

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JUNE 4, 2024**

- A. ROLL CALL OF MEMBERS**
- B. PLEDGE OF ALLEGIANCE:**
- C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:**
- D. REPORTS OF STANDING COMMITTEES:**
 - Aviation & Environmental Committee - Dufour
 - Board of Zoning Appeals - Mencini
 - Finance Committee - Scott
 - Legislative Committee - Scott
 - Parks & Recreation Committee - Scott
 - Planning Committee - Poindexter
 - Safety Committee - Troyer
 - Service Committee - Roberts
- 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:**
- L. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**
- M. ORDINANCES AND RESOLUTIONS: (FIRST READING):**

N. SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 11413-2024
AN ORDINANCE AMENDING SECTION 351.99 (a) OF THE BROOK PARK
CODIFIED ORDINANCES ENTITLED 'PENALTY' AND DECLARING AN
EMERGENCY. Introduced by Mayor Orcutt.

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, JUNE 4, 2024**

The meeting was called to order by Council President Salvatore at 7:51 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, Recreation Director Wetmore, Safety Director Sensel, Service Director Beyer and Engineer Piatak.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee - Dufour

No report.

Board of Zoning Appeals - Mencini

No report.

Finance Committee - Scott

Mr. Scott reported the Board of Control met on May 22nd with 16 items on the agenda; the three (3) largest being Crossroads Asphalt Recycling General Pavement Services - \$380,563.26; Independence Excavating for Wedo Park - \$74,200.00 and new windows and doors building department - \$46,325.00. The Board of Control met on June 4th with six (6) items on the agenda; three largest being Crossroads Asphalt & Recycling for Saylor Drive, Park Drive and Delores Blvd. - \$297,866.91; Crossroads Asphalt & Recycling for Doris and Robert Drives - \$286,347.17 and Independence Excavating for Wedo Park Storm Basin Project - \$133,642.30.

Legislative Committee - Scott

Mr. Scott reported Legislative committee has one (1) item on the agenda.

Parks & Recreation - McCorkle

Mr. McCorkle reported softball/baseball started last week good turnout; pictures are on Saturday, June 15th at the recreation center. Also, on June 15th at 12:00 noon the winter/spring teams will be honored for winning championships. June 21st at 6:00 p.m. will be Party with the Princesses. Next meeting is June 19th at 7:00 p.m.

Planning Committee - Poindexter

No report.

Safety Committee - Troyer

No report but stated that two (2) gentlemen spoke at the Seniors Club meeting this morning about the Red Alert and Scam Squad information.

Service Committee - Roberts

Mr. Roberts reported Service Committee has two (2) items on agenda.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini

Mr. Mencini reported Southwest General offers many services to name a few: Virtual online care through the website; behavioral health; cancer care; diabetic and vascular pain management; home health; radiology & digital imaging and in-patient and out-patient. Southwest General also has a great working relationship University Hospital that helps provide active patient care and includes Rainbow Children's Hospital and Macdonald's Women Hospital.

Berea Board of Education Representative, McCorkle.

Mr. McCorkle reminded school is out so watch out for children and the next meeting will be on June 10th.

Technology & Innovation Council Representative, Dufour

No report.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Orcutt sent out thoughts and prayers to the family of the three-year old child on the most recent tragic incident, in North Olmsted. On June 8th the city will be hosting the second (2nd) annual 5K race or walk, in conjunction with the Ohio Army National Guard. Following will be the annual Picnic in the Park in collaboration with American Legion Post 610. On June 14th the first Rock in the Park will be held at the amphitheater from 6:00 p.m. to 10:00 p.m. at the amphitheater. The city had a very successful roads program, to date, that included Robert Drive, Doris Drive, Park Drive, Saylor Drive and the recreation center parking lot. With the balance of over \$607,000.00 legislation will be introduced this evening for Phase II that will include Robert Drive south of Snow Road; Burton Drive; Claudia Drive; Carol Drive; Middlebrook Blvd. to East Park (retirement home); Fry Road from Snow Road to Hummel Road and all of Remora Blvd.

Questions:

Mr. Poindexter stated that calls have been received about the former BP gas station (Snow Road & Smith Road) that apartments will be put there or a retention pond, asked for clarification.

Mayor Orcutt responded that road is being used to bring in topsoil for seeding.

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS, AND OTHER PUBLIC OFFICIALS:**Law Director Horvath

Madam Horvath reported there are few changes with the Active Civil litigation list: With the Ohio Opioid settlement case the city may be getting more money the deadline date to apply is August 12, 2024, nice to see some movement on this since it has been on the list for a while. The Workmen Compensation case appeal of John Bernath vs. City of Brook Park the plaintiff has dismissed his appeal on May 6th. There are two (2) new cases: First (1st) being a foreclosure that the city answered to with taxes due to the city. The second case is Wagner vs City of Brook Park that is Workmen's Compensation administrative appeal case.

Recreation Director Wetmore

Mr. Wetmore reported the water park opened yesterday and was very well attended today with the nice weather. This Saturday, June 8th, the 5K race and picnic in the park will be held. The first (1st) event will be the kids run followed by the 5K race beginning at 10:00 a.m. The Picnic in the Park will follow the race with hamburgers, hot dogs, music, inflatables and games. Thanked American Legion Post #610 and Army National Guard for helping with these events. The first (1st) movie will be June 28th as well as Home Days from July 12th through 14th. The Concert in the Park will be on June 14th with inflatables, food trucks and beer tents with Medusa and Closer to Home being the bands. A few new summer programs will be Adult & Youth Pickleball lessons and youth tennis lessons; taking place at the newly renovated outdoor Pickleball and tennis courts.

Finance Director McGann

Mr. McGann reported the May month-end reports will be posted on the website, tomorrow.

Safety Director Sensel

Mr. Sensel welcomed a new police officer to the police department.

Service Director Beyer

Mr. Beyer reported the newly renovated Kennedy Park playground is open and service crews poured concrete around the bathrooms and walkway, ask to stay off perimeter so the grass can come in. The tennis court fence is painted black and the company crack-sealed the concrete and hopes to have new color painted next week, weather permitting. Next week is bulk pickup on regular rubbish day and service department continues to stay open Monday through Friday from 8:00 a.m. to 7:00 p.m. and Saturdays from 9:00 a.m. to 1:00 p.m., for rubbish and yard waste drop off.

Engineer Piatak

Mr. Piatak reported that topsoil and grading at the former Brook Park Memorial School (BPM) should be finished this week followed up with seeding and mulching. A yard drain was installed at the north end of the football field to address standing water. With the Wedo basin grass is growing and the light poles are scheduled to be delivered on June 17th for the contractor to install. This past Friday Northeast Ohio Sewer District were touring cities' sewer basins in the Cities of Parma, Parma

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

Engineer Piatak: cont.

Hts., Middleburg Hts. and stopped at Wedo Park and gave compliments on how the basin was done. With the Sheldon Road Resurfacing Project, between Engle Road and Smith Road, a pre-construction meeting was held and work is scheduled to begin the week of July 18th. The contractor informed the city that they will be over there milling, patching and other finer operations. Two (2) weeks into the project the detour will be instituted with eastbound lane of Sheldon Road being maintained and westbound lane being closed. The project has a deadline date of December, 2024 but the contractor is hoping to have the project done before Thanksgiving, 2024.

Questions:

Mr. Troyer asked Mr. Piatak with the Sheldon Road it seems a long time for the project; what is the scope?

Mr. Piatak responded there is some work with maps; full and partial depth repairs and drainage structures that need to be rebuilt. The county is the lead on this project and establishes the timeframe, never know with the weather.

Mr. Troyer to Mr. Sensel have received nasty emails about the former Circle K and Smoke shop (Engle Road) having illegal signs. A Councilmember is not allowed to tell them to remove the signs, correct?

Mr. Sensel responded correct.

Mr. Troyer continued were those establishments cited or warned?

Mr. Sensel responded have not received any information if you forward the issues will be taken care of.

Mr. Troyer continued also the car wash on Snow Road has signs on the tree lawn that is illegal in a public right-of-way.

Mr. Sensel responded will check with building department personnel and provide an answer.

Mr. Troyer asked Mr. Sensel for an update on the violations on the west end?

Mr. Sensel responded there have been several visits; letters are being mailed out and citations are being issued.

Questions to the directors: cont.

Mr. Scott to Mr. Beyer thank the service crews for Kennedy Park, grandson loves the new park. Many compliments with the work done and the field.

Mr. Dufour echoed Mr. Scott's comments about Kennedy Park son loves the zip-line my personal favorite is the pirate ship.

OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL

APPROVAL: (INTRODUCTION OF NEW LEGISLATION):

New Legislation:

1. An Ordinance authorizing the finance director to transfer funds to specified funds and declaring an emergency. Introduced by Mayor Orcutt. Finance committee.
2. An Ordinance amending Ordinance No. 11390-2024, the equipment and general pavement services program and declaring an emergency. Introduced by Mayor Orcutt. Service committee.
3. An Ordinance amending Ordinance No. 11390-2024 to include Burton Drive, Claudia Drive, Robert Drive from Sylvia Drive to Cynthia Drive, Carol Drive, Fry Road from Snow Road to Hummel Road and Remora Boulevard to the General Pavement Services Program and declaring an emergency. Introduced by Mayor Orcutt. Service committee.
4. An Ordinance adding to certain sections to chapter 1121 of the Brook Park Codified Ordinances entitled 'Listing of restricted uses for each district' and declaring an emergency. Introduced by Mayor Orcutt. Planning committee.
5. An Ordinance amending section 1507.04 of the Brook Park codified ordinances entitled 'False Alarms' and declaring an emergency. Introduced by Mayor Orcutt. Safety committee.
6. An Ordinance amending section 507.13 of the Brook Park codified ordinances entitled 'False Alarms' and declaring an emergency. Introduced by Mayor Orcutt. Safety committee.

Verbal Approval.

1. ALTERNATIVE TAX BUDGET

Motion by Mr. Troyer, supported by Mr. Dufour, to approve.

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

NAYS: Unanimous.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Albert Wolf

5850 Wengler Drive

Mr. Wolf expressed acknowledgement of city personnel going above and beyond after normal working hours. Kennedy Park and municipal campus are looking great, can't wait for Wedo Park to open.

Ray Peterlin

5811 Wengler Drive

Mr. Peterlin expressed concerns with getting the natatorium roof and walls done in the recreation center. Also, expressed concerns of motorists not having fenders on vehicles and loud sound systems, both against state law. With the parking legislation if the city enforced what is there wouldn't have to change the misdemeanor fines and not making the top ten or twenty city list.

ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. RESOLUTION NO. 12-2024

A RESOLUTION HONORING REVEREND JAMES STENGER, PASTOR OF MARY QUEEN OF THE APOSTLES PARISH, AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini, C/W and Mayor Orcutt.

Mr. Salvatore stated Resolution No. 12-2024, has had its First Reading.

2. ORDINANCE NO. 11415-2024

AN ORDINANCE AUTHORIZING THE TO ENTER INTO A CONTRACT WITH GARLAND/DBS, INC. FOR THE BROOK PARK NATATORIUM ROOF AND WALLS REPAIR PROJECT (CT 202408) AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mr. Salvatore stated Ordinance No. 11415-2024, has had its First Reading.

Ordinances and Resolutions: First Reading: cont.

3. ORDINANCE NO. 11416-2024
AN ORDINANCE AUTHORIZING THE CONSULTING ENGINEER TO PREPARE PLANS AND SPECIFICATIONS AND THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT(S) WITH THE LOWEST AND/OR BEST BIDDER FOR THE HOLLAND ROAD PAVEMENT REPAIRS PROJECT (CT 202401) AND DECLARING AN EMERGENCY.
Introduced by Mayor Orcutt.

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

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

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

ROLL CALL: AYES: Roberts, Dufour, Poindexter, Troyer, Scott, McCorkle, Mencini
NAYS: Unanimous. Ordinance No. 11416-2024, has passed under suspension of the rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 11413-2024
AN ORDINANCE AMENDING SECTION 351.99 (a) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PENALTY' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mr. Dufour stated at the last meeting a motion was made to place back in committee. I was a nay vote with the reasoning this legislation could have been amended to satisfy everyone's assertions. Speaking with law department it appears that another piece of legislation is necessary, therefore, ask to be put back in committee.

Motion by Mr. Dufour, supported by Mr. Poindexter, to place back in committee.

Mr. Troyer commented this could be salvaged with code sections 351.01 (b) and 151.99.

Mr. Dufour stated 351.04 needs to be improved upon.

Madam Horvath stated looking at Chapter 351 most provisions listed are pulled from the Ohio Revised Code (ORC) which is usually done with criminal and traffic code ordinances. Main issue is handicapped parking provision 351.04 through beginning to letter L is language from ORC 4611.69, which is confusing language, letter M was amended by Council. Able to deviate criminal or traffic wise being a chartered city but my understanding is when deviating can have a stricter penalty but cannot go down and have a more lenient penalty. Therefore, believe would be improper to make these offenses a minor misdemeanor if deviated as something else under ORC. Speaking with City Prosecutor Sackett I was informed

Second Reading or Ordinances and Resolutions: cont.

that there are probably 15 to 17 handicapped parking tickets issued annually. Want to make sure this is executed correctly and the easiest way to do that is to take all the parking ticket penalties and move them up one notch. Generally, if items are contested they go to Mayor's Court and it's the magistrate's discretion of what the fine would or would not be. Believe all parking penalties could be a third (3rd) degree misdemeanor with a \$250.00 fine. That would correct any problems with the handicapped parking, inherited from the State of Ohio. Looking at this there would be one correction to the 'Penalty' if anything else would be done or further amendments another piece of legislation would be necessary.

Mr. Poindexter stated like Mr. Troyer's amendment but don't think that overnight parking on the streets should be a third (3rd) degree misdemeanor. That would be the same as graffiti, cultivating two-grams (2) of marijuana; criminal mischief; loitering with the purpose of prostitution; creating or selling drug paraphernalia; negligent assault or abuse of a corpse. Overnight parking on the street will be added to the above list and be a misdemeanor of the third (3rd) degree. My proposal is to look at each line item of section 351 place a penalty on each one (1), don't think a broad stroke of third (3rd) degree misdemeanor is for all.

Mr. Mencini stated when this came out I said are we going to be that city that is lenient on a lot of things. What this comes down to is number one (1) enforcement. Agree with Mr. Poindexter on certain things this is steep but the city's magistrates are fair as well as Berea Courts.

Mr. Troyer stated his amendment was a compromise to get something done and agree that all should be adjusted accordingly. My amendment didn't lower penalties because it reads 'except as otherwise provided in this chapter', would not lower any penalties. Looking at 351.04(k) reads whoever violates letter A or C of this section is guilty of minor misdemeanor, that could be changed to a third (3rd) degree.

Mr. Scott asked to Mr. Sensel what is the cost for an overnight parking citation?

Mr. Sensel responded \$10.00.

Mr. Scott continued what is the maximum fine that can be charged?

Mr. Sensel responded the step-up would be after 30 days is \$50.00.

Mr. Troyer asked Mr. Sensel when a ticket is paid do they have to sign the citation?

Mr. Sensel concurred.

Second Reading of Ordinances and Resolutions: cont.

Mr. Troyer commented people are signing for a third (3rd) degree misdemeanor.

Mr. Roberts asked Madam Horvath if that is true that people are signing a third (3rd) degree misdemeanor, for a parking ticket?

Madam Horvath responded with regard to what Mr. Troyer said he is quoting what the penalty is for section A and B in 351.04. There are two (2) provisions there 'parking near a curb and handicapped'. Does not deal with handicapped section that has penalties per ORC. Section K reads fine to \$250.00 not more than \$500.00 so this is very confusing section, not looked at 2000 and amended in 2002. Two options to make this easy make everything a third (3rd) degree misdemeanor or place back in committee. If Council isn't going to make everything a third (3rd) misdemeanor, then recommend not to amend anything any further in order to spend some time to tailor these provisions in order to have something with more clarity and meets the city's need to control parking violations.

Mr. Roberts agreed with Mr. Poindexter with not getting fined \$250.00 and/or six (6) months in jail for leaving a vehicle overnight on the street. If that is what this is doing I can't support that. The safety director stated it's a ten-dollar (\$10.00) fine to a \$250.00 dollar fine and/or 60 days in jail for leaving a car parked on the street overnight.

The clerk called the roll on the **motion** by Mr. Dufour, supported by Mr. Poindexter, to place back in committee.

ROLL CALL: AYES: Dufour, Poindexter, Roberts, Troyer


NAYS: Scott, McCorkle, Mencini.

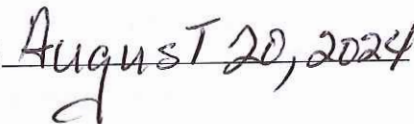
THIRD READING OF ORDINANCES AND RESOLUTIONS:

There being no further business to come before this meeting a **motion** by Mr. Mencini, supported by Mr. McCorkle, to adjourn,

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

Council President Salvatore declared this meeting adjourned at 8:47 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.