

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
HELD ON TUESDAY, AUGUST 20, 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, Law Director Horvath, Finance Director McGann, Service Director Beyer, Engineer Piatak, Recreation Director Wetmore and Building Commissioner Monaco.

DISCUSSION:

1. DEPARTMENT OF LIQUOR CONTROL- RADOGNASNOW LLC. & PATIO & BASEMENT 13450 Snow RD, BROOK PARK, OH. 44142, C TRFO 7160089 POSTMARK DATE: 8/5/24. **Extended Postmark Date: 9/3/24.**

Madam Horvath requested more time to do due diligence on this matter.

Mr. Mencini asked Madam Horvath will a representative be brought before Council, with the patio and so forth.

Madam Horvath responded at this time don't know can reach out to possibly make that arrangement. There are a lot of questions with this and it would be nice for someone to come before Council.

Mr. Poindexter stated my understanding this business is up and running, are they operating under a former liquor license? Or the license hasn't been transferred yet and they're operating without the license being transferred? Looking for clarity on this.

Madam Horvath responded would assume the transfer has not happened since Council needs to give approval. Haven't had the opportunity to discover exactly how they are operating; may be through a management agreement. Would like to speak with the owner or corporation that owns the business and what the future plans are for this establishment.

Motion by Mr. Dufour, supported by Mr. Mencini, to move to the next Caucus Prior to agenda.

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

Discussion: cont.

2. SOUTHWEST GENERAL ORGANIZATIONAL LIST – Council President Salvatore and Southwest Representative Mencini.

Mr. Salvatore stated this comes from the Southwest Board of Trustees and what Council needs to approve the alternate for Brook Park City Council.

Mr. Mencini nominated Councilmember Dufour, there were no objections or other nominations brought forward.

Mr. Scott questioned if all organizations listed agreed to participate?

Mr. Salvatore responded yes, the list is current except for the one alternative for City Council.

Motion by Mr. Troyer, supported by Mr. Dufour, to place on tonight’s Council agenda under verbal approval.

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

PLANNING COMMITTEE – CHAIRMAN, POINDEXTER:

1. REQUEST APPROVAL FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A CIRCLE K GAS STATION AT 20850 SHELDON ROAD LOCATED IN THE U6 USE ZONING DISTRICT.

Mr. Poindexter stated this passed at the July 1, 2024 Planning commission meeting with a vote of 5-1. The minutes reflect a motion by Member Sensel to approve a Conditional Use Permit with a stipulation that both the city engineer and Circle K engineer work on plan and provide to City Council regarding a traffic study. The traffic study did come back with some issues that were not resolved at the Planning commission meeting. Deferred to Mr. Piatak for an update since Council has not received any plans.

Mr. Piatak responded there was a revised traffic study submitted probably a week and a half ago that I looked at. The revised study offers some less impactful improvements to the intersection, some alternatives, with there no right-of-way being required or needed or lanes added. Mainly there will be some restriping on the southbound approach and reconfiguration of traffic improvements on the southbound, at the intersection. This will be done with striping and the only thing that provides some challenges is some of the lane alignments when crossing through the intersection won’t quite match up with the receding lanes; on the south side of the intersection in the Berea area. Think the traffic study made some improvements and will say the City of Berea does maintain the equipment at that (traffic) signal and it is my understanding Brook Park owns the signal but the City of Berea maintains it;

Planning Commission – Chairman, Poindexter: cont.

primarily because of the proximity of the River Edge-North Rocky River-Front Street intersection, which is about 450-feet away from the Sheldon Road intersection. Believe the City of Berea will have to be engaged with some of the improvements being proposed. Will note the River Edge-North Rocky River-Front Street intersection was not included in this study; so if there are any impacts they have not been analyzed with this traffic study. Also, will note been in touch with the Ohio Department of Transportation Planning Department were copied on the traffic study and plans for this project to be reviewed and provide comments.

Mr. Poindexter continued the May Planning Commission report assumed that everybody driving in the area was familiar with the area. Does this new study take that in account or is that the assumption still being worked under?

Mr. Piatak responded that assumption remains in the new study, don't know if I agree with that assumption.

Mr. Poindexter noted that the Mr. Piatak mentioned Council does not have a report as stipulated by the Planning Commission, that Council would have a report before consideration. This is a very hot topic in that area with the residents being very concerned and think Council should have that report prior to moving forward; there are other issues but right now is the traffic study.

Mr. Scott stated to Mr. Piatak with this new study impacting somewhat into the City of Berea, correct?

Mr. Piatak responded believe so, yes.

Mr. Scott continued has there been any contact with the City of Berea's engineers with what this traffic study shows?

Mr. Piatak responded not to my knowledge, I have not contacted the City of Berea.

Mr. Scott asked if this is presented to the City of Berea and they don't approve what happens; will this go back to the first (1st) traffic study?

Mr. Piatak responded since some of the improvements and lane markings and proposed lane shifts are in the City of Berea, so I think this would need their concurrence.

Mr. Mencini stated to Mr. Piatak my concern with this is not seeing traffic sitting on Sheldon Road. Seen the rendition at the Planning commission that was moved further back to the north, which is a good thing. On this study the traffic light is always green for north and south on Route 237; so that's not an issue, but think it

Planning Commission – Chairman, Poindexter: cont.

could be an issue on Sheldon Road. But since this has been moved back motorists could go east to Kolthoff Road, correct?

Mr. Piatak responded the way I see it there is a drive to the north end of the project with both a left and right turning lanes. So, yes, motorists could exit that drive and make a left and continue north to Kolthoff Road to IX Center Drive or Route 237 north.

Mr. Mencini continued where the stop sign on Kolthoff Road remain?

Mr. Piatak responded would need to look into that but think the stop sign would remain, due to Kolthoff Road being two-ways.

Mr. Dufour to Mr. Piatak it is my understanding that the City of Berea has potential plans to build two (2) different apartment complexes in that area, one (1) on Front Street and one (1) on Sheldon Road. Does this traffic study take into consideration any new development in that area, or based on existing traffic levels?

Mr. Piatak responded wasn't aware of new development in that area but the traffic study was based on existing traffic counts from I think February 7th. So the analysis is based on that baseline and projected up as to how much traffic would be generated.

Mr. Dufour asked if there is any kind of formula with what new development could do to that section; both in a new build or no build?

Mr. Piatak clarified if proposed development takes place of a 250 apartment complex could that be predicted into this traffic study, I would say yes that could be modeled.

Mr. Troyer stated the traffic study is only the half of this and something that came up early. I drove that area twice today and it is not a safe intersection; left turn signals are needed. Am surprised that the report was not provided from two weeks ago, why not? The intersection will become more unsafe, in my opinion, and if argued differently I will lose respect for you. As the Councilman brought up the study that most of the customers are familiar and if some came from Kolthoff (Road) they won't be turning left back to Kolthoff (Road) and little section of Aerospace (Parkway) and come around. They would not know to do that unless coming from the IX Center, which would be a plus, but they would be going south. It's not all familiar people going there its people trying to get to the airport or getting gas before returning rental cars. People unfamiliar will not know to take Kolthoff and come around they will go out on Sheldon Road. Turning lanes are needed and have always needed turning lanes there and there have been constant complaints that they are needed. Two (2) weeks ago there was an accident there as well as a fatal accident on Eastland

Planning Commission – Chairman, Poindexter: cont.

(Road) and (Route) 237. In my opinion this is unsafe and must be made safer and have received complaints from residents and that's just one (1) issue. What is being talked about is whether we want a Circle K (gas station) there; Circle K does not belong there, it's a residential area. This is a U-6 (Zone) which is very limited on what can be placed there. They won't be able to provide to the U-6 regulations just because they get a conditional use permit. That doesn't mean you can treat it like a retail establishment it's still a U-6 and they will have to abide to the rules of a U-6. Not sure if they (Circle K) knows that and will also create a big problem because of receiving a complaint and the administration should do something since going against the (city) codes. To put that there it is against two (2) city laws/codes in two (2) places. Can't believe anyone would vote to put it there and wish the (Donte) family luck in getting the property sold but why we're here is to decide if a Circle K 24-hour gas station-convenience store will be allowed in a U-6, which is very limited, next to residential property. It's the wrong thing to do and think it's short-sided because we could get that with other state and local monies, with the City of Berea in tow. The City of Berea doesn't want that there it takes away business from the Circle K already in their city. We need to work with Berea and whoever needed because there is some land to the east in both cases that would make our future a better situation in that area. Am against this and can't see how anybody can be for it, up here, because each one (1) of us took an Oath of Office to support the laws of the city and can't vote for this and be supporting the laws of the city.

Mr. Poindexter asked Mr. Piatak given the motion made by Planning commission and the way it passed if the traffic plan worked out. Would there be a reasonable timetable for you and (Circle K) engineers based off the current study and the one (1) the state is going to undertake coming up with a plan for remediating the issues. Is there a best guessed timetable for that?

Mr. Piatak responded would think there would be a plan that was agreeable. Seems that the burden has been put on myself to come up with a plan that would satisfy the City of Brook Park and don't know that's my position. Think we need to hear from Ohio Department of Transportation (ODOT) as to their stance on the traffic and would suspect that could be a week, two (2) weeks am not sure. Would be happy to meet with the Circle K traffic engineers to get a better understanding on some of these assumptions and look at possible other alternatives. Would like to think that in couple of weeks there would be some idea that we can't come up with something.

Mr. Poindexter stated it's up to Circle K to solve these issues in an area that they are creating since they don't necessarily belong because of zoning. It is their responsibility to do that and we are putting a burden on our engineer to figure this out for them to make a comfortable place for them to locate. I think Council should follow the recommendation of the Planning commission and not approve until there is a working plan in place that will remedy all the issues, with this traffic study and the

Planning Commission – Chairman, Poindexter: cont.

one we're waiting for. Then make a decision and if it never comes then Circle K never comes and if it happens then can it be considered.

Mr. Mencini stated on that being at the meeting I thought they were going to come to some kind of compromise clarifying the vote being 5-1.

Mr. Poindexter responded yes, they were and acknowledged the vote being 5-1.

Mr. Mencini continued thought the two (2) sides were going to talk.

Mr. Poindexter interjected that was the motion for Council to have the plan, don't have the plan. Think they need more time and this shouldn't be considered until Council has that plan to remediate those issues and that's only one (1) several issues. Since they don't have any residential support in there immediate area but the original issue stipulated that Council should have a plan for remediation of the issues before proceeding.

Mr. Mencini stated the remediation would be between Circle K engineers and the city engineer.

Mr. Poindexter responded the motion was for Circle K engineers and our city engineer to work out a plan to remediate the issues in the traffic study and be submitted to Council for consideration before granting the conditional use.

Mr. Dufour stated to Mr. Piatak it seems our hang strung because in a no build there is one (1) situation but in a build situation there is 10. Not knowing the amount of work that has to go into remediating these issues, that's 10s, there's an e making 11 issues. How much work would it take to remediate these issues because it seems we're in a holding pattern to outsource our city? Is there a solution where Berea is not involved and Brook Park can do this on its own?

Mr. Piatak responded don't know if I have that answer, with the proximity of the City of Berea to the south think they will have to be involved. The initial traffic study to their credit they offered alternative solutions by adding lanes that acquire adding a right-of-way and some other options. Those are definitely options to mitigate the problem and the revised study does offer an alternative that is less with no right-of-way being impacted. With some discussions with ODOT, the city and Circle K think there could come up with a solution, coming forward.

Mr. Dufour continued seems there is a lot of billable hours between your time, ODOT, City of Berea and Circle K engineers seems this will be a monumental undertaking to make this work.

Planning Committee – Chairman, Poindexter: cont.

Mr. Piatak regardless of what goes in there will be impact to traffic and that intersection, think it's time well spent if that corner can be developed.

Mr. Dufour continued Donte's Restaurant is and always will be a legendary establishment of the city. Personally, I don't see myself voting for this not only for the issues being talked about tonight. But, also in the sense that the city is losing a legendary business and replacing with a Circle K gas station. Also, in the City of Berea there is a Circle K up the road so if that closes does that become? The city is currently a gas station on the corner of Smith and Snow Roads. In the future if this wants to become something else that's another issue Council will have to deal with going forward. This is zoned U-6 for a reason that is oversaturated with gas stations wouldn't want time wasted if there is a chance something can be put there. Would like to hold off to see if there is something for that intersection.

Mr. Troyer stated to Madam Horvath this is a unique situation, that has to be considered and Council is considering. At this point does Council have the ability to move to the next Caucus meeting, for reconsideration, after more information is provided?

Madam Horvath responded Council can approve, deny or alter something I'm sure it can be continued, would be in Council's powers to do.

Motion by Mr. Troyer to have a condition on it that it must have a traffic study approved with Council's liking and the engineer's liking to make that intersection safer by 51% of the residents as the law provides and have proper legislation drawn up for that.

Madam Horvath responded that may be the outcome the law department currently is looking for instruction to draft legislation to be placed before Council. Think it's inappropriate to amend or change something that has not been drafted.

Mr. Dufour stated to Madam Horvath Council can approve or disapprove the recommendations of the Planning commission?

Madam Horvath responded yes, but Council has nothing in front of them, no legislation has been introduced. The law department would like to have something placed before Council based on the Planning commission recommendations. From there it would be up to Council to alter, deny or approve. Until Council has something in front of them you can't get to what the ultimate conclusion will be.

Mr. Troyer stated would like to have those stipulations in the legislation.

Madam Horvath stated those stipulations would have to be voted on by a majority

Planning Committee – Chairman, Poindexter: cont.

Council and think the law department should draft legislation based upon the Planning commission's recommendations and place before Council. Don't think the law department can put anything in other than what the Planning commission's baseline is.

Mr. Poindexter stated to Madam Horvath Council makes a motion for legislation to be drafted for approval of the conditional use permit. Council could also in that same motion put the stipulations that Council would like to see, correct?

Madam Horvath responded would say that's incorrect. Think Council should have the basic legislation before you. What Council would be doing is making stipulations on legislation that does not exist, at this point in time. Currently, Council has nothing in front of them and think it's inappropriate to amend or change something that has not been presented.

Mr. Mencini stated the Planning commission voted five (5) to one (1) and wouldn't want businesses possibly watching this and thinking have to go through this to come into Brook Park.

Mr. Troyer stated made a proper motion earlier in whatever form should be in, legislation should be drawn up with Council's stipulation. The plan to keep that intersection safe should be a stipulation along with having 51% of the residents' approval.

Motion by Mr. Troyer, supported by Mr. Dufour, conditions of safety have that intersection fixed to make it safer along with before being built 51% of residents must approve that fix and have the proper legislation drafted.

ROLL CALL: AYES: Troyer, Dufour, Poindexter

NAYS: Roberts, Mencini McCorkle, Scott. **Motion failed.**

Motion by Mr. Mencini, supported by Mr. McCorkle, to have proper legislation drafted.

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

NAYS: Troyer.

SERVICE COMMITTEE – CHAIRMAN, ROBERTS:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND THE CITY OF BROOK PARK, FOR THE STORMWATER MCM #6 IMPLEMENTATION, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated the city puts this legislation before Council yearly in order to utilize monies in the community cost-sharing account at Northeast Ohio Regional Sewer District (NEORS). This year the city is in agreement for two (2) different items with NEORS; the first (1st) item approved by Council was one (1) of the five (5) year payments towards the Wedo (Park) retention basin. This legislation in front of Council this evening is in the amount of \$70,000.00 for storm water catch-basin disposal and 500 miles of street cleaning.

Mr. Scott asked for a brief description of the cost-sharing program?

Mr. Beyer stated the Community cost-share is funds put into an account from residents sewer bill that can be paid for city projects. As the Mayor stated this year is for the Wedo Park retention basin and catch-basin and street cleaning debris.

Mr. Troyer asked Mr. McGann nothing was appropriated for street cleaning so this is how that will be paid.

Mr. McGann responded correct, if there are other expenses, monies will be appropriated.

Motion by Mr. Dufour, supported by Mr. Mencini, to place on Council agenda immediately following.

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


NAYS: Troyer.

Council President stated will appear under M-1 as Ordinance No. 11426-2024.

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.

Council President Salvatore declared this meeting adjourned at 8:00 p.m.

RESPECTFULLY SUBMITTED: 
Carol Johnson
Clerk of Council

APPROVED: October 1, 2024

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