

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, SEPTEMBER 17, 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 - McCorkle
 - 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, SEPTEMBER 17, 2024**

The meeting was called to order by Council President Salvatore at 7:39 p.m., the clerk called the roll and the following Members of Council answered:

TROYER, ROBERTS, DUFOUR, MENCINI, McCORKLE, SCOTT

Also in attendance were Mayor Orcutt, Law Director Horvath, Service Director Beyer, Engineer Piatak, Recreation Director Wetmore and Human Resources Commissioner Rednour.

Motion by Mr. Mencini, supported by Mr. Scott, to go out of the regular business to letter K.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

1. PRESENTATION FOR TERRY GARDNER - CITIZEN OF THE YEAR.

Mr. Gardner thanked everyone for this tremendous honor and Commissioner Schwinn for the nomination. I have been influenced by so many people over the years i.e. Joe Konery, John Oinos, Mark Elliott, family and all of you, who I think I know pretty well. It's been an honor and thank for bestowing this honor on me.

Mr. Dufour read the resolution (previously passed) in its entirety by City Council and congratulated Mr. Gardner.

Motion by Mr. Mencini, supported by Mr. Roberts, to go back to regular order of business - letter D.

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

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee - Dufour

Mr. Dufour reported recently (city) representatives toured the airport fire station; operation tower and in addition was provided an update of the terminal modernization program. The Sheraton Cleveland Hopkins hotel will be demolished next month. Recently attended the Northeast Ohio City Council Association regional resources forum who provided a presentation from the Northeast Ohio Sewer District (NEORS) touching on several programs available to residents to save money on their sewer bills.

Board of Zoning Appeals - Mencini

No report next meeting will be October 7, 2024. To Mr. Dufour very good tour.

Finance Committee - Scott

Mr. Scott reported the Finance committee has one (1) on tonight's agenda. The Board of Control met earlier today with 17 items on the agenda; three largest being a grant program with NEORS for the Sheldon Road - West 130th Street septic system - \$112,840.00; 2024 wheelchair van through a grant from NOACA of \$64,000.00 total price of van is \$81,624.04, city will purchase the van and get reimbursed and grinding up of storm damage materials at the service garage - \$25,100.00.

Legislative Committee - Scott

No report

Reports of standing committees: cont.Parks & Recreation Committee - McCorkle

Mr. McCorkle reported that fall sports of volleyball; football; baseball and cheerleading is underway. Great turnout at the last Concert in the Park and the next meeting will be on September 19th.

Planning Committee - Poindexter

Mr. Poindexter reported nothing on tonight's agenda with one (1) item in committee. The Planning commission met on September 9th with one (1) item on the agenda for aesthetic approval for an addition to E. L. Mustee on West 164th Street passed unanimously.

Safety Committee - Troyer

No report.

Service Committee - Roberts

Mr. Roberts thanked service crews for hot-patching of streets in Ward 3 recently.

REPORTS OF SPECIAL COMMITTEES:Southwest General Health Center Trustee - Mencini

Surgical services executive committee was set up to oversight on all preemptive services being shared by all Southwest General surgeons. New surgical data-tracking is operable to keep performance indicators within surgeries. Incentive payment with third-party personnel are being identified to achieve these opportunities. Strategies are being identified to improve the process for new employees.

Berea Board of Education Representative - McCorkle

Mr. McCorkle reported the Ohio school report card came out with Berea City School District having several improvements in multiple categories. On September 12th Berea-Midpark high school will have a Well-Fest from 10:00 a.m. to 12:00 p.m. with programs like yoga, meditation and health screenings. At last meeting over 25 new staff members and teachers were introduced, from elementary to the high school. The new transportation director was able to scrap old buses to generate revenue for a contract for new buses. There will be a safety-security meeting on September 25th at 9:30 a.m., at the school board office.

Technology & Innovation Council Representative -Dufour

Mr. Dufour reported next meeting will be held remotely on September 25th.

REPORTS OF BOARDS AND COMMISSIONS:**INTRODUCTION OF RESOLUTIONS OF COMMENDATION:****REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mayor Orcutt thanked American Legion Post 610 for the 9-1-1 memorial service honoring all those who perished on September 1, 2001, the ceremony was humbling and well attended. Also, thanked the law department for all the hard work from that department. Recreation center repair update Mayor Orcutt thanked the residents for their patience, kind words and apologized for any

Reports and communications from the Mayor: cont.

inconvenience. The south wall of the natatorium area has been tuck-pointed and repaired and contractors are currently working on the west wall. The structural analysis work continues at the recreation center and once the city gets the green light will open the recreation center, except the concession stand due to damage to the sky-light. The city continues to work with the insurance company and the Emergency Management Area. The last summer concert held last Friday was a huge success and thanked both Recreation Director Wetmore and Service Director Beyer for the great job. These concerts wouldn't be able to be put on, at all, without the assistance from the Brook Park Boosters.

Questions:

Mr. Troyer asked when will the structural engineer be done and when will a report be given? Is there a timeframe? Is the inspection done and just working on the paperwork?

Mayor Orcutt responded the (recreation center) metal roof blew over the other roofs and per instruction from the insurance company was to demolish the existing metal on the natatorium area first. Once that was done removing metal from the other roofs because the city was instructed have to put temporary roof on the natatorium area, which was done. Those two (2) items had to happen first with the clearing of the natatorium roof and putting a temporary roof to protect any inside assets. Even though, it's only been six (6) weeks people weren't allowed to get on the roof until a few weeks ago once the demolition and removal took place.

Mr. Mencini stated past two (2) weeks residents have been getting updates and responses and one (1) thing I have been hearing from residents is how kind city personnel has been.

Mayor Orcutt responded roads will be patched for eternity, preventative maintenance should never go away. Have noticed a change of culture with all different departments, Council and different unions. Union contracts have been aligned so everyone performs well; as the city brings in revenue services are provided.

Mr. Troyer requested an update on economic development, since summer break.

Mayor Orcutt responded will make that happen.

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

Madam Horvath reported the most recent Active Civil litigation list has seven (7) cases with three (3) being new. An update with the City of Brook Park Vs City of Cleveland the department was in the discovery process during the month of August. Did numerous depositions with both the City of Brook Park and City of Cleveland officials. Are now moving forward to the trial schedule and another

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

letter will be going out to the affected residents informing them of the status of this particular case. The law department submitted the expert report to the court and it appears that the City of Cleveland will **not** be filing a motion for summary judgement.

Finance Director McGann

Mr. McGann reported the state auditor's report was received last week and the City of Brook Park received a clean audit.

Recreation Director Wetmore

Mr. Wetmore reported summer concert wrapped up last Friday, all concerts were received with positive feedback. Thanked Brook Park Boosters for their assistance with these concerts. Fall-Fest will be held on October 6th from 12:00 p.m. to 3:00 p.m. The staff is currently planning the upcoming winter events. Would like to thank the Cities of Parma Hts., Middleburg Hts. and Berea for allowing residents to use their facilities, with the recent tornado. Also, thank you to the residents for their patience while going through this process.

Service Director Beyer

Mr. Beyer reported that October 14th is bulk-week on regular rubbish day. October 19th from 10:00 a.m. to 1:00 p.m. will be shred-it day at the service garage. Mid-October the roads program will continue on Carol Drive from Middlebrook Blvd. to Eastpark Road and Robert Drive from Sylvia Drive to Robert Drive. The service department has four (4) unaccounted for drain-keeper kits available. Resurfacing of three (3) city basketball courts has begun. To date, city crews have removed approximately 87 downed trees, from storm damage, with approximately 40 to 45 more tree removal.

Engineer Piatak

Mr. Piatak reported the Sheldon Road resurfacing project, through Cuyahoga County, from Engle to Smith Roads is underway. An update from the county is the contractor anticipates putting a surface course down the last week of the month. There has been discussion that more work is needed so that date may not be met; will follow with the next week or week thereafter. Once the surface course is laid pavement markings can be done and the road can be opened; probably looking at another three (3) weeks or so for that project. The former Brookview Elementary School site had some discussions with the contractor and the hazardous material abatement took longer than anticipated. Looking to get that wrapped up with demolition to begin September 23rd taking four (4) to five (5) weeks for demolition. Recreation Center tuck-pointing and masonry repairs are progressing and regarding the CPL (former Makovich and Pusti firm, representatives were out this week doing investigations on storm damage is scheduled for one (1) more day, later this week. Once the investigation and field work is done would anticipate having a finalized report. The Cuyahoga County Water & Soil Conservation District are having their annual walk or run storm water runoff through the towpath to learn about storm water on October 8th.

Questions:

Mr. Scott to Mr. Beyer crews are stump grinding trees?

Mr. Beyer concurred, and stated crews have been put together.

Mr. Scott to Mr. Piatak with the demolition at (former) Brookview Elementary School trucks will not be allowed down Parkman Blvd? Had an issue with trucks driving down Parkman that the economic development commissioner took care of promptly.

Mr. Piatak concurred and stated construction crews should only have access to Snow Road.

Mr. Mencini to Mr. Wetmore with the recreation center not ready for fall sports is there an alternative with the schools?

Mr. Wetmore responded will be having that conversation next week.

Mr. Troyer thanked Madam Horvath for getting a letter out to the residents. To Mr. McGann requested the report mentioned in his report. Also, with the current salary schedule some positions were left off. To Engineer Piatak thank you very much. To Mr. Beyer how late will trucks be at the service garage for residents to dump?

Mr. Beyer responded end of November.

Mr. Troyer continued to Mr. Beyer mentioned a few weeks back at a meeting, the south side of Leslie Drive; Sylvia Drive south of Holland Road and Robert Drive in Ward One (1) have never been patched. When will these streets be done?

Mr. Beyer responded asked that a work order be sent in, haven't received.

Mr. Troyer continued our work orders are off of complaints, when there is unique problem, like raccoon or pothole that someone busted a rim on. That just popped up and those kinds of things like a speeding car every day that are not aware of. These are things on a normal course of business through the day, through a summer supposed to be patched I don't understand why a work order must be put in to get those fixed. I think they should automatically be fixed by a certain time. I know this year we had a tornado but there is only so much hot-patch out there and we do pay for five (5) maybe six bodies at that service department to repair our roads. I could go through that rig-amoral of a work order of something that is generally supposed to get done. Have tried that in the past and then what happens if it does get done, you know. Four (4) of eight (8) potholes because I go and write down every address of every pothole they're not all done. So I don't do that anymore unless I get an actual complaint from a resident. These are things that should be done we appropriate the money and should be done without a work order. Thank you.

Questions to the directors: cont.

Mayor Orcutt commented I know that question was directed towards the service director but the policy of the administration is filling out work orders so they can be tracked through. Obviously, this year with the tornado you have six (6) weeks of cutting trees and this is far, far, from the remarks you made to our service director. Last October or September where I think he complimented you and said I'm surprised you're actually doing my work orders.

Mr. Dufour to Mr. Beyer with the 40 to 45 trees to be removed are the residents and/or businesses aware of the trees that are planning to be removed?

Mr. Beyer responded yes, they do.

Mr. Dufour asked Engineer Piatak is the recreation center tended to be open for election day, since a polling place.

Mr. Piatak responded not sure I can answer that question, hopefully will have a report by then.

OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):**New Legislation:**

1. A Resolution proclaiming all flags flow in the City of Brook Park be made in the United States of America and declaring an emergency. Introduced by Council as Whole. Legislative committee

Motion by Mr. Troyer, supported by Mr. Poindexter, to place under letter M - first reading.

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

NAYS: Unanimous.

Mr. Salvatore stated that will appear under M-2 as Resolution No. 17-2024.

2. A Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the county fiscal officer and declaring an emergency. Introduced by Mayor Orcutt.

Motion by Mr. Troyer, supported by Mr. Mencini, to place under letter M - first reading.

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

NAYS: Unanimous.

Mr. Salvatore stated that will appear under M-3 as Resolution No. 18-2024.

New Legislation: cont.

3. An Ordinance retaining and employing the Alex N. Sill Company, LLC, loss consultants and appraisers and declaring an emergency. Introduced by Mayor Orcutt.

Motion by Mr. Mencini, supported by Mr. Roberts, to place under letter M - first reading.

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

Mr. Salvatore stated that will appear under M-4 as Ordinance No. 11430-2024.

4. A Resolution honoring and commending David Marflax, Jr. for actions contributing to saving a life and declaring an emergency. Introduced by Council President Salvatore, Councilmembers Troyer, Mencini, Roberts, Scott, Dufour, McCorkle, Poindexter and Mayor Orcutt. Legislative committee.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

Moved by **motion** to the beginning of the meeting.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Albert Wolf

5850 Wengler Drive

Mr. Wolf suggested purchasing American flags from American Legion Post 610. The last summer concert was fantastic and set up perfect.

ORDINANCES AND RESOLUTIONS FIRST READING

1. ORDINANCE NO. 11429-2024

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ADMINISTRATIVE CODE TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR EMPLOYEES OF THE CITY, OTHER THAN ELECTED OFFICIALS OR THOSE COVERED UNDER NEGOTIATED LABOR CONTRACTS, AND DECLARING AN EMERGENCY.

Introduced by Mayor Orcutt.

Motion by Mr. Troyer, supported by to amend 139.01b reduce \$96,000 to \$70,000. Lack of a second.

Mr. Poindexter stated haven't had a chance to review the salary schedule, will be a no.

Motion by Mr. Scott, supported by Mr. Mencini, to suspend.

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

NAYS: Troyer, Poindexter. **Failed.**

Mr. Salvatore stated Ordinance No. 11429-2024 has had its first reading.

Ordinances and Resolutions First Reading: cont.2. RESOLUTION NO. 17-2024

A RESOLUTION PROCLAIMING ALL FLAGS FLOW IN THE CITY OF BROOK PARK BE MADE IN THE UNITED STATES OF AMERICA AND DECLARING AN EMERGENCY. Introduced by Council as Whole.

Motion by Mr. Mencini, supported by Mr. McCorkle, to suspend.

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

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

ROLL CALL: AYES: Dufour, Roberts, Troyer, Poindexter, Mencini, McCorkle, Scott
NAYS: Unanimous. Resolution No. 17-2024, has passed under suspension of the rules. Adopted.

3. RESOLUTION NO. 18-2024

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

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

Motion by Mr. Mencini, supported by Mr. Roberts, to adopt.

Mr. Dufour commented as stated at the Caucus Prior thought we would have the opportunity to provide some relief to the residents and without being sure of the mechanism to do so and for the record would support tax relief for our residents.

ROLL CALL: AYES: Mencini, Roberts, Troyer, Dufour, Poindexter, McCorkle, Scott
NAYS: Unanimous. Resolution No. 18-2024, has passed under suspension of the rules. Adopted.

4. ORDINANCE NO. 11430-2024

AN ORDINANCE RETAINING AND EMPLOYING THE ALEX N. SILL COMPANY, LLC, LOSS CONSULTANTS AND APPRAISERS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

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

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

Motion by Mr. Troyer, supported by Mr. Roberts, to adopt.

ROLL CALL: AYES: Troyer, Roberts, Dufour, Poindexter, Mencini, McCorkle, Scott
NAYS: Unanimous. Ordinance No. 11430-2024 has passed under suspension of the rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:**THIRD READING OF ORDINANCES AND RESOLUTIONS:**

EXECUTIVE SESSION - COLLECTIVE BARGAINING MATTERS - MAYOR ORCUTT

Motion by Mr. Poindexter, supported by Mr. Mencini, to go into executive session.

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

NAYS: Troyer.

Motion by Mr. Roberts, supported by Mr. Mencini, to go back to regular order of business.

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

NAYS: Unanimous.

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

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

NAYS: Unanimous.

Council President Salvatore declared this meeting adjourned at 8:52 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.