

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
HELD ON SEPTEMBER 3, 2024**

The meeting was called to order by Council President Pro-Tem Poindexter 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, Building Commissioner Monaco and Engineer Piatak. Council President Salvatore excused.

DISCUSSION:

1. DEPARTMENT OF LIQUOR CONTROL – RADOGNASNOW, LLC PATIO AND BASEMENT, 13450 SNOW ROAD, BROOK PARK, OH 44142. C TRFO 7160089. POSTMARK DATE: 8/5/24. Extended Postmark Date: 9/3/2024.

Motion by Mr. Troyer, supported by Mr. Scott, discussed.

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

2. AN ORDINANCE AMENDING ORDINANCE NO. 11390-2024, THE APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK, STATE OF OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2024. Introduced by Mayor Orcutt.

Mayor Orcutt stated section one (1) shows money going in and out that looks to be more than it is of \$6,422,080.46. Exhibit A column amended two (2) shows a new Fund 640 – Emergency Disaster Recover for the recent tornado. This fund is for personnel services, salary, overtime, benefits and fringe benefits - \$402,800.00; Operations – repair and engineering \$750,000.00; Capital Outlay - \$2 million-dollars for the damaged roof. Transfers & refunds for insurance - \$5,000.00 which totals \$3,157,800.00. Those dollars are being appropriated in that fund to get the repairs that are necessary, at this time. Are working with the city’s insurance companies; are working County Emergency Management and directly with the State of Ohio Emergency Management Administration; on a daily basis to get the information to them in order to get the emergency funds back to the city. The next line is Fund 880 - Transfers & Refunds - \$1,214,942.87 with the breakdown being \$636,163.75 for the (former) Brookview Elementary School transfer to Economic Development Fund; \$360,000.00 of the \$1.2 million dollars is for the LED lighting for the three-quarters of the city that was not done. With those 1,900 lamps 100% of the city will be LED with a return on that investment. Also, out of that \$1.2 million-dollars there are additional roads done in the amount of \$218,729.12. \$375,000.00 –Economic Development for negotiations to purchase the BP gas station on Snow and Smith Roads. \$89,569.06 will be

Discussion:

used to utilize the American Rescue Act Fund for administrative engineering dollars for the recreation center roof. Moving along \$95,000.00 - \$75,000.00 of those dollars will be for two (2) traffic signals heavily damaged on West 130th Street and need to be replaced and \$25,000.00 for insurance and deductible. \$6,422,000.00 - money will go in and back out in exchanges. \$207,141.86 - automated recycling truck received; \$360,000.00 LED street lighting and \$398,930.22 for additional roads to be done and on page two (2) of exhibit A - \$362,120.55 for additional roads done.

Questions:

Mr. Dufour asked what intersections were the traffic signals damaged on West 130th Street?

Mayor Orcutt responded Zaremba Drive and West 130th Street.

Troyer stated will vote for this legislation but am not in favor of purchasing the BP station, don't want to purchase something that will be sold for less.

Mr. Mencini stated to Mayor Orcutt you mentioned numerous times about insurance and deductibles. The city pays the deductible and then the insurance company pays back but it's not known to what extent.

Mayor Orcutt responded yes, we are working through all that paperwork currently with the insurance company, Cuyahoga County Emergency Management Team and the State of Ohio Emergency Management Team. There are different thresholds for emergency dollars to be freed up. The threshold for the county is \$5.9 million-dollars in damage for public properties that initiates for the statewide threshold of \$22 million-dollars which then initiates FEMA, federal emergency dollars. Currently, the city knows we are number three (3) on the list for expenses and are estimated at \$8.4 million-dollars in damages in the city. Can only assume that Cleveland Public Power and another entity having more damage. Moving forward what will happen is what is covered under the insurance a deductible will be paid and receive funds from the insurance company. What is not covered under insurance company the city will then be available for the public assistance emergency dollars. If something is covered under insurance that does not go on the public assistance forms.

Mr. Mencini continued some residents have filed claims and some will have success and some won't have success. At this point, how is that going working with the insurance company?

Mayor Orcutt responded for the city's public parks, recreation and community center is going well. It was two (2) weeks before someone could get up on the

Discussion: cont.

recreation center roof to assess damages, because of the cleanup. Most of the natatorium roof was torn off and work had to be stopped to be able to put a 90-day temporary roof on, once that was done able to begin work again. From the city's end the insurance company has been very good. The county did tell the city that there are no county emergency dollars for residents.

Mr. Mencini stated the \$398930.00 is for additional roads that will be done.

Mayor Orcutt responded yes, that's tied in for the roads.

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

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

NAYS: Troyer.

3. AN ORDINANCE MAKING A WRITTEN RETURN TO THE FISCAL OFFICER OF CUYAHOGA COUNTY, OHIO, FOR CHARGES FOR THE SERVICES OF THE CITY OF BROOK PARK, OHIO, FOR CUTTING WEEDS ON CERTAIN PARCELS OF LAND DESCRIBED HEREIN AND AUTHORIZING SAID CHARGES TO BE PLACED UPON THE TAX DUPLICATE AND COLLECTED AS OTHER TAXES PURSUANT TO SECTION 731.54 OF THE OHIO REVISED CODE. Introduced by Mayor Orcutt.

Mayor Orcutt stated this is an annual housekeeping item for grass that must be cut by service department personnel. There are 11 properties at a cost of \$8,100.00. If this is filed to the county prior to September 16th the county will avoid filing fees.

Motion by Mr. Scott, supported by Mr. Roberts – discussed.

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

NAYS: Troyer

PLANNING COMMITTEE – CHAIRMAN, POINDEXTER:

1. A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO CONSTRUCT A CIRCLE K GAS STATION AT 20850 SHELDON ROAD LOCATED IN THE U-6 USE ZONING DISTRICT AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

Mr. Poindexter stated this legislation will need to be amended due to some discrepancies.

Mr. Scott stated how did this get placed in committee since it has not been introduced?

Planning Committee – Chairman, Poindexter:

Mr. Poindexter responded that is the standard procedure.

Madam Horvath stated this can be amended at Council, unique piece from the Planning Commission. When drafted kept it boiler-plate because not sure how to contemplate the suggestion from the Planning Commission with having two (2) engineers meet to figure out what should be done.

Motion by Mr. Mencini, supported by Mr. Scott to go to allow Circle K representative speak.

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

NAYS: Troyer

Thomas J. Coyne, Jr.
23589 Woodhill Drive

Company: Strategies for Success, LLC

Mr. Coyne stated am an agent for Circle K the Planning Commission granted a conditional use permit with a waiver of requirements set forth from the Brook Park codes section 1136 provided that Circle K presented a traffic plan that would be approved by the city engineer. This would be a plus for both the Cities of Berea and Brook Park because that intersection has been a problem for the City of Berea. Asking this be tabled for the engineers to have the final opportunity to reach their conclusions for Council can act.

Mr. Poindexter clarified nothing has been brought forward to the issues of the traffic study?

Mr. Coyne responded you do not, but suggest the legislation be amended to reflect that, this is a work in process.

Mr. Mencini questioned the traffic study?

Mr. Coyne responded a traffic study was done and as I testified at the Planning commission. It is a study and presents a review by the city engineer who had come criticisms and other assumptions that were made, those are currently being worked out currently. When looking at the traffic accidents the City of Berea had either 25 or 28 over a period and in the City of Brook Park there were only five (5) over the same period. The problem with northbound traffic coming from the City of Berea is the merging with south Rocky River Drive, north Rocky River Drive and State Route 237; there is a crossroad leading to the existing apartments.

Mr. Mencini continued biggest concern is with Sheldon Road and know this will setback further than former Donte's Restaurant with backups of traffic jams.

Planning Committee – Chairman, Poindexter: cont.

Mr. Troyer stated to Mr. Coyne getting the same question asked, you get a plan and there was mention of lines and hope it includes some turn signals. Who is going to pay for this?

Mr. Coyne responded depending on what it is Circle K would participate in some of that. Should the two (2) cities pay for something I would imagine they would?

Mr. Troyer continued agree Council should not vote on this until as stated at the Planning Commission have the plan and particulars in place before Council takes action.

Mr. Coyne responded think the legislation should be amended to reflect the motion of the Planning commission but don't think Council should take a vote up or down because as stated at the Planning commission meeting. Can't show anyone a plan because it hasn't been developed yet. The final plat will layout the conditions of the lanes and signals, city engineer must approve.

Mr. Poindexter stated to Mr. Coyne there are some other issues and traffic being a big one. But, would like to focus on the issues that will involve immediate residents. A U3-C zone is specifically designed for gas stations and in that zone must have 51% support of people within a 500' radius. Why would that not apply when getting a conditional use permit in a U-6 zone? Also, to that point, has Circle K gone to the residents to gain their support of this project?

Mr. Coyne clarified your stipulating the fact that the 51% doesn't apply to this situation?

Mr. Poindexter stated it applies to the zone it is actually zoned for but doesn't apply to the U-6 zone.

Mr. Coyne interjected it doesn't apply to the U6-A zone, either.

Mr. Poindexter continued a U6 zone is for two (2) purposes; office space and research and development.

Mr. Coyne stated legislation passed in the 1970's shows four (4) stations at intersections for service stations, servicing cars; probably prior to the former Donte's Restaurant.

Mr. Poindexter clarified 1981 and stated a U3-C zone is for gas stations and requires that. Why would it not be required for a zone that it's not designed for?

Planning Committee – Chairman,, Poindexter: cont.

Mr. Coyne stated for modern time may have to reconsider the repurposing of properties. Why that was not sure but can't imagine going forward for development. The Planning Commission approved the conditional use permit with conditions and think the rest of the things will take care of themselves.

Mr. Poindexter stated the U6 zone came about in 1988 so at some point it was rezoned to U3-C by the people in office, at that time. For when the Donte family wanted to retire research and development could be placed there.

Mayor Coyne stated the very reason for the conditional use permit is to set conditions that will enhance that site that can't be done with rezoning.

Mr. Poindexter stated there have been inquiries for that property one just recently was a trucking company that would have been detrimental to the residents and the area. That had to be turned down because it wouldn't fit in a U6 zone. One of my biggest fears is allowing this gas station in this U6 zone the city won't have a leg to stand on in any of the other U6 areas.

Mr. Coyne disagreed and commented each one (1) stands on their own merits.

Mr. Piatak stated we met last Wednesday with Circle K engineer and the engineer that performed the traffic impact study. Thought it was a productive meeting was able to get some of their assumptions and some of the information that was in the study and think some progress was made. Will say, after the meeting, reached out to the Ohio Department of Transportation (ODOT) for their input on the study and trying to have a meeting to go over their findings. Have not reached out to the City of Berea for their thoughts and so forth. There is no plan to bring to Council, at this time.

Mr. Troyer stated before this gets settled the City of Berea would have to be on board.

Mr. Piatak responded the City of Berea would have to weigh-in on this project.

Mr. Mencini asked if there is a timeline with the study?

Mr. Piatak responded you're asking me to predict things out of my control and would like to think it's moving forward; not sure what ODOT is going to come back with.

Planning Committee – Chairman, Poindexter: cont.

Mr. Mencini continued there is a lot involved with this and with the study there is a possibility that Sheldon Road may possibly be changed if the Cleveland Browns come.

Motion by Mr. Troyer to place on table. Failed for a lack of a second.

Mr. Poindexter reiterated traffic is a huge issue and Council needs to understand this will change some lives in Ward One (1). There are about eight (8) or nine (9) streets that will be affected because that is the main entranceway to their neighborhoods; especially the residents that live directly behind will be very affected.

Mr. Mencini stated couldn't agree more this will change a lot and any decision Council makes changes lives i.e. Dunkin Donuts and could go on and on.

Mr. Poindexter continued at one (1) Planning commission meeting a company came in that wanted to put a lead testing facility on Snow Road. With the presentation I didn't think it was that big of a deal but after hearing many residents coming out and saying they didn't want it there I voted no.

Motion by Mr. Mencini, supported by Mr. McCorkle, to place on the Council agenda following under first reading.

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

NAYS: Troyer

RECREATION COMMITTEE – CHAIRMAN, McCORKLE:

1. **RESOLUTION NO. 14-2024**

A RESOLUTION SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR THE 2025 CUYAHOGA COUNTY MUNICIPAL GRANT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR IMPROVEMENTS TO BROOK PARK PARKS AND PLAYGROUNDS AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS AND DECLARING AN EMERGENCY.

Introduced by Mayor Orcutt and Councilmembers Mencini, McCorkle, Scott, Roberts, Dufour, Poindexter.

Mayor Orcutt stated this is an annual grant in the amount of \$50,000.00 that is received from gambling dollars revenue. If awarded, the monies will be put into updates to the parks and playgrounds; currently working on drawings and revenues for Carpenter Park.

Recreation Committee – Chairman, McCorkle: cont.

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

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

SAFETY COMMITTEE – CHAIRMAN, TROYER:

1. RESOLUTION NO. 15-2024

A RESOLUTION SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR THE 2025 CUYAHOGA COUNTY DEVELOPMENTAL SUPPLEMENTAL GRANT PROGRAM (CDBG MUNI) TO PROVIDE FINANCIAL ASSISTANCE FOR IMPROVEMENTS TO BROOK PARK PLAYGROUNDS AND PARKS AS WELL AS PUBLIC SAFETY AND STREETSCAPES AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt and Councilmembers Mencini, McCorkle, Scott, Roberts, Dufour, Poindexter.

Mayor Orcutt stated the city was not able to apply for this grant in the past but now the boundaries have been opened up as well as demographics being changed allowing the city to apply. This is through federal dollars from Cuyahoga County and HUD for \$150,000.00 being put towards playground equipment.

Mr. Troyer asked any particular playground?

Mayor Orcutt responded Carpenter Park the playground equipment is leaning.

Motion by Mr. Dufour, supported by Mr. Roberts, to place on tonight’s Council agenda, letter M.

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

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 Pro-Tem Poindexter declared this meeting adjourned at 8:11 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.