

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, APRIL 7, 2026
7:00 P.M.**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III. DISCUSSION:

1. DEPARTMENT OF LIQUOR CONTROL PERMIT PHOENIX HOOKAH LOUNGE LLC, 17021 BROOKPARK RD D-1 NEW 06896237-1 POSTMARK DATE: 03/26/2026. **Moved from Regular Caucus Meeting 03/10/2026- Extension Requested 03/16/2026- New Postmark date: 04/25/2026 - PER COUNCIL PRESIDENT SALVATORE.**

2. AUTHORIZING THE CITY'S PARTICIPATION IN A PUBLIC PROJECT AND ABILITY TO ACCEPT OWNERSHIP OF THE PUBLIC PROJECT UPON COMPLETION; AUTHORIZING THE EXECUTION AND DELIVERY OF A PRE-DEVELOPMENT AGREEMENT IN CONNECTION WITH THE PUBLIC PROJECT; AUTHORIZING THE EXECUTION AND DELIVERY OF EXEMPTION CERTIFICATES EVIDENCING ENTITLEMENT TO AN EXEMPTION FROM SALES AND USE TAXES ON CERTAIN PURCHASES OF BUILDING AND CONSTRUCTION MATERIALS TO BE INCORPORATED INTO THE PUBLIC PROJECT; AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. – PER COUNCIL PRESIDENT SALVATORE.

IV. SERVICE COMMITTEE- CHAIRMAN, COUNCILMAN GONZALEZ

1. AN ORDINANCE AMENDING CHAPTER 1361 OF THE CODIFIED ORDINANCES OF THE CITY OF BROOK PARK TO ADD SECTION 1361.041, BULK WASTE SET-OUT RESTRICTIONS, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

V. ADJOURNMENT

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, APRIL 7, 2026**

The meeting was called to order by Council President Salvatore at 7:00 p.m., the clerk called the roll and the following Members answered:

DUFOUR, GONZALEZ, POINDEXTER, ROBERTS, MENCINI, McCORKLE, SCOTT

Also in attendance were Mayor Orcutt, Law Director Horvath, Finance Director McGann, Recreation Director Wetmore and Service Director Beyer.

DISCUSSION:

1. DEPARTMENT OF LIQUOR CONTROL PERMIT - PHOENIX HOOKAH LOUNGE, LLC, 17021 BROOKPARK ROAD, D-1 NEW 06896237.
Postmark date: 03/26/2026. **Note:** Moved from Regular Caucus Meeting 3/10/26 - extension requested 3/16/26 - new postmark date 4/25/26.

Madam Horvath thanked Council for the extended time and stated was able to speak with Business Operator, Matt Osbourne regarding a request for a second (2nd) license and what is happening. Mr. Osbourne explained the operation of the business and by having an additional license for beer would enhance the business, making comparable to similar businesses in the area i.e. Sky Lounge and Arabica. See no problems with this additional license for approval.

Motion by Mr. Poindexter, supported by Mr. Dufour, discussed.

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

Discussion:

1. AN ORDINANCE AUTHORIZING THE CITY'S PARTICIPATION IN A PUBLIC PROJECT AND ABILITY TO ACCEPT OWNERSHIP OF THE PUBLIC PROJECT UPON COMPLETION; AUTHORIZING THE EXECUTION AND DELIVERY OF A PRE-DEVELOPMENT AGREEMENT IN CONNECTION WITH THE PUBLIC PROJECT; AUTHORIZING THE EXECUTION AND DELIVERY OF EXEMPTION CERTIFICATES EVIDENCING ENTITLEMENT TO AN EXEMPTION FROM SALES AND USE TAXES ON CERTAIN PURCHASE OF BUILDING AND CONSTRUCTION MATERIALS TO BE INCORPORATED INTO THE PUBLIC PROJECT AND DECLARING AN EMERGENCY.
Introduced by Mayor Orcutt.

Mayor Orcutt stated Mr. Mullins of Bricker-Graydon and Wyatt, LLP (outside legal counsel) is in attendance to answer any legal questions on this legislation. This is a pre-development agreement, not final, for the proposed domed stadium project. Exhibit A provides the legal description of the 174,989 acres of land and exhibit B is pre-development agreement. This is a very unique, original agreement since city personnel were unable to find any documentation of a domed stadium for a national football (NFL) with \$24.8 million-dollars being used for startup fees. Organizations

Discussion: cont.

Also assisting in this pre-development agreement included Haslam Sports Group (HSG) and Thompson-Hines legal counsel; will be followed with a final development agreement. This pre-development agreement waives city permit fees since they will be paid through the \$24.8 million-dollars included in this pre-development agreement; as well as a sales tax exemption for some of the materials need to build this domed stadium, very typical for large projects. In lieu, of the permit fees and sales tax exemption HSG will pay the city \$24.8 million-dollars.

Matthew Mullins
Bricker-Graydon and Wyatt law firm
1100 Superior Avenue
Cleveland, OH

Mr. Mullins stated HSG has requested an amendment on page nine (9) to add a number 11 - wanted a fallback approved for the transfer of the site upon completion, due to paying \$75 million-dollars for the site.

Mayor Orcutt stated it is the administration objective to work with the developer to create a new Community Authority. The second amendment on page 12 speaks to the city receiving payment of the \$24,800,000.00 as follows: Initial payment of \$1,800,000.00 upon execution of this agreement; starting May 1st, if legislation is passed, there will be eight (8) monthly installments of \$250,000.00 to the City of Brook Park; beginning January, 2027 there will be 12 monthly installments of \$750,000.00, to the City of Brook Park and starting in January, 2029 there will be six (6) monthly installments of \$1 million-dollars. The city will be working to achieve an agreement of more than 30-years to make this a successful venture for all involved.

Mr. Mencini asked with the waiving of permit fees and sales tax exemption the city will not lose any income taxes?

Mayor Orcutt responded the permit fees are not being waived they are included in the \$24.8 million-dollars. There will be necessary personnel, equipment i.e. cameras, safety vehicles, sidewalks, infrastructure to rebuild sidewalk system on Engle Road, north of Hummel Road and Brookpark Road.

Mr. Mencini stated will there be a city town hall meeting for residents?

Mayor Orcutt responded feel comfortable with this legislation with the waiving of the permit fees, the sales tax exemption and the city receiving \$24.8 million-dollars for this project. When the city gets to the development agreement public hearings will be held.

Discussion; cont.

Mr. Poindexter asked the legislation references the NCA and have had discussions about what that will look like, as of current what will that look like?

Mayor Orcutt responded those are things being negotiated and will have an Executive Session for discussions of topics.

Mr. Poindexter continued this legislation raises the possibility of an NCA not formed; city takes ownership. What would that look like?

Mayor Orcutt responded the intention of the administration is to not have the city own the stadium and lease out.

Mr. Mullins stated according to Ohio Revised Code 573.39 (B) (13) describes who can issue tax exemptions and an entity owning a project, upon completion. The city has a path to ownership through this pre-development agreement which allows exemption but ideally the city also has the rights to assign ownership to NCA.

Mr. Poindexter stated once site is constructed the NCA or city whatever, upon completion, would then take ownership. Would the NCA handle day-to-day operations or be the overseer and entity for that property.

Mayor Orcutt responded the intention is for a lease and an operator.

Mr. Poindexter asked the operator would be through STADCO?

Mayor Orcutt responded looking to have an agreement with a lease and operators.

Mr. Poindexter continued my concerns extend don't know a lot about the NCA and want to make sure city doesn't sign something now and pay for later.

Mayor Orcutt responded the one (1) thing Council has is the ability to approve or disapprove and I, as Mayor, will not bring something detrimental to this community. Essentially, this is what is fair to optimize to this point and introduce the final development agreement to the public; just setting some parameters to make sure everyone is onboard.

Mr. Poindexter commented like the fact that the city is getting permits paid upfront and utilize the money upfront to build out city services.

Mayor Orcutt speaking about permit fees are is the city charges one-percent (1%) for the contract. Using square numbers, since not known for sure; let's say with this project there are \$2 million-dollars of contracts. The building commissioner then assesses a one-percent (1%) fee for inspections or \$20 million-dollars. Per state law

Discussion: cont.

fees can only be assessed for actual materials used; inspections made and planned review/inspections by architects. The city would be nowhere near that \$20 million-dollars, so in lieu, of everything. That \$24.8 million-dollars will cover those fees; necessary capital needed as well as extra operational cost of additional personnel.

Mr. Gonzalez asked with the sales tax exemption is that just a certificate that gets extended to STADCO using the City of Brook Park's name for tax exemption. Or will the city be buying the materials for sales tax exemption?

Mayor Orcutt mentioned there is a time-limit of 24 months and deferred to Mr. Mullins.

Mr. Mullins responded a temporary exemption certificate will be issued and the pre-development agreement states how long the exemptions are good for. Then ideally the NCA will step in to move forward, the city will not be signing for purchases. Also, stated in the pre-development agreement is fully indemnified for sales tax; so if there is discretions of sales tax owed or certificates possibly not used properly the city is not liable.

Mr. Dufour commented like how this is coming together but one thing being helpful is seeing the pieces coming together. There is a lot of things going on are these intended to land at the same time; or is there a time line to execute these things, to run smoothly?

Mayor Orcutt stated this has been a lot of meetings and time and bringing to City Council and are very close. As stated before this must be a good revenue stream for the city and want to make sure the development agreement is positive for the City of Brook Park.

Mr. Dufour stated in one (1) section of the legislation it is mentioned the city take ownership by December 29th or the NCA or separate vehicle. Is that something that is being looked at to be created?

Mr. Mullins responded that is a catch-all affirmation.

Motion by Mr. Roberts, supported by Mr. Mencini, to place under letter M on Council agenda following.

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

Mr. Salvatore stated that will appear under M-2 as Ordinance No. 11528-2026.

SERVICE COMMITTEE – CHAIRMAN, GONZALEZ:

1. AN ORDINANCE AMENDING CHAPTER 1361 OF THE CODIFIED ORDINANCES OF THE CITY OF BROOK PARK TO ADD SECTION 1361.041 'BULK WASTE SET-OUT RESTRICTIONS' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated the city does not have major issues with bulk items but have repeat offenders, with no care to the community, and receive notices. Service department crews then have to clean up the nuisance with the rear-loader that gives a bad look to the community. The city does not have the authority to issue citations for those offenders so included in this legislation in section one (1) letter d, second sentence includes the words 'without prior warning'. This gives the building commissioner and property maintenance inspector to write citations.

Mr. Mencini stated want to be certain new residents moving in don't get cited, service crews know who is doing this and don't want to see new residents get cited.

Mayor Orcutt responded the intent is to not write citations because some areas there are several tenants moving in and out i.e. apartment buildings. This is for the habitual and strongly believe that until something is enforced the nuisance will continue to occur.

Motion by Mr. Poindexter, supported by Mr. McCorkle, to place under letter M Council agenda following.

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

Mr. Salvatore stated that will appear under M-2 as Ordinance No. 11529-20265.

There being no further business to come before this meeting a **motion** by Mr. Mencini, supported by Mr. McCorkle, to adjourn. Members of Council voted AYE with no NAY votes.

Council President Salvatore declared this meeting adjourned at 8:44 p.m.

RESPECTFULLY SUBMITTED


Carol Johnson
Clerk of Council

APPROVED May 6, 2026

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