

NOTICE
SPECIAL MEETING OF COUNCIL

Clerk's Office, Brook Park, Ohio

FEBRUARY 21, 2025

TO: COUNCILMEMBERS TROYER, MENCINI, ROBERTS, SCOTT, DUFOUR, POINDEXTER,
MCCORKLE, COUNCIL PRESIDENT SALVATORE, AND MAYOR ORCUTT,
LAW DIRECTOR HORVATH, AND FINANCE DIRECTOR MCGANN

YOU ARE HEREBY NOTIFIED THAT A SPECIAL MEETING OF COUNCIL
HAS BEEN CALLED FOR THE PURPOSE OF:

_____ COUNCIL MEETING

___XXX___ CAUCUS MEETING

_____ EXECUTIVE SESSION

_____ OTHER (Specify)

Such special meeting will accordingly be held on Tuesday the 25th day
of February, 2025 AT 7:00P.M. at the place of holding regular meetings.
(*Refer to Rules of Council, No. 4, if applicable.)

ROLL CALL OF MEMBERS:

PLEDGE OF ALLEGIANCE:

DISCUSSION:

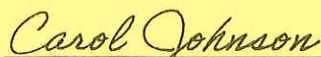
1. RESOLUTION NO. 16-2024

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO CONSTRUCT A CIRCLE K
GAS STATION AT 20850 SHELDON ROAD LOCATED IN THE U6 USE ZONING
DISTRICT, AND DECLARING AN EMERGENCY. Introduced by Council As A Whole.

ADJOURNMENT



MAYOR



CLERK OF COUNCIL

**SPECIAL CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, FEBRUARY 25, 2025**

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, Economic Development Commissioner Marnacheck and City Engineer Piatak.

Mr. Salvatore deferred to Planning Chairman, Mr. Poindexter.

Mr. Poindexter stated before reading the topic on tonight's agenda would like to say everyone has their feelings on this discussion. Sometimes when people are passionate about something, for or against, passions can run high. Everyone will be able to speak at the microphone and ask while speaking give the same courtesy in order to get their points out, in a respectful manner.

DISCUSSION:

1. RESOLUTION NO. 16-2024

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 was sent from the Planning Commission with one (1) single condition for a remedy to the failed traffic impact study; that was presented last week with an updated addendum to that study.

Motion by Mr. Dufour, supported by Mr. Roberts, to have open microphone to speakers and then residents.

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

Mr. Troyer stated to Madam Horvath there is other issues with reading ordinances and back and forth. It's been mentioned that the gas station follows U-3 (zoning) for gas station rules or, in this case U-6. The question is which zoning rules if this entity is approved have to follow.

Madam Horvath responded to Mr. Troyer that is an excellent question and in the past think I opined it would follow U-6. My question to you is why wait until now to ask that question. Wouldn't it be more appropriate to have emailed me earlier than today so that you could get a full, complete opinion. I would say we're here

Discussion: cont.

today with many people in the audience who are ready to speak or inform Council, at this special meeting, their opinion. What would be appropriate as a Councilman is to email me for an opinion, I can't give a detailed opinion five (5) minutes after the meeting has started. Please put your questions in an email.

Mr. Troyer continued we are in an open meeting and the residents would like an answer to that question. It's simple is it U-3 or U-6 which would have to be followed?

Mr. Poindexter interjected question has been asked and Madam Law Director mentioned not able to give a full-depth response. Let's keep in mind this will not pass tonight due to being a (special) Caucus meeting. Suggest requesting from the law department that answer be in full detail prior to coming to a vote on this issue.

Mr. Mencini requested would like to have a definition in writing whether U-3 or U-6.

Mr. Poindexter stated I will send an email to the law director.

Madam Horvath commented greatly appreciated for something in writing with some parameters of what you would like answered.

Mr. Poindexter asked Traffic Engineer, Ms. Bennett to the microphone.

Mr. Coyne spoke from the audience and unable to decipher due to not appearing at the microphone.

Mr. Mencini - Point of order, can we get on with the meeting this is back and forth.

Mr. Poindexter stated would like Ms. Bennett to come to the microphone and explain the traffic update, compared to the original. Welcome to the meeting.

Judy Bennett
GPD Group - Traffic Study Engineer
6200 Oak Tree Blvd.
Independence, OH

Ms. Bennett stated originally I did traffic study for Circle K and came up with the amount of traffic; with new trips assigned for people going to different sites. For this particular site there are 75% of people already on the road needing gas or milk, not adding the new traffic to the adjacent intersections. There was little additional traffic being added but there were some questions about how the

Discussion: cont.

intersection at Sheldon Road and State Route 237 (SR237) would operate. Meeting with Mayor (Orcutt), City Engineer Piatak and going back and forth on what can be done to address this. Suggested changing lane use and signal timing at the signal that originally was going to be a restriping. There were concerns about with the way Kolthoff Road comes in from the north at an odd angle. Came up with this plan to do some minor widening to make safer and put in some delineators to keep people from turning certain directions out of driveways and new signage directing people to driveways. That is what is shown in this updated plan that shows the new striping and signage.

Mr. Troyer thanked Ms. Bennet for coming and stated looking at the plan asked for an explanation as to how these changes make the intersection safer?

Mr. Bennett responded it is made safer because it now allows two (2) southbound thru-lanes. Currently, there is a left-turn lane, a thru-lane and a right-turn lane. To west onto Sheldon Road that doesn't have a high volume of traffic. There are two (2) thru-lanes once getting through south of the intersection which allows the whole signal operation. To operate better by allowing the two (2) thru-lanes to go through and have a shared thru and right lane. There will also be a dotted line and changing, a little, on how Kolthoff Road comes into the intersection. Also, widening the intersection instead of taking away from the shoulder, which could have been done just with striping. Felt it would be safer to not narrow up the shoulder but to actually widen at the pavement of the median, to taper over a little bit to those thru lanes.

Mr. Troyer asked this is not adding any left turn signals to the intersection.

Ms. Bennett replied no.

Mr. Troyer continued that a left-turn lane would be added but mentioned there already was one.

Ms. Bennett responded there is.

Mr. Troyer continued it was actually a left lane or thru because if it was a left-turn lane wouldn't need to add one.

Mr. Mencini asked for clarification if Sheldon Road is being talked about?

Mr. Troyer responded there are no turn signals except for SR 237 south.

Mr. Troyer asked how does that not make it worse for northbound traffic trying to make a left-hand turn? When there is now a constant flow of two-lane traffic

Discussion: cont.

going southbound. Wouldn't that make it less safe for people trying to turn left on Sheldon Road which is what these residents would be doing, a lot?

Ms. Bennett responded for northbound traffic still taking the same amount of traffic southbound and dividing them through two (2) lanes instead of one (1) lane; having more gaps in traffic. If there are ten (10) cars split into five (5) per each lane there is more gaps in traffic making it easier for the northbound lanes.

Mr. Troyer stated that would depend on the volume and time of day? A turning lane is being added with two (2) straight lanes. When that light is green, currently there are two (2) lanes going south and someone is trying to make a left-hand turn onto Sheldon Road going east that will be held up with no arrow, at the time. A lot of the time when traffic didn't get the arrow at the beginning will be stuck making only one left-turn lane going north to Sheldon Road west. Don't agree that is safer what it does is add two (2) full lanes going south making it hard to turn left going west onto Sheldon Road. For the residents they may like the right turn lane there making it easier to get home going south, the whole open right-turn lane is being taken away, creating a negative for the residents'; creating more of problem in my opinion.

Mr. Mencini stated this project is not an easy decision and have a few concerns. The BP gas station on Engle and Bagley (Middleburg Hts.) when trying to make a left to go south on (Engle Road) backs up so motorists can get to I-71 on Bagley Road, especially during morning and afternoon rush hour. Also have a concern with cars backing up on Sheldon Road to enter Circle and how will motorists be able to turn left out of Circle K to go south on SR 237 with oncoming traffic traveling at 55 miles-per-hour (mph).

Ms. Bennett stated we look at distributing traffic where people are coming from and going to. With the way this site is located there is not that much traffic going back south, people will be headed north back towards the freeway. That's why the driveway was set up and all the extra signage on site directing them to try and go I-480 on SR 237 taking Kolthoff Road.

Mr. Mencini interjected with signage most people don't really look at signage but am glad precautions are being taken.

Ms. Bennett continued in the afternoon going south plays into the two lanes heading southbound. Currently with the right-turn only lane if anyone heading out of anything developed on this corner, or when Donte's was in business, would cut across that right turn lane. With this restriping and curb lane would be able to continue through the intersection.

Discussion:

Mr. Poindexter clarified coming out of Donte's there is no egress driveway onto SR 237.

Mr. Dufour thanked Ms. Bennett for coming and stated the initial memo from the city engineer dated May 22, 2024 references a final draft impact traffic study. The letter states it's meant as an Addendum to a traffic impact study that was submitted on July 31, 2024. Is that the same one City Council has or an updated version this is referencing, and if so can Council get a copy?

Ms. Bennett responded don't have the May draft with me but there were some minor updates between May and July that Mr. Piatak should have, and this would be the follow-up.

Mr. Dufour continued additionally, as part of that May 22nd memo it makes the assumptions that customers are familiar with the area and patrons are intending going north on SR 237 and utilize site number three (3) on Kolthoff Road for access to SR 237 northbound instead of turning left on Sheldon Road. With the city engineer's recommendations, in that memo, if this project moves forward that traffic study would be revised to exclude this assumption; will this Addendum exclude that assumption?

Ms. Bennett stated not familiar don't have those notes.

Mr. Dufour continued during peak hours anticipating that most of the a.m. northbound traffic will use the gas station in Berea on the southeast corner. Also anticipates capturing traffic going southbound in the p.m. Since assumptions are being made as to how people will use that intersection can it also be assumed that people will pass through the intersection to use the Sunoco gas station in Berea?

Ms. Bennett responded some may choose, yes?

Mr. Dufour asked for the matrix for the updated traffic study? The HCS interaction analysis study to estimate the configuration.

Ms. Bennett responded that is in the July version of the study.

Mr. Dufour requested a copy of that study and continued by saying a light and utility pole, with many connected wires, will have to be removed and replaced. How much of a lift would that be; who is involved and who pays for that?

Ms. Bennett responded not being a utility engineer can't speak to the details. Normally, a new pole is erected prior and wires are strung prior to the old pole being removed.

Discussion; cont.

Mr. Dufour asked what is the plan with the lighting; will it be moved back?

Ms. Bennett concurred that would be with a new pole in the pavement.

Mr. Dufour continued currently traffic coming up Kolthoff Drive has to stop and proceed straight to a right-hand turning lane or proceed approximately 100-150 feet into the intersection and proceed straight. This proposal eliminates that right-hand turning lane and seems more traffic is added to that lane. Motorists must look entirely over their shoulder for any oncoming traffic and as of right now the Ohio Department of Transportation (ODOT) has no plans on lowering the speed limit from 55 mph to 35 mph. Will that be safe for motorists having to travel through that intersection looking over their shoulder traveling at 55 mph?

Ms. Bennett responded think it would be safer since no crossing over the right-turn lane while traffic is coming southbound.

Mr. Dufour continued the right lane southbound on SR 237 will be pulling out approaching Kolthoff Road.

Ms. Bennett commented traffic moving slower is less dangerous.

Mr. Poindexter stated the assumption made that morning traffic going north on SR 237 wouldn't make a left onto Sheldon Road into Circle K. Is that assuming that gas is cheaper motorists won't turn into there.

Ms. Bennett responded it wasn't assumed that no one would do that but it's a very low percentage. Looked at motorists traffic patterns, making moves that are easier, where motorists are heading to and from; these assumptions are made as to how traffic is coming and going.

Mr. Poindexter continued what about liking Circle K coffee, think they would go in there?

Ms. Bennett responded they may also people that have a rewards card.

Mr. Poindexter continued the first study assumes motorists would go north down to Kolthoff Road and head SR 237 north. The added signage number one (1) shows motorists continuing to Kolthoff Road. Is that sign legally binding that motorists must follow Kolthoff Road to SR 237?

Ms. Bennett responded no, they wouldn't have to follow Kolthoff Road, the sign is on private property.

Discussion: cont.

Mr. Poindexter continued that (signage) is just a suggestion, not mandatory?

Ms. Bennett concurred.

Mr. Poindexter stated motorists could turn off of Sheldon Road to try and get to SR 237 backing up traffic on Sheldon Road?

Ms. Bennett concurred.

Mr. Poindexter clarified that motorists will be able to exit at intersection where Kolthoff Road and SR 237 meet to continue southbound.

Ms. Bennett concurred.

Mr. Poindexter continued that 50-mile mph traffic while avoiding motorists going onto Kolthoff Road and entering or exiting Circle K simultaneously is safe?

Ms. Bennett responded motorists will be lowering their speed coming up on a 35 mph speed limit; stop light and turning into the site. Don't believe the city has pursued lowering the speed on SR 237 through ODOT.

Mr. Poindexter asked if there is any data on people in a hurry and turning into a gas station?

Ms. Bennett responded not sure if there is data and don't think people will be making a 90-degree turn into a gas station.

Mr. Troyer stated my opinion somehow if going southbound on SR 237 the way it is used a motorist turning left the lane was lost. Both lanes would be open coming from a 50 mph limit, no inclination that's going to change. The reason for that turning lane is so a 90-degree turn would not be made at 50 mph; the turning lane is to be able to slow down and not affect traffic. Now there will be 50 mph traffic coming over and motorists trying to pull out of what used to be for Kolthoff Road and former Donte's Restaurant. Motorists could pull out into that turning lane and merge into high-speed traffic. So there are two (2) things that are not there anymore; the merge and being able to slow down before the turn which will back up traffic.

Mr. Scott stated the proposal is a left-turning lane for Kolthoff Road, a thru-lane and right-turn lane, at 50 mph.

Ms. Bennett responded that is something the city would have to pursue through ODOT to lower the speed limit.

Discussion: cont.

Mr. Scott continued that is your recommendation to have done?

Ms. Bennett responded is something that has been discussed and, to my knowledge, don't know if it has been pursued, to date.

Mr. Troyer commented nothing has been submitted for changing the speed limit, whether this proposed site happens the speed limit should be lowered.

Mr. Poindexter asked would any of these changes be allowed to be implemented without ODOT approval?

Ms. Bennett responded yes.

Mr. Poindexter clarified streets can be widened without ODOT approval?

Ms. Bennett concurred and mentioned state routes within city's limits are the city's jurisdiction; state routes outside of cities is ODOT's jurisdiction.

Mayor Orcutt stated for clarity only the city can only sponsor the application for ODOT to reduce that speed limit. Service Director Beyer and I are meeting with ODOT representatives on many topics including this one (1). Whether Council votes this proposal up or down that is something that still needs to happen at that intersection.

Mr. Poindexter thanked Ms. Bennett for presentation and answering of questions.

Thomas J. Coyne, Jr.
23589 Woodhill Drive
Brook Park, OH
(Strategies for Success - representing Circle K)

Mr. Coyne clarified that he has never represented the Casedonte family with no compensation or interest and also as a great customer, for over 40 years, no one wants Dante's to stay more than me. As public officials and citizens are here today to figure out what is the best way to repurpose a piece of property. To Mr. Troyer not rezoning the property Council is stating conditions, by which, the Planning Commission empowered and so are you to allow...

Mr. Troyer - Point of clarification?

Mr. Poindexter - recognized.

Mr. Troyer - never said rezoning it.

Discussion: cont.

Mr. Coyne continued correct, but did ask the law director what zoning are they conforming to? They are conforming to the conditions set forth by the Planning Commission and City Council for the adapted reuse of this property, so it's lawful and proper. Have been working on this for a long time and the last recommendation of the Planning Commission is to deal with the safety of the traffic. There were assumptions made that were incorrect that intersection is very unique. Looking at the accidents over a period of time of five (5) years the City of Berea had eight (8) and the City of Brook Park had three (3) or four (4). The only one that can change the speed is ODOT per the city's application that may help there. Believe that obligations have been met and as a former public official have heard many complaints that have been justified. Council's duty is to clarify and answer those questions and heard the gentleman who spoke on the trek of environmental conditions that a service station could cause for the community. This is a convenience store that sells gas and selling food since there are no longer stations that service automobiles. Rules and regulations are enforced by the fire department and understand residents' concerns on this. Coming to Brook Park and living on the west-end this community is a place that everyone wants to come and raise their families. No citizen or business owner should be stopped from getting the best money for the property they own. Hope that Council gets their directive from the law department.

Mr. Troyer responded the issue is should a convenience/gas station be there. The former owners of the property are not asking for the conditional use permit Circle K is so the point is it still is a gas station/convenience store. It was mentioned this would be progress I think it would be more of a regress and I am representing those people (residents) and until I'm told it's okay, it's not.

Mr. Coyne responded there were issues of other offers to do other things and don't think people would have liked those ideas either. What I said was progress in general and am addressing that you will be facing the re-use of properties more than anything else. We have met the requirements of the Planning Commission that was sent to Council and the engineers have an understanding of what should be and are in agreement with the safety. Believe that Circle K has met every requirement that Council has asked for.

Mr. Poindexter interjected Council has not asked for any requirements, not at that point.

Mr. Mencini stated made a good point with some of the items being rushed on Snow Road and Smith Road probably plays into that. With this Circle K (proposal) whose choice was it to pick this area?

Mr. Coyne responded have no idea, are closing the one down the street.

Discussion: cont.

Mr. Mencini continued talking about the big project wouldn't it be better to go more north to catch the highways.

Mr. Coyne responded most of their business will be southbound motorists and they are closing the station in the City of Berea, hopefully be captivated by this location. At the end of the day Circle K marketing shows this being a good location.

Mr. Poindexter interjected we are here to talk about this conditional use permit, traffic is a small portion.

Mr. Mencini stated these are questions that people bring up to me and are asked of me.

Mr. Coyne stated I'm here to represent my client and bring together the engineers and planners about the last long standing issue that came from the Planning Commission being the safety issue with traffic. It has now opened up to other things and Circle K may want to deal with that. Talking with each one of you, Councilmembers, that was the number one (1) paramount issue and now against it.

Mr. Mencini stated sometimes be careful what you wish for may think you want something better and could be worse. That's why to say everyone for or against should not make that conclusion. Reason we're here tonight is to get answers, ask questions and don't think that should be categorized.

Mr. Coyne stated the days of the family restaurants don't exist anymore.

Mr. Poindexter stated not against it because it doesn't fit the zone. Against it because it's a hazard to the intersection and can do better economically, in my opinion. Based on the location and doing some research this property was rezoned in 1988 and asked what was there at that time?

Mr. Coyne responded Donte's (Restaurant).

Mr. Poindexter continued this is the first (1st) opportunity since rezoned to U-6 to make this a technology corridor. There have not been opportunities before now because Donte's was grandfathered (in) under the old zoning. Why would we settle for a gas station?

Mr. Coyne addressed the zoning about the technology park and why may have to settle for a convenience store. NASA (Glenn) is changing all the time and at that time NASA were throwing the contractors off-campus. So a 1,500 roadway was

Discussion; cont.

built with \$2.5 million-dollars for a road that didn't go anywhere. The ability for that parcel to be used for contractors are slim and none.

Mr. Poindexter stated Blue Abyss in on the west end of town and think that patience will pay off over there. With the upcoming development for both (Cities of) Brook Park and Berea do see possibilities. A conditional use permit isn't granted to anything that comes along and should only be granted for a few select reasons. One (1) a hardship to the business and think Circle K is doing quite well. Two (2) if there is a need for the area or if there is a shortage of that type of business in the area. A conditional use permit is granted to fill a void. There are so many gas stations over there that no more are needed. Thirdly, and this is a big one it should not have any negative impact on the surrounding community, this (proposal) does not check any one of those boxes. So why should a conditional use permit be granted? If this was a hearing about rezoning I could see having a hearing about rezoning to a U-3 for a gas station to be put there. This aims to install a gas station where it doesn't belong without following any of the rules and regulations of a gas station.

Mr. Coyne responded being involved in zoning and development for many years and what is going to impact that corner more than anything else is the development of the (Cleveland) Browns in (the cities of) Brook Park and in Berea. The main issue was safety and when the two (2) cities have their plan going forward a lot of things are going to change. If Circle K does not live up to the commitments of the conditional use permit and would think it's better than rezoning due to giving the legislative and legal authorities of the city ability to revoke.

Mr. Poindexter stated a conditional use permit is granted for a hardship.

Mr. Coyne responded it's there as a tool for an adaptive use of a piece of property.

Mr. Poindexter stated there is one (1) house that is 30-feet away from the property. As mentioned there was lack of planning on Snow Road and now going to rush and build this up for a gas station. How is that different than Snow Road?

Mr. Coyne responded because Council can set the provisions and revoke them, a conditional use permit is a development tool and other projects that may be liked better would create more traffic.

Mr. Poindexter asked how this deal came to be?

Mr. Coyne responded have no idea how this came to be, I am here to get the parcel approved for Circle K with the traffic being part of that.

Discussion: cont.

Mr. Troyer read excerpts of Codified section 1121.342 (a 2) and asked do you think it won't do that?

Mr. Coyne clarified be harmful to the residents?

Mr. Troyer concurred.

Mr. Coyne continued no, I wouldn't be representing someone and the resident's don't want it there they would like Donte's to stay there.

Disagreement between Councilmember Troyer, Mr. Coyne ad rumblings from the audience.

Mr. Coyne continued the question asked of me is do I think it's going to be harmful to residents and my answer is no, I do not.

Mr. Poindexter thanked Mr. Coyne for his insights.

Brett Lamb
Hudson Common Drive, Hudson, OH
Circle K

Mr. Lamb stated I am the real estate manage for Circle K for the State of Ohio and can speak to why this location was selected. The deal terms are confidential between Circle K and Casedonte family. One thing asked was why that corner and that has been looked at for, at least, five (5) years for relocation of a Circle K. It has all the attributes that a convenience store is looking for. There are metrics looked at and studied to determine a good corner for this use. The other part is the highest investment value for that corner is almost guaranteed a service/gas station. Heard a lot of we could be patient and we could wait for things to happen but the underlying seller is not part of that we, it's a they. They shouldn't have to be withholding to not being able to sell their land to the highest and best value for them, because of others. The is not community property; the City of Brook Park does not own this property the Casedonte family does and negotiated with Circle K because we made them the best offer.

Mr. Poindexter interjected it's not community property but this governing body does have a say on what goes there based on zoning ordinances.

Mr. Lamb stated the people that would be hurt the most are the underlying sellers, in my opinion.

Mr. Poindexter disagreed and stated all the people live there.

Discussion: cont.

Mr. Lamb interjected if I owned that property that's how I would feel and am only speaking for Circle K, who made a very compelling offer.

Mr. Poindexter continued Circle K made an offer but was the property listed?

Mr. Lamb responded no, Circle K approached them.

Mr. Poindexter commented no one had the opportunity to make an offer so it's easy to say made the best offer when it hasn't been put on the market.

Mr. Mencini stated Circle K picked that lot and my question is with what is going on in the City of Berea and might be coming to the City of Brook Park, if that is not the case then why?

Mr. Lamb responded Circle K identified this property before any mention of the Cleveland Browns. So this corner for Circle K had value and nothing to do with the Cleveland Browns. It is about traffic and my traffic team analyzed that most traffic will be northbound off of SR 237 and factored in that traffic.

Mr. Mencini continued you made this decision was it made before the (forthcoming) project? Just geographically asking, was that a fact after the fact?

Mr. Lamb responded no this corner is the right corner for Circle K regardless of the forthcoming Cleveland Browns (projects).

Mr. Troyer thanked Mr. Lamb for coming and mentioned highest and best value from your point of view. An economic development commissioner a while back and believe he said the highest and best use. Talking about the same but different things. Circle K's highest and best use, in this case, is to make money.

Mr. Lamb interjected no, that's not the reason why we're here. The broker opinion value is basically looking at a parcel and tells the opinion of that land based on its use. For that corner one of the highest investment value for that corner is a convenience store/gas station.

Mr. Troyer reiterated one of but it's not the highest and/or best use for this city because the revenue is miniscule once it's built, especially with the problems the city may have with it.

Mr. Scott asked compared to what?

Mr. Troyer responded compared to what was there, Donte's.

Discussion: cont.

Mr. Scott continued what is the time-stance of how long the city is going to collect nothing from that location?

Mr. Troyer stated in my opinion, the City of Brook Park should meet with the City of Berea and move that entire intersection east, as discussed, and there is land to do that. Then see what would be the highest and best use for the City of Brook Park for that location. Can't stop them from selling the property but a Circle K 24/7 gas station is not the best use for this location and it's not right for the residents to put that there.

Mr. Poindexter stated the existing Circle K has been there for a long time, why not stay there.

Mr. Lamb responded lacks traffic and visibility.

Mr. Poindexter continued giving a conditional use permit is for a reason, not willy-nilly. Want the Casedonte family to sell their property and enjoy retirement but it's not for the residents that live there.

Mayor Orcutt stated would like to thank residents for being here and explained what is trying to be accomplished for this conditional use permit. The area is not zoned for a gas station for that area and have heard that area is for research and development, that was the thought process in the past. Things have changed and speaking with former Mayors that still live in the City of Brook Park of the many different intentions. In the past, NASA Glenn used to hide their research and are now opening up to the public with private companies now moving onto the NASA Glenn base. The demand for office space is no longer there and (family) restaurants are closing frequently. So as a community must take in the facts and spoke with residents that don't want the gas station there. Must sift through the facts look out for the community. City Engineer Piatak is a stickler and always looking out for the City of Brook Park. The Planning Commission gave this to City Council with the stipulation of a traffic study and City Council should be asking questions and do their job. The last thing I want to see is if the city really cares about the residents and wants to be business friendly let's get this to a vote. Shouldn't be sitting over a year as to what is happening to a neighborhood this must be taken to a vote. To Mr. Lamb, with the new exhibit this evening it was simplified and done very well by Ms. Bennett. There are a few things that I see on the diagram and as Chairman of the Planning Commission it was noted the dumpsters were supposed to be moved away from the residents. The dumpsters are now facing west and think there was a condition by the Planning Commission to move them north of the building.

Mr. Lamb stated that is correct.

Discussion: cont.

Mayor Orcutt continued looking at the diagram, hard to see, it looks like the existing vinyl fence from Sheldon Road to the very first elbow going north would stay; with the rest of the fencing being masonry block. Think that was a condition of the Planning Commission to be cinder block, correct?

Mr. Lamb concurred.

Mayor Orcutt asked Mr. Lamb if Circle K would commit to eight (8) feet so if this passes through this body of government there would be a bit more protection added to the neighborhood.

Mr. Lamb responded yes.

Mr. Poindexter thanked Mr. Lamb for coming.

Mr. Mencini stated to Mayor Orcutt made good points and respect the Planning commission. Getting this to a vote is not an easy decision and want to gather all the information possible to get this right. If it takes a little more time so be it feel that is very important.

Mr. Roberts stated to the residents when coming to the podium what I would like to hear exactly is it because of the selling of gasoline is that what the residents don't want. Or is it the hours? Also, would like to hear if Council votes this up or down what the residents would like there. For instance, let's say the Cleveland Browns buy the land and put up a parking garage or (allow) tailgating there. Would the residents want that? Let's say this building stays vacant for two (2) or three (3) years with vandalism taking place that won't make the neighborhood safer. Would like to know what would be acceptable for my own information.

Mr. Troyer stated want to touch on a few things, in my opinion, this should have been voted on at the beginning of last year. Talking about why this is taking so long and it's been mentioned at meetings; waiting for the traffic study information. The information is dated October 3, 2024 and was received in the Council office on February 18th. Council is not holding this up this could have been looked at in October, wanted to make that clear. When talking about if the building doesn't sell and gets dilapidated that's why the city has a building department and other laws to rectify that from happening. Obviously, not knowing the highest or best use is better than a dilapidated building. Have also been told, can be corrected if I'm wrong, this property was never marketed, that is my understanding. How would we know what could be offered and what could come forward? My biggest problem is the matter of the intersection has not been addressed satisfactorily; it's been dangerous for years and will be even worse. Read code section 1121.342 A-5 and A-7 and asked how can anything be done since the traffic study is not

Discussion: cont.

resolved. How does this get moved with no rules and regulations or what the code will be for this conditional use permit.

Mr. Poindexter agreed with Mayor Orcutt that we must do what is best for everybody as a whole. How sad of a state we must be in to take this group of people and say they are not part of the whole. It's easy for me to say I support this project when not living right next to it or drive through that intersection daily. We must do what is best for everybody meaning at residents' expense what is best for me. I will not do that and cannot do that and it bothers me that these residents' must live with this in their lives. They live next to a former restaurant and maybe another restaurant would like to come and buy that building. We don't know because it hasn't been put out to market. Do want to make one point very clear that the proposed road widening has to be approved by the Planning commission prior to going forward and read excerpts from City Charter section 11.03 c. Before using this fix of putting a gas station into that neighborhood this fix must be approved by the Planning commission.

Mr. Troyer stated one thing brushed aside is a problem with the second 'Whereas' of the legislation that reads the request for a Conditional Use Permit was presented at a Public Hearing on July 21, 2024 to the Brook Park Planning commission, it has been through a couple of meetings prior to that date, the Planning commission referred this matter to Council for approval and recommended the waiver of requirements set forth in section 1121.36 c of the Brook Park codified ordinances. That verbiage is not true the Planning commission did not recommend the waiver of requirements set forth in 1121.36 c.

Floor opened for audience participation; limited to subject matter at hand.

Lou Modic
14399 Fayette Blvd.

Mr. Modic stated think this application came to the Planning commission in 2023 and want everyone to have all the facts before making a decision. The main concern was the traffic study and making that intersection safer; I am not convinced that was met by what was stated today. Residents here just want an answer and with the traffic study it must be sent back to Planning commission for approval. Let's get this right so this doesn't drag on another three (3) to six (6) months.

Kevin Arnold
6543 Arden Avenue

Mr. Arnold stated grew up on Arden Avenue and still live on Arden Avenue and have empathy with neighbors' concerns. Would like to see a new restaurant go into the former Donte's. Circle K has made a very generous offer with no other

Audience participation - proposed Circle K only:

offers coming forth. One of the concerns were the fumes from gas stations and did some research. In 1993 the State of Ohio implemented stage-two vapor controls for gasoline stations; that are 95% efficient to get all the fumes from the vehicles when filling at gas stations. In 1994, the United States Environmental Protection Agency (EPA) required all 2006 and newer vehicles have their own onboard evaporative collections systems being 98% efficient. In 2014, gas stations were no longer required to have vapor control systems in place because the ones on the cars were efficient. Also, with traffic that intersection has been horrible ever since I can remember and will always be a horrible intersection. Having the gas station may increase traffic but not like a destination like Cedar Point (amusement park). The owners of Donte's should not be held hostage by this city for not letting this go through. They say should wait for something better the city isn't waiting the owners of Donte's are waiting. The City of Brook Park isn't going to purchase that property for \$1.7 million-dollars or whatever the price may be, Donte's is the one that will have to wait. I live in that area and am absolutely for Circle K going in there.

Tammy Peterson
6575 Burton Drive

Ms. Peterson acknowledged Mr. Mencini's apology from last Council meeting and confident going forward have mutual respect. Tonight, I am here as a concerned member of the community urging you to reject the proposed Circle K development at the Donte's site. This is not just about a gas station or convenience store it's about the future of the neighborhood; our safety; our property values and our local economy. For decades, Donte's was a gathering place, a local landmark that represented our community's character. Now we face the prospect of replacing with a 24-hour gas station that will bring increased traffic, noise and light pollution. This is not the type of development we want shaping our neighborhood and instead of adding value this project will diminish the quality of our neighborhood and lower the quality of life for residents. The proposed Circle K would create traffic nightmare, as already seen, in an already busy intersection. With an increase of vehicle congestion and accidents will continue to rise. Let's not ignore the late-night activity of a 24-hour operation; the kind that it attracts. There is potential for increased crime and safety concerns placing an additional burden on the city's police force. A corporate-owned Circle K does not invest in the local community or economy the way small businesses do. Revenue will flow to an out-of-state corporation instead of staying in the community. While Circle K would generate some tax revenue for the city most of the economic benefits would flow back to the corporation, rather than staying in the community. Circle K is a multi-national convenience store that is corporate based in Quebec, Canada. Meaning the profits earned from fuel sales; convenience store purchases and other revenues sources primarily go back to corporate headquarters, not even in the United States and definitely not in Brook Park. Gas stations typically offer

Audience participation - proposed Circle K only:

low-wage part-time jobs with limited benefits. Non-corporate owned businesses provide stable jobs and keep money circulating in the community. The city would collect some property and sales taxes from Circle K but this revenue would unlikely outweigh the potential hidden costs of increased police presence due to the high potential for crime, road maintenance for additional traffic on Sheldon (Road) and potential environmental cleanup costs and damage to the watershed from fuel leaks or other hazards that ultimately offset or exceed the tax benefit. The overall financial benefit to this city is far lower than a locally owned and operated business that would reinvest into the community. And, contribute more meaningfully to our local economy. Environmental risks gas stations bring threat of fuel leaks, soil contamination and hazardous runoff. Accidents like the one that happened at the (City of) Avon Circle K past January diesel gas was switched with unleaded. As said before one of the troubling aspects of this proposed Circle K development is how the company is tending to circumvent the proper rezoning process to force this project into our community. Rezoning would immediately fail due to getting approval of the majority of residents and we do not want it. Read an excerpt dated May 15, 2024 from Channel 5 (news) entitled 'Northeast Ohio Cities are blocking new car washes'. Orcutt, Brook Park's Mayor says he's responding with feedback from residents the city is trying to appeal to new homeowners and boost medium household incomes and also hoping to attract a broader arrange of stores. I want to have that small town feel here in Brook Park he said I'd like to see the butcher shop, flower shop, the bakery, the hardware store. When you're the Mayor you actually have to listen to all your constituents that to me is being a great American politician and somebody that is doing their job. Those are your words Mr. Mayor and I 100% agree with you but what I didn't hear included in that list is a gas station. We have an opportunity to bring something to this site that truly benefits the community and should prioritize development that would enhance property values, not erode them. Instead of settling for a gas station that we don't need or want your constituents want a project that will serve families and reflect the pride we have in our community. You have a choice you can approve a project that will bring increased traffic, potential environmental risks and lower property values or you can stand with the residents of this neighborhood and look for a sustainable solution.

Fritz Madera
6530 Grayfriar Drive

Mr. Madera stated poor management decisions are being made for people wanting to vote on something fast; my perspective thinking fast is actually fast. For instance, this meeting tonight had no postal notification to the residents that there will be a meeting and a vote will be taken. This could be a bait-and-switch for gas businesses to come into the community. As far as the intersection think the Cities of Berea and Brook Park should have police patrol in appropriate times for speeders and motorists going through red lights.

Audience participation - proposed Circle K only:

Barb Wells

6569 Grayfriar Drive

Ms. Wells stated the proposed traffic plans are addressing some of the issues off the SR 237 freeway heading south. Circle K wants to put a two-lane driveway on Sheldon Road adding to the congestion already there. This will be a 24/7 operation creating more traffic during the morning and afternoon rush hours. Former Donte's (restaurant) was never open in the early morning hours so there were no issues during that time. Residents on Grayfriar and to the west are already experiencing delays getting in and out of Sheldon (Road) and other streets during certain times of the day, will only get worse. The Sheldon Road issues are not being addressed at all. My backyard is less than 45-feet from the current vinyl fence with a necessary concrete wall replacing that and can't imagine that to be very eye-pleasing. Spend a lot of time in backyard with grandchildren, swimming, cookouts and having coffee on back porch putting a gas station will change my lifestyle. The backyards adjacent from the property will be lit up from the LED lights that will be on the large canopy and signage, plus the fumes residents will get from the gas pumps, tankard trucks and cars going in and out. When purchasing my home 31 years ago I chose to live behind a restaurant; did not choose to live behind a gas station. The residents have signed and submitted two (2) petitions against this project and the residents do not want a gas station and do not need it. There are gas stations at this intersection within 500' of each other and the residents are still active in this community and the ones this project will affect the most. Property is zoned U-6 for a reason as well as too many health and safety concerns unanswered to even think about planning a conditional use permit. Am asking Council to please defeat the project that will drastically change the lives of not only the west-end residents but the community; sure you would not want this project in your backyard.

Surgey Goncharenko

20908 Sheldon Road

Mr. Goncharenko stated with the traffic safety concerns there is a school bus depot right at end of Sheldon Road as well as approved south-end Front Street development of the (Cleveland) Browns training camp; impacting congestion of the thousands of non-residents that pass through daily.

Motion by Mr. Troyer, supported by Mr. Mencini, to address audience.

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

NAYS: Unanimous.

Mr. Troyer stated with the rules and regulations of government that hasn't been a problem for Council but always the possibility of a spill. Should have pointed out and mentioned the bus depot and that amount of buses that go through that intersection. The fact is there have been accidents at that intersection after the

Discussion: cont.

restaurant closed with less traffic. Council is not holding anyone hostage just doing due diligence the report may be holding this hostage being dated October, 2024 and (Council) receiving on February 18th. Again, it's not the sellers being held hostage we are deciding what goes in there and that's a Circle K convenience gas station. The residents don't want it and that is what we're deciding not deciding whether they can sell the property or not. We're not holding them hostage they can sell it tomorrow for the right price. Can correct me if I'm wrong. With the property tax, thanked Ms. Peterson for coming up, there is one thing and somebody can correct me. With the (city's) CRA (Community Reinvestment Area) agreements the city won't collect any property taxes for 15 years. Keep in mind that if this is built there have been issues with tanks in the ground with the EPA and others. Keep in mind with this tanks will be put in the ground and have spent a lot of money throughout the city to remove. Just want to make clear, hate doing this, but to all residents you have four (4) representatives sitting up here, four (4) votes to get something passed or voted down. I am your Ward One representative and there are three at-large representatives that are hopefully listening to the residents.

Mr. Mencini stated Ms. Patterson, Ms. Wells and Mr. Modic are class act with emails and such. Appreciate everyone coming and this is going to be tough one.

Mr. Dufour stated to Mr. Troyer's point, as one of your at-large representative and do hear you, have heard you at past meetings and heard you while driving up and down your streets. I also want to let you know that no matter what happens I want each and every one of you coming here matters and present at this meeting matters. The participation matters with telling us how you feel. All of these things matter and more input is needed on matters. Telling us how you feel is the best part and hearing people's input because we represent you. Hope when voting on this the residents get clear indication that this body does represent the residents.

Mr. Scott stated thanked everyone for coming and addressing fumes and vapors Ohio has Section 2301 31 pages of fuel dispensing requirement. The petitions can go both ways how many petitions were addressed from residents in favor of this? Could voice opinion to sway with nothing up here showing in favor of this. With accidents as long as there are humans behind the wheel accidents are going to happen. I'm taking all this in and as Ward 4 representative look at everything that benefits the city. Am here to listen and consider to do what is best for all wards of the city and will vote as to how it best benefits the city. Agree with the Mayor Council has to move on this and give those residents finalization on this. If not agree on Circle K what will go, there with the conditional use permit and able to control what goes in there. If something else wants to come in and abide by the codes and so forth Council has no control of that. A conditional use permit is Council having control what goes in there.

Discussion; cont.

Mr. Poindexter stated the bait and switch mentioned is get the gas station in there and have control over it, not unless conditions are put on it. There are no conditions right now except for the traffic study. Council would have to put conditions on this and the conditions recommended if this would go forward and I certainly hope not because the traffic (study) has not even passed Planning commission, the widening of the road and proposed fix is now only a concept, not a plan until passing Planning Commission. Once the conditional use permit is granted have not seen one (1) revoked in my tenure of eight (8) years. Once it's there it is there and don't believe anything different. To the point of the restaurant not being an option why isn't an option; restaurants open and close every day. This was not an option because it wasn't on the market; Circle K sought out the (Casedonte family) and probably made an offer that probably couldn't be refused. Want that family to have a secured retirement but couldn't selling at fair-market value secure their retirement? Couldn't put something there that doesn't leave the neighborhood different. Nobody is saying Casedonte (family) can't sell their property but there is zoning for a reason; other projects have been turned down due to zoning. If this conditional use permit is granted in this U-6 there will be no leg to stand on to turn anything down in a U-6 zone, which is the far west-end and this area. In my opinion, rezoning should have been the way to go with this and would have been against that too. Because, of the over-saturation of gas stations in that area. Ms. Peterson spot-on and to Ms. Wells who lives the closest to anyone there. Would feel terrible if this passes with your back-door being less than 45-feet from that site; gas stations are not an economic tool to build the city up.

Mayor Orcutt thanked Mr. Madera when the company came to the city and applied a conditional use permit the date is April, 2023. At that time, letters were sent out to adjacent businesses and residents and you attended that meeting, over 22 months ago. At that time, the Planning commission tabled that item due to traffic study not being good. Now, the latest traffic study is dated October that the city had to review. Now, all that those conditions set forth by the Planning Commission I say to the residents, Council and City of Brook Park there needs to be peace in that neighborhood, with a vote either up or down. This is a tough decision for Councilmembers and this is the process that needs to be followed.

Mr. Salvatore thanked everyone for being at this meeting with this very sensitive issue. Nice to see people concerned with what is occurring in this community. As far as the procedure, no action can be taken tonight at this Caucus meeting (work session) further action taken will be at a Council meeting.

Mr. Poindexter clarified when emailing the law director will ask what the procedure will be since the ordinance states must be acted on next meeting once received from the Planning commission. Will need guidance on where to go from there.

Discussion: cont.

Mr. Troyer stated my perception from the residents is they are willing to take the time, don't need an answer right away, unless no. The residents want to take the time to get the right information and right now are at the point of needing to go back to the Planning commission; not knowing if the State (of Ohio) is going to allow the speed limit change and not knowing what the rules are going to be for this conditional use. Don't know how Council can move forward but when Council does and don't agree with the Mayor on this. Talking about different things and would like to state I voted for Wedo Park which cost a lot of money not as much as it could due to Mayor's great ideas and procedures on how to do it. I voted on different projects in other wards and hope to get the same done for Ward One.

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

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

Mr. Dufour stated there has been a lot of dialogue and talked about the study. There is information I think is necessary referencing the July 31, 2024 report. Agree to the sense that a resolution is needed on this this project has been going on for nearly two (2) years. Planning commission kicked this around for a bit and then forwarding to Council with conditions of the traffic study. Council placed in committee and this meeting is the third (3rd) Caucus (work study) on this subject. Jumping through hoops, in my opinion, for something that the area doesn't require; will diminish the future usability of that land and if this is approved will be potentially contaminating a parcel, removing a beloved restaurant by putting tanks in the ground to trade a gas station with another city that is actively developing the north end of their city. A resolution is needed on this and need to move ahead. Found out tonight that this property was never listed; that Circle K made an offer to the owners, so there were no better offers. The potential of this property is not known because with the development in the City of Berea and the speculation of development that may be coming to Brook Park. We are in limbo and in my opinion never understand what this property could be worth due to debating something that this area doesn't need. A resolution needs to be talked about what the process tonight is going to be moving forward with this.

Mr. Troyer mentioned the second Whereas needs to be amended by removing 1121.36.

Mr. Poindexter concurred and stated there is a lot of work that needs to be done before passage.

Mr. Roberts asked Madam Horvath if she will have the necessary information by March 11th?

Discussion: cont.

Madam Horvath responded good question and will do my best to have the date, depending on the scope of the question.

Motion by Mr. Troyer, supported by Mr. Mencini, to place back in committee and placed on the March 11, 2025 Caucus agenda.

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

NAYS: McCorkle, Scott, Roberts

Mr. Troyer requested when this is finalized the clerk will send out letters to residents notifying them of that meeting.

Mr. Poindexter commented will make a note.

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

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

NAYS: Unanimous.

Council President Salvatore declared this meeting adjourned at 9:48 p.m.

RESPECTFULLY SUBMITTED


Carol Johnson
Clerk of Council

APPROVED April 1, 2025

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