

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON WEDNESDAY, NOVEMBER 6, 2024  
7:30 P.M.**

**A. ROLL CALL OF MEMBERS**

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. CAUCUS PRIOR TO MEETING MINUTES HELD ON SEPTEMBER 17, 2024.
2. REGULAR COUNCIL MEETING MINUTES HELD ON SEPTEMBER 17, 2024.
3. CAUCUS PRIOR TO MEETING MINUTES HELD ON OCTOBER 1, 2024.
4. REGULAR COUNCIL MEETING MINUTES HELD ON OCTOBER 1, 2024.

**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:**
- 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, NOVEMBER 6, 2024**

The meeting was called to order by Council President Salvatore at 7:32 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, Recreation Director Wetmore and Engineer Piatak.

**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. Caucus Prior to meeting minutes held on September 17, 2024.

**Motion** by Mr. Mencini, supported by Mr. Dufour, to approve as printed.

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

**NAYS:** Troyer.

2. Regular Council meeting minutes held on September 17, 2024.

**Motion** by Mr. Mencini, supported by Mr. McCorkle, to approve as printed.

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

**NAYS:** Troyer

3. Caucus Prior to meeting minutes held on October 1, 2024.

**Motion** by Mr. Poindexter, supported by Mr. Mencini, to approve as printed.

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

**NAYS:** Troyer

4. Regular Council meeting minutes held on October 1, 2024.

**Motion** by Mr. Mencini, supported by Mr. McCorkle, to approve as printed.

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

**NAYS:** Troyer

**REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee - Dufour

Mr. Dufour reported in September Cleveland Hopkins welcomed 836,093 guests compared to September of last year. With the two (2) recent hurricanes numerous flights were delayed or cancelled nationwide. Activity remains strong and just a reminder all planes move through Cleveland Hopkins.

Board of Zoning Appeals - Mencini

Mr. Mencini reported at the November 4th meeting there was one (1) item on the agenda for a variance of a front stoop at 6018 Westbrook Drive. This request was denied due to being treated wood, must be hard surface.

Finance Committee - Scott

Mr. Scott reported nothing on tonight's agenda. The Board of Control met three (3) times on October 16th; October 29th and November 6th. The October 16th agenda had 17 items with three largest being windows damaged from tornado - \$27,617.34; Holland Road pavement repairs project - \$96,4931.25 and new

**Reports from standing committees:**

Finance Committee - Scott: cont.

playground equipment for Carpenter Park - \$89,335.19. The October 29th agenda had 13 items on the agenda the three largest were baseball field stands replacement, due to tornado - \$27,411.00; City of Brook Park Vs City of Cleveland lawsuit - \$48,673.50 services through September 30th and pump module for fire truck due to accident - \$50,171.08. The November 6th agenda had 11 items with the three largest being Sylvia Drive pump station upgrade - \$22,540.00; five (5) snow plow vendors (senior services) - \$86,130.00 and concrete for water breaks and miscellaneous repairs - \$8,000.00.

Legislative Committee - Scott

No report.

Parks & Recreation Committee - McCorkle

Mr. McCorkle reported basketball registrations are closed; football and volleyball wrapped up last weekend.

Planning Committee - Poindexter

Mr. Poindexter reported the committee met on November 4th with two (2) items on agenda. First (1st) being a conditional use permit for a medical facility at 15150 Snow Road - unanimous vote. Second was for aesthetic approval for Carpenter Park playground - unanimous vote. One (1) item in committee for the Circle K conditional use permit would like to keep in committee until traffic study is remedied; unless Council wants it brought out earlier or put a time limit for the traffic study.

Safety Committee - Troyer

Mr. Troyer reported one (1) item on agenda moved from the Caucus Prior to meeting. With the time change replace batteries, check smoke detectors and be safe.

Service Committee - Roberts

No report.

**REPORTS OF SPECIAL COMMITTEES:**

Southwest General Health Center Trustee, Mencini

Mr. Mencini reported that levies for Southwest passed yesterday for Cities of Berea; Olmsted Falls; Middleburg Heights and Strongsville. With the passage of the levy many services are provided i.e. free transportation to doctor appointments and many more. Valet parking is operated by Park-Med at buildings A and B Monday through Friday from 8:00 a.m. to 6:30 p.m. and at building C from 8:00 a.m. to 4:30 p.m. Emergency room drop-off patients can be escorted into the emergency room by southwest police 24/7.

Berea Board of Education Representative, McCorkle.

No report.

Technology & Innovation Council Representative, Dufour

Mr. Dufour reported the committee will meet next Wednesday, November 13th at 6:00 p.m. in the Council Chambers.

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

Mayor Orcutt reported mark calendars for day after Thanksgiving, November 29th, tree-lighting ceremony. With the roof and walls of the pool area (Natatorium) that work continues with the south and west walls being complete and a little bit more than half on the easterly wall. Scaffolding is being set up on the south wall for brick repairs and such. The roof decking has been replaced and the vapor barrier is being installed. The emergency management report to both the state and county for the following items for overtime only; equipment; supplies; rental equipment and contractors was turned in on November 4th in the amount of \$1.1 million-dollars, will continue to update as needed. The city continues to work with the Sill Company who is doing a phenomenal job working with the city's insurance company Select insurance on recovering over \$1.5 million-dollars, to date. The items that have been approved, haven't received check yet, but is over \$2 million-dollars and climbing. Want to thank all city employees for doing a great job and special thanks to the law department for all their hard work. The Carpenter Park playground grant was awarded in the amount of \$50,000.00 reducing that \$142,000.00 price tag, still waiting to hear from the county on the \$50,000.00 grant application.

**Questions:**

Mr. Mencini reported saw service crews working at Carpenter Park. With Kennedy Park there are some dead trees. Some residents don't like the serpentine of the trees thought they were going north to south from the elementary school. What is the plan for that area since the city paid \$17,500.00 for architectural renditions'; is something is being done will there be a town hall meeting for residents input?

Mayor Orcutt responded the renditions under the last administration was over \$30,00.00 the city paid for and is being followed. With the layout of the trees the arborist lays them out where they need to be spread out and placed. This is determined by type of tree, distance between and in-line with the guidelines of the grant application. The sidewalk from Holland Road to Sylvia Drive is being done in-house in the amount of \$8,000.00. Makovich & Pusti have updated the renderings from the last administration with more updates coming for the Planning Commission to work on. Would like to have a retention basin installed like at Wedo Park.

Mr. Mencini commented don't want a political football with the Cleveland Browns coming to Brook Park. If they choose not to come what will be put on that land?

**Questions to the Mayor: cont.**

Mayor Orcutt responded what we know with the Cleveland Browns coming to Brook Park is the Mayor of Cleveland does not want them to leave the City of Cleveland. The county executive has also made comments why they should stay in Cleveland. Personally, that confuses me a bit because they serve the entire county and I will continue to work with the county executive and Cleveland Browns. The Cleveland Browns has made it very clear that the Brook Park site is a good site for a new stadium. To date, the Cleveland Browns has filed a court case with the Ohio Supreme Court for clarity on the Art Model law true meaning. If this is about tax dollars used towards that stadium with the Sin Tax (alcohol and tobacco tax voted by Cuyahoga County residents) in 1995, to build a new stadium. Another extension was given in 2013 for 20 more years with 33.3% of new monies going towards repairs. My opinion I believe the clarity of building in Brook Park will be granted. I do work with the Cleveland Browns on a daily basis and they want to be in Brook Park. I believe they will be in Brook Park under the conditions that the city makes a ton of money; the city is a business and must make money. As to how to get the other people to the table must work as regional partners and don't look at this project as one project. The City of Cleveland wants to renovate the lakefront, that must be done, Mayor Bibb is the first Mayor taking the initiative. Another thing that needs to be done is updating of Cleveland Hopkins Airport.

Mr. Poindexter stated I was shocked when the county executive took a strike against Brook Park, in the past we were considered part of the region. Now that Brook Park is trying to get something nice Brook Park is compared to Baltimore and trying to steal the Cleveland Browns. Brook Park is not trying to steal the Cleveland Browns we're trying to enhance the entire region and Greater Cleveland area. A new stadium in Brook Park will be good for the City of Cleveland to thrive as well as other communities.

Mayor Orcutt committed to working with county executive who faces many issues especially with Rocket Mortgage Fieldhouse and Progressive Field where repairs needed are greater than the savings account from the Sin Tax. There were mistakes with the Sin Tax and will commit to working with the county executive and City of Cleveland Mayor Bibb. Mistakes with the Sin Tax are in 1990 when voted in by Cuyahoga County residents was to build Gund Arena and Jacobs Field. Then extended in 1995 when the Cleveland Browns were moved to Baltimore for ten (10) years to build that new stadium. In 2014 the Sin Tax was extended for an additional 20 years with money being divided for the football stadium, baseball field and basketball arena. The major issue with both extensions is that money in 1990 is not the same in 2024.

Mr. Poindexter continued with this proposal I think the people's issue is putting public monies towards a billionaire and if that's your issue, make that the issue.

**Questions to the Mayor: cont.**

Don't make it a City of Cleveland Vs City of Brook Park issue. Glad to hear the roof and walls are getting done at the community center and think it's time to start discussing the next step for that area, as suggested a field house, any thoughts?

Mayor Orcutt responded the recreation director will be able to discuss that a field house is not an option with the inside roof level, taken off table. A presentation is being put together for that area.

Mr. Poindexter continued when the architects do the new renderings I requested the inclusion of an outdoor pool area, any movement?

Mayor Orcutt responded that portion is done for an outdoor pool in the grassy area, the rendering is approximately 75% done.

Mr. Poindexter stated during the tornado (Brook Park recreation center closed) residents were able to use other community centers. Suggested a possibly reaching out to other cities to negotiate an all-city pass.

Mayor Orcutt responded the recreation director is working on that right now and will tell you one (1) community is not interested. Mr. Wetmore is working with the school district and outside communities and is putting a package together.

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

Law Director Horvath

Madam Horvath reported it's a pleasure to be back in this room for meetings and Mayor's Court. Since October 15th there have been dramatic shifts in pending litigation cases. The first cases deal with the lawsuit concerning the city's fire chief and whether or not the quo-Warranto action would be successful. Please to announce that the Ohio Supreme Court found that current Fire Chief Higgins was properly installed in office in 2023. The companion case filed in Cuyahoga County Court of Common Pleas titled Johnson Vs Civil Service Commission was dismissed, due to the Supreme Court opinion. The city also has two (2) companion cases of FAM 11375 Vs City of Brook Park with two (2) filings. One (1) being an administrative appeal and the second (2nd) being injunction relief; both cases have been dismissed. Both cases have been appealed by the plaintiff and will have first (1st) court hearing on November 19th. The last case Slattery Vs City of Brook Park was dismissed on November 5th but could be refiled.

Finance Director McGann

Mr. McGann reported the October month-end reports are available online. The city income tax refunds through October with 16 new, 507 total for the year, amount to \$630,726.75. The Work from home refunds through October are 346 with a



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

Finance Director McGann cont.

total of \$472,454.20. Congratulations to Jenny Oberg who retired from the City of Brook Park tax department on October 31st, after 50 years of service to the city.

City Engineer Piatak

Mr. Piatak reported the Holland Road work has started with the focus west of the tracks on the eastbound lanes. The Holland Road railroad crossing will be closed for approximately four (4) to five (5) weeks. The Villas of Brookview phase two (2) demolition of the former school is wrapping up with construction to begin in the next few weeks.

Service Director Beyer

Mr. Beyer reported leaf season in full swing with the goal to get through city once a week. This coming Monday is Veterans Day service department will be closed, no rubbish pickup. The service yard will be closing for waste drop-off on Saturday, November 23rd. The yard will be open on Saturdays only from 9:00 a.m. to 1:00 p.m. The Snow Road joint repairs should commence in the next couple of weeks with the bad areas between Fry Road and West 130th Street. The sidewalk from Holland Road to Sylvia Drive had 30-yards of concrete poured and hoping to have complete by end of the week. To Mr. Mencini the trees mentioned were through a grant and had to be inspected not aware of any dead trees. May be late bloomers but will follow-up. With the Carpenter Park playground, no immediate danger was seen and children are still playing on with the nice weather. Once the weather breaks and playground is not being used the equipment will be removed and get ready for the new installation in the spring.

Recreation Director Wetmore

Mr. Wetmore reported winter programming in full swing with the tree lighting and parade on November 29th; Santa touring the city on November 30th and Pancake Breakfast on December 7th. Anyone interested in being in the parade registrations are necessary. Service crews are decorating the municipal campus for the holiday events; Program Supervisor, Danny Colonna, is working on candy canes. Mindful Art Company will be coming in December to put on a one-day art class for all ages; then in January will have after school programs. The recreation staff is working on the 2025 calendar with new programs as well as current programs to be offered. The recreation center will be open on Veterans' Day.

**Questions:**

Mr. Troyer asked Madam Horvath anything new with item number one (1) on the active civil litigation (City of Brook Park Vs City of Cleveland)?

Madam Horvath responded hopefully will have a ruling from the judge by next Council meeting to update Council in executive session. A letter is in the works to the residents to update them.



**Questions to the directors: cont.**

Mr. Troyer thanked Mr. Beyer for the corner and asked if a Robo-call will go out informing the residents of the Holland Road railroad tracks being closed.

Mr. Beyer responded the email was received today about the closure, didn't anticipate it that quick. A Robo-call will be going out to the residents.

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

Verbal Approval:

1. Viasound - \$650.00

**Motion** by Mr. Poindexter, supported by Mr. Dufour, to verbally approve.

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

New Legislation:

1. An Ordinance amending section 333.07 of the Brook Park Codified entitled 'Street Racing' and declaring an emergency. Introduced by Councilman Dufour. Safety Committee.
2. An Ordinance authorizing the Mayor to enter into a contract for the purchase of Permanent Parcel No. 344-13-022 and declaring an emergency. Introduced by Mayor Orcutt. (former BP gas station corner of Snow and Smith Roads).

**Motion** by Mr. Poindexter, supported by Mr. Scott, to place under letter M.

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

Mr. Salvatore stated that will appear under M-2 as Ordinance No. 11442-2024.

3. An Ordinance amending Ordinance No. 11390-2024 and 11427-2024, the appropriation ordinance for the City of Brook Park, State of Ohio, ending December 31, 2024. Introduced by Mayor Orcutt. Finance
4. A Resolution requesting the Cuyahoga County Fiscal Officer to advance tax revenues from the proceeds of tax levies pursuant to section 321.34 of the Ohio Revised Code and declaring an emergency. Introduced by Mayor Orcutt. Finance

**Motion** by Mr. Poindexter, supported by Mr. Mencini, for a five-minute recess to find Planning Commission legislation.

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

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

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

New Legislation: cont.

- 5. Request approval for a lot consolidation of nine (9) parcels at Pemberton and Van Wert Drives; PPN'S 334-29-077; 344-29-078; 344-29-079; 344-29-080; 344-29-081; 344-29-082; 344-29-083; 344-29-084 and 344-29-085, located in the U-2-A6 zoning district. Introduced by Council as a Whole. (Former Brookview Elementary School). Planning
- 6. An Ordinance requesting approval for a lot consolidation of four (4) parcels at 14100 Snow Road and Westbrook Drive; PPN'S 344-15-178; 344-29-086; 344-15-008; AND 344-15-009 located in the U2-A6 zoning district and declaring an emergency. Introduced by Council as a Whole. (Former Brookview Elementary School). Planning

**MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**

**REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**

Lou Modic

14399 Fayette Blvd.

Mr. Modic stated at last meeting concerns were expressed with Ward 1 Councilman making an appropriate hand gesture and requested an investigation.

Albert Wolf

5850 Wengler Drive

Mr. Wolf gave a shout out for the great city services that the city offers.

**ORDINANCES AND RESOLUTIONS: (FIRST READING):**

- 1. ORDINANCE NO. 11441-2024  
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MONTROSE FORD FOR THE PURCHASE OF TWO (2) POLICE VEHICLES AND WITH HALL PUBLIC SAFETY UP-LIFTERS FOR THE NECESSARY UP-LIFTING EQUIPMENT FOR THE VEHICLES AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

**Motion** by Mr. Mencini, supported by Mr. Troyer, to suspend.

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

**Motion** by Mr. Dufour, supported by Mr. Mencini, to adopt.

**ROLL CALL: AYES:** Dufour, Mencini, McCorkle, Scott, Troyer, Roberts, Poindexter  
**NAYS:** Unanimous. Ordinance No. 11441-2024 has passed under suspension of the rules. Adopted.

**Ordinances and Resolutions: First Reading: cont.**

2. ORDINANCE NO. 11442-2024  
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF PERMANENT PARCEL NO. 344-13-022 AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt & C/W. **(former BP gas station at Snow and Smith Roads.)**

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

Mr. Troyer stated no interest in spending \$400,000 in short time, think should go to second reading will be 'no' on suspension.

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

**ROLL CALL: AYES:** Mencini, Roberts, Troyer, Dufour, Poindexter, McCorkle, Scott  
**NAYS:** Unanimous. Ordinance N. 11442-2024, has passed under suspension of the rules. Adopted.

**SECOND READING OF ORDINANCES AND RESOLUTIONS:**

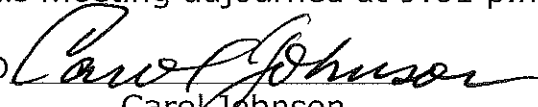
**THIRD READING OF ORDINANCES AND RESOLUTIONS:**

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

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

Council President Salvatore declared this meeting adjourned at 9:01 p.m.

RESPECTFULLY SUBMITTED

  
Carol Johnson  
Clerk of Council

APPROVED December 3, 2024

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