor Orcutt stated other communities have banners for military persons that pays a fee for the banner. Banners will be displayed along Smith Road, Snow Road, Sheldon Road and Sylvia Drive being displayed from Memorial Day

Legislative Committee - Chairman, Scott: cont.

to Veterans Day and the fee paid will cover a two-year display period and maintained by the Brook Park service department crews.

Mr. Poindexter stated nice touch to honor those who have served and are serving.

Mr. Dufour stated brings the sense of home to a community. Is the cost known for these banners?

Mayor Orcutt responded the price is over \$200.00 and the program as is now, most likely, will be \$300.00 for participation of two (2) years. The program will be administered through City Hall receptionist and service department dispatcher.

Mr. McCorkle stated all for this program, great for the city.

Mr. Troyer stated great idea and in support of this program.

Mr. Poindexter asked Mayor Orcutt program the intention is to start this year?

Mayor Orcutt concurred.

Mr. Poindexter continued will people be able to pick the pole (location)?

Mayor Orcutt responded don't see that to be a problem.

Motion by Mr. Troyer, supported by Mr. Roberts, to place on April 2nd Council agenda.

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

SAFETY COMMITTEE - CHAIRMAN, TROYER:

1. AN ORDINANCE AMENDING SECTION 303.08(a)(10) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'IMPOUNDING OF VEHICLES; REDEMPTION' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt and C/W.

Mayor Orcutt stated this speaks about towing of vehicles.

Mr. Sackett stated number ten (10) the way this reads now is very vague needed to be reworded. The amendment will be consisting of vehicles parked on public roadways and have two (2) or more parking violations, to make more specific.

Mr. Mencini stated in favor of this as long as enforced

Safety Committee - Chairman, Troyer: cont.

Mr. Dufour stated police officer sees a car on street at night is there an extinction in the system, showing paid?

Mr. Sensel concurred.

Mr. Dufour will this be applicable with a traffic stop or meant to be for no operator in the vehicle?

Mr. Sackett responded legislation states observed to be parked on public roadway, would not be for a car pulled over for a violation.

Mr. Roberts stated like the piece dealt with a problem like this last summer in Ward 3 and residents asking why can't the car be towed?

Mr. Poindexter stated let's say a vehicle is parked on the street on Monday with a ticket issued; parked in the driveway a few days, parked back on the street with second ticket issued, both tickets are not paid. Would that be the same scenario when a third ticket is issued?

Mr. Sackett responded the simple approach is take responsible steps and pay the ticket, there is no excuse. Legislative body is saying two (2) tickets are the limit.

Mr. Dufour to Mr. Sackett the language way it reads now says 'has failed to respond to such citation tags as lawfully required' is being changed to read 'has failed to pay, in full, all of the applicable fees and costs due to the City of Brook Park'. Would assume 'failed to pay' means it's late, correct?

Mr. Sackett responded some people understand the \$10.00 payment and once it goes to \$50.00 that's when the calls start. Reason for in full some people try to haggle way out of it and keeps parking on the street, more a civil then criminal.

Mr. Dufour asked is there a preference of the change 'failed to respond' to 'failed to pay'?

Mr. Sackett responded people come in to pay the \$10.00 and the fine is now \$50.00 and they don't want to pay the extra \$40.00, that's the reason for 'in full'.

Mr. Dufour asked Mr. Sackett is there any advantage of adding language implying the ticket is overdue, or is failed to pay enough?

Mr. Sackett responded on the back of the parking ticket there is an itemized listing of the costs.

Safety Committee - Chairman, Troyer: cont.

Mr. Sensel stated to Mr. Poindexter there is a process involved with this and people get 30-days to pay.

Mayor Orcutt reiterated there is a timeline for the \$10.00 ticket before being put into the system.

Mr. Sackett commented speaking with the Clerk of Courts this is a significant issue with \$10,000.00 not being paid for parking tickets.

Mayor Orcutt publicly thanked the two employees in Mayor's Court for collecting monies for outstanding tickets not paid in past years.

Mr. Troyer stated to Mr. Sensel with the new language 'observed to be parked on the public roadways' does that limit the city now; before it was anywhere. Will that limit the city to public roadways instead of front lawns or other various places that aren't public roadways?

Mr. Sensel responded would have to follow the ordinance as written, public roadway.

Mr. Troyer asked Mr. Sensel are there other areas that address front lawns?

Mr. Sensel responded there are other areas that address front lawn parking and things of that nature.

Mr. Sackett concurred there are nine (9) other sections that address those matters.

Motion by Mr. Mencini, supported by Mr. Roberts, to place on the April 2nd Council agenda.

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

2. AN ORDINANCE AMENDING SECTION 1513.04 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'AMBULANCE TRANSPORT FEES' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated these fees have not been looked at since 2012.

Mr. Sensel responded as stated these fees have not been changed in over 12 years and this legislation will bring the fees current to the present day.

Safety Committee - Chairman, Troyer: cont.

Motion by Mr. Mencini, supported by Mr. Roberts, to place on the April 2nd Council agenda.

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

3. AN ORDINANCE AMENDING SECTION 1507.04 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'FALSE ALARMS' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this is to increase the fees on false alarms that the safety forces respond to. Would like to ask Council to amend throughout the legislation where it reads fire department to insert /police department, due to police officers, most likely, being the first responders.

Motion by Mr. Poindexter, supported by Mr. Roberts, to amend legislation throughout to read fire/police departments.

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

Mr. Sensel stated the police department responded to false alarms in 2021 - 129; 2022 - 163 and 2023 - 170. There was one (1) business the police department responded to 20 times in one (1) evening, due to a faulty alarm system.

Mr. Mencini concurred hearing about the business on Holland Road with the faulty alarm. This would be for property, business and residents?

Mr. Sensel concurred.

Mr. Dufour asked Mr. Sensel for a breakdown of businesses and residents?

Mr. Sensel will get information.

Mr. Dufour continued some seniors have alarms and may trip them, wouldn't like seniors getting charged.

Mr. Sensel responded most likely, the police department will assist with the alarm at no charge.

Motion by Mr. Mencini, supported by Mr. Roberts, to move to April 2nd Council agenda, first reading.

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

SERVICE COMMITTEE - CHAIRMAN, ROBERTS:

1. AN ORDINANCE AUTHORIZING THE INCLUSION OF ORNAMENTAL PATHWAY LIGHTS AND AERATING FOUNTAIN IN THE WEDO PARK STORM WATER BASIN PROJECT (CONTRACT 202211) AND DECLARING AN EMERGENCY.

Introduced by Mayor Orcutt and C/W.

Mayor Orcutt stated ongoing project for Wedo retention basin there will be a nature park and walking path with more work with landscaping, trees and shrubs. Contingency monies were built into this with the engineer knowing what needs to be paid out and what contingency monies are left over.

Mr. Piatak stated when the contract documents were awarded to Independence Excavating there were not provisions for lighting around the walking trail or an aerating fountain. The lighting around the walking trail would provide safety and aesthetics. The aerating fountain would provide aesthetics and water quality management during the summer months, stagnant water. Negotiating with Independence Excavating the inclusion of additional work for electric service of a two (2) horse-power aerating fountain and 12 LED light posts can be covered within the original contract and contingency monies, with no change orders.

Mr. Troyer asked Mr. Piatak the fountain will float, not run dry?

Mr. Piatak responded the fountain depth is five-feet and the minimum depth of the fountain is two-feet, don't see any reason for a float. The service department will remove the pump prior to the winter months.

Mr. Troyer continued the landscaping is already paid for?

Mr. Piatak responded original contract documents included provisions for top-soil, seed, mulch and a number of landscaping items to be utilized. Excavation process a number of large boulders were found and the city plans to utilize around the site, to enhance some of the features and aesthetics.

Motion by Mr. Mencini, supported by Mr. Dufour, to move to April 2nd Council agenda.

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

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING ('MOU') WITH LOCAL 860 AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. (Service Employees)

Service Committee - Chairman, Roberts: cont.

Mayor Orcutt stated the first (1st) Memorandum of Understanding (MOU) adds another classification of Trade-Craft 2.0; giving the opportunity for employees specialized in electrical, concrete, etc. to be able to move up with an increase in pay. The second MOU includes the wage increases for the three-year contract; in 2024 - 3.25%; 2025 - 3.25% and 2026 - 3% and recognition of Juneteenth.

Mr. Poindexter asked Mayor Orcutt when did the trade-craft discussion take place?

Mayor Orcutt responded in an executive session with a bullet point list being provided.

Mr. Poindexter continued what are the qualifications to be able to move up to next level?

Mr. Beyer responded the qualifications would be with the certification someone must carry; i.e. setting up the job and seeing it from start to finish. More responsibility not so much of a foreman...

Mr. Poindexter interjected but a lead guy. How many trade-crafts are there or can anybody move up to 2.0?

Mayor Orcutt responded that is limited to the appropriations, can't overspend. Some laborers are getting certifications on their own time to save the city money. With electrical work being done in-house that saves the city time and money. Same with concrete that used to be contracted out by utilizing city personnel that is a savings to the city.

Mr. Poindexter expressed concerned with trade classifications moving up the other unions wanting 'me-too'.

Mayor Orcutt stated there may be three (3) people moving up.

Mr. Poindexter questioned can an employee be moved down to a lower level or stay at 2.0 for the rest of their career?

Mayor Orcutt responded there was one employee request to be moved down and with those additional monies four (4) people were promoted to trade-craft. The city has expanded their operations with having lead guys on different projects in the city.

Service Committee - Chairman, Roberts: cont.

Mr. Mencini stated to Mayor Orcutt concur with service employees doing a great job with in-house projects and city services. Should look at hiring of people at the service garage for retirement purposes.

Mayor Orcutt stated the human resources commissioner has a list of applicants that want to come and work for the City of Brook Park, when retirements come forth.

Mr. Dufour stated to Mayor Orcutt the fourth paragraph of the MOU includes the job description of the 2.0 position, is that done?

Mr. Beyer responded that has been created and was a request of the union.

Mr. Troyer asked if Council will have the job description prior to next week's meeting?

Mr. Beyer responded see no problem with getting that to Council.

Mr. Troyer asked how many trade-craftsmen does the department have now?

Mr. Beyer responded five (5) trade-craftsmen.

Mr. Troyer asked how many when this takes affect?

Mr. Beyer responded would have to assess every employee.

Mayor Orcutt interjected the city wants the highest efficiency and wouldn't take an HMO Light (classification) that has certifications be bumped up; would have to assess every employee.

Mr. Troyer asked what is the maximum number of trade-craft 2.0?

Mayor Orcutt responded from assessing jobs, watching projects and being hands-on with what goes on in the city; am very pleased with service department operations. There are possibly two (2) or three (3) extremely talented service employees that could be put into those projects. The service director does a great job and would leave that decision to him.

Mr. Troyer asked Mr. Beyer if there are any state certified electricians or plumbers in the department?

Mr. Beyer responded yes, one (1) certified electrician and one (1) certified plumber.

Motion by Mr. Dufour, supported by Mr. Mencini, to place on the April 2nd Council agenda, under letter M - first reading.

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

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

RESPECTFULLY SUBMITTED



Carol Johnson
Clerk of Council

APPROVED April 16, 2024

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