

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, MARCH 11, 2025
7:00 P.M.**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

**III. APPROVAL OF MINUTES OF PRECEDING MEETINGS
REGULAR CAUCUS MEETING MINUTES HELD ON FEBRUARY 11, 2025.**

IV. DISCUSSION:

1. PROCLAMATIONS:

- 1.) PROCLAMATION HONORING OFFICER JOHN OGLE FOR
OUTSTANDING PERFORMANCE – PER COUNCIL PRESIDENT
SALVATORE
- 2.) PROCLAMATION HONORING OFFICER MARK NIKODYM FOR
OUTSTANDING PERFORMANCE – PER COUNCIL PRESIDENT
SALVATORE
- 3.) PROCLAMATION HONORING OFFICER DAVID SWAFFIELD
FOR OUTSTANDING PERFORMANCE – PER COUNCIL
PRESIDENT SALVATORE
- 4.) PROCLAMATION HONORING FIRE CHIEF MARK HIGGINS FOR
OUTSTANDING PERFORMANCE – PER COUNCIL PRESIDENT
SALVATORE

V. PLANNING COMMITTEE- COUNCILMAN POINDEXTER

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. – PER COUNCIL PRESIDENT SALVATORE FOR PLACEMENT.

VI. FINANCE COMMITTEE-COUNCILMAN SCOTT

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT
WITH MANHEIM CLEVELAND AUTO AUCTION, PUBLIC AUCTIONEERS, FOR THE
PURPOSE OF AUCTIONING A FORFEITED VEHICLE, AND DECLARING AN
EMERGENCY. Introduced by Mayor Orcutt

VI. FINANCE COMMITTEE - CHAIRMAN, SCOTT: cont.

1. AN ORDINANCE CREATING THE STOREFRONT TARGETED AREAS RENOVATION (STAR) PROGRAM AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

VII. LEGISLATIVE COMMITTEE - CHAIRMAN, SCOTT:

1. ORDINANCE NO. 11413-2024
AN ORDINANCE AMENDING SECTION 351.99 (a) OF THE CODIFIED ORDINANCES ENTITLED 'PENALTY' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

VIII. ADJOURNMENT:

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, MARCH 11, 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, Economic Development Commissioner Marnacheck, Service Director Beyer and City Engineer Piatak.

APPROVAL OF MINUTES OF PRECEDING MEETINGS

1. Regular Caucus meeting minutes held on February 11, 2025.

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

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

NAYS: Troyer

DISCUSSION:

1. **PROCLAMATIONS:**

- PROCLAMATION HONORING FIRE CHIEF MARK HIGGINS FOR OUTSTANDING PERFORMANCE
- PROCLAMATION HONORING OFFICER JOHN OGLE FOR OUTSTANDING PERFORMANCE
- PROCLAMATION HONORING OFFICER MARK NIKODYM FOR OUTSTANDING PERFORMANCE
- PROCLAMATION HONORING OFFICER DAVID SWAFFIELD FOR OUTSTANDING PERFORMANCE

Mayor Orcutt recognized Fire Chief Higgins and three patrol officers for responding to a house fire on Sylvia Drive on February 24, 2025 at 7:44 a.m. and clearing a path to allow residents to exit the home and rescuing and extricating an older woman.

Mr. Salvatore stated on behalf of Brook Park City Council thank all of you for your dedication to the City of Brook Park.

Mr. Mencini stated know the family and appreciate all the hard work all of you do.

PLANNING COMMITTEE- CHAIRMAN, POINDEXTER

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

Mr. Poindexter stated there has been a lot of discussion and emotion from community members and are getting to the point a decision needs to be made. Received some information from the city's finance director, couldn't get into specifics due to privacy laws). The general numbers for the last three years for four (4) existing gas stations in the community. In 2022, collected a total of \$17,386.00 divided by four (4) averages \$4,200.00 yearly. In 2023 the city collected approximately \$18,000.00 divided by four (4) totals \$4,500.00 annually and in 2024 approximately \$17,000.00 divided by four (4) totals \$4,250.00. Wanted this information due to the idea of this being a windfall for the city, which will not happen. Also with the new construction there would be 15-year tax abatement meaning no property tax paid. Reached out to the (City of) Middleburg Heights and with the gas stations in their community averaged \$5.00 generated yearly to a maximum of \$7,000.00 per year. Also, reached out to the City of Berea police clerk who provided the call logs of the Speedway gas station across the street from the proposed Circle K. In 2022 there were 141 calls for police and fire; 2023 there were 128 and in 2024 there were 127 calls for the 24-hour location. Compared to the BP and Sunoco gas stations at the same time frame, 2022 - 31 calls, 2023 - 37 calls and 2024 - 22 calls. The other locations including current Circle K are in-line with the BP and Sunoco gas stations that are not 24-hours so could be in correlation with the 24-hours of operation. The 24-hour locations have a significant increase in calls. In the law director's email (code) section 1121.342 - Standard Conditional Use Permit was cited, which gives Council the standards for approving conditional use permits and read letter (a) and criteria listed into the record and stated this proposed use for a gas station fails on criteria one (1) through three (3), of the city code. Continued with the zoning ordinance for a U3-A zone and stated putting a gas station in that zone all the necessary requirements to put a gas station there. In addition, there is a list of regulations that would have to be followed once Circle K is there. Read number two (2) item (3) into the record that states there shall not be more than two (2) gasoline or oil filling stations at the intersections of two (2) main streets or thoroughfares and there shall not be more than one (1) gasoline or oil filling stations at the intersection of an intersection or thoroughfare with a minor residential street. If this were in a U-3A zone that would fall flat due to having two (2) gasoline or oil filling stations already there. This ordinance gives specific items after Circle K is no longer there and the reason for bringing this up is Circle K is trying to get a conditional use permit for a U-6 zone, that does not apply to gas stations. What is being considered is granting a conditional use permit in a zone that is not designated for a gasoline station and have regulations to follow.

Planning Committee - Chairman, Poindexter: cont.

Mr. Troyer stated the highest and best use for the City of Brook Park is not a 24-hour gas station, there is no revenue. The highest investment use for that building is to repurpose as a restaurant or in some other way, that is the highest and best use for this city.

Mr. Poindexter reiterated repurpose the current building and if someone else purchases that property. They can convert it for office space, research and development or another purpose; with a conditional use permit that will fit the area better. The danger is if Council approves a conditional use permit for a gas station the (current) building will be demolished and build a specifically for a gas station/convenience store. In essence, it is rezoned without going through the effort for rezoning and a conditional use permit is not a get out of rezoning free card. One more thing, we are in danger of setting a precedence that the city's zoning ordinances don't matter. The zoning ordinances are there to protect the city and put businesses in the city where it makes sense and shouldn't be done against the people that live in the area. If this passes Council may not have any grounds to turn down a future conditional use permit for whatever it may be.

Mr. Mencini stated there have been many mistakes in the city just by looking at Snow Road with businesses that should not be there. This will not be an easy decision for Council and probably wasn't for the planning commission. There could be future development in the city that may draw revenue for the city but the people don't want it. With the Cleveland Browns proposed development there may be residents that don't want them in the area.

Mr. McCorkle asked Mr. Piatak for an elaboration of the traffic study.

Mr. Piatak responded looked at the traffic study and the addendum and think the addendum has addressed the level of service and congestion issues that have been indicated, in the report. As far as the traffic congestion don't see any objection to it.

Mr. Dufour stated to Mr. Piatak in the addendum for the traffic study did notice there is a build/no build. The build was the one (1) with numerous lanes failing, numerous times. The intersection summary with the build improvement did notice the northbound through lane is still failing. Are there any concerns regarding that?

Mr. Piatak responded the July version believe that the movement fails both before and after.

Mr. Dufour concurred.

Mr. Piatak responded no, the northbound traffic would still be going to Circle K or across the street to Speedway.

Planning Committee - Chairman, Poindexter: cont.

Mr. Dufour continued throughout this debate many topics were talked about and has been mentioned that Brook Park is anti-business and want to make it very clear that the city is not. Many conditional use permits have been issued for several project is the city; as well as moratoriums on future car washes and vape shops. My argument the whole time with this is there are standards in this community that must be abided by and compromising those standards may create zoning chaos. Reiterated, this Council nor the City of Brook Park is not anti-business.

Mr. Troyer stated going off what Mr. Mencini said with the mistakes there is a big one with the Auto Auction on Engle Road; those were wetlands that held water during a storm. That was a big mistake to let anything go in there. Traffic study is about the people that live there that witness what entails at that intersection. With the tanks the city constantly applied for grants to have the tanks removed on Holland and Engle Roads. Now, we will let Circle K come into the city in a U-6 (zone) and put tanks in the ground. Don't care about the current regulations in the future the city will have to get millions of dollars through grants to have tanks removed; setting the city up for another issue. Again, it's not the highest or best use and overall the residents don't want it.

Mr. Mencini stated were the people in that area offered any monies for their homes?

Mr. Poindexter responded to my knowledge there was no package. Just to be clear this is not our battle and will not affect my life, personally, living in Ward Three (3). This Council is sometimes adversarial and all I ask is don't make this adversarial for the residents that this affects.

Mr. McCorkle stated this one (1) is tough and weighs on Council. Thank you to the residents' that came up to speak. Living in that area, at one time, understand the intersection and new business. My last statement is move this forward with either a vote of up or down.

Mayor Orcutt stated had a lot of opinions concerning this when it came about in the planning commission. The one (1) thing I've explained to the residents' and planning commission and City Council. When looking at the totality of the facts and where the world is changing is it is heard that restaurants are closing often. Reason being there's less people being born and don't want to work at restaurants. When this was first (1st) proposed in 2023 I gave the same facts this is a process any my recommendation to City Council is for the residents to see a final vote.

Mr. Troyer stated want to apologize to everyone when talking about the highest or best use and referred a restaurant. Whatever goes in that location there would be tax abatement for the next 15 years. The city hasn't held anyone hostage have

Planning Committee - Chairman, Poindexter: cont.

waited for reports dated July, 2024 that were recently received; it's not Council's fault it's taking so long.

Mr. Dufour stated to Madam Horvath with this legislation where is Council at? Since this came from the planning commission with conditions and Council didn't have all the information and placed in committee. Is it now that the process continues with having second and third reading?

Madam Horvath responded would have to be researched but from a practical standpoint the purpose of having three (3) readings is so everyone understands the piece of legislation and all factors and hope Council would move forward with this.

Mr. Dufour continued want to see this brought to a resolution and the last point I want to make there are good ideas and bad ideas that residents do or don't want. It's been shown that the residents are not in favor of this. At the end of the day, these are the decisions that matter the most because they are not easy decisions.

Madam Horvath stated this has taken a little different procedural route and would have to research law opinions from 2016. Need to figure out what agenda to put on and which reading. The reason for second and third readings is for everyone to understand the legislation and feel comfortable with it. If an opinion is needed from the legal department and given that is the opinion that counts.

Mr. Troyer read the second Whereas into the record and stated the (commission) did not recommend that and think it needs to be removed due to not being true. Whereas' are not binding but should be true as opined in 2016.

Madam Horvath responded that exists there because the Planning Commission determined that they were going to grant the conditional use permit and therefore is why it states recommended the waiver of requirements. That indicates a fact that the Planning Commission would allow the conditional use permit and referred to Council. There is nothing that isn't factual about that and I have a problem with modifying or amending legislation when it's correct, think that is a dangerous thing to do.

Mr. Troyer continued by reading excerpts from Codified Ordinance section 1121.36 (c) line items one (1) through nine (9), that is attached to these minutes and stated that is what will be waived.

Mr. Mencini asked Madam Horvath should that be removed?

Madam Horvath responded that needs to be there and is probably in every type of resolution typed by the law department. To forward decisions from the Planning Commission to City Council, no need to remove. Find it astonishing that this is a

Planning Committee - Chairman, Poindexter: cont.

very important issue and residents that are concerned something practical and arguing about language in a resolution, which is normal and legal.

Mr. Poindexter asked Madam Horvath to go into detail why that (wording) needs to be in there?

Madam Horvath responded it's in there for a reason. Someone has come before the Planning Commission asking to waive certain conditions based on the particular zoning area. This is factual based which says that the Planning Commission has waived the requirements set forth and are forwarding to City Council. It's Council's duty after the Planning Commission has determined that they are going to okay the conditional use permit and waive the conditions and agreed recommending to Council that the conditional use permit be allowed. It is now Council's job to go ahead to determine whether that should or should not be.

Mr. Poindexter read an email sent on August 30, 2024 from a Planning Commission member who made a motion to approve. Verbatim: To all once again I have a concern about the Circle K project. The legislation as written states that the Planning Commission recommends a conditional use permit should be given but also waiving of section 1121.36 (c) of the codified ordinances. We did not recommend that there be any waiver. Thank you, Mrs. Sensel.

Mrs. Horvath responded this is the determination of the law department that's why we're here today. I cannot imagine why that language should be taken out of that particular Whereas. I suggest that shouldn't be done and that's my legal opinion.

Mr. Scott stated Planning Commission has this before them and with the condition that the engineers provide Council with remediation of the issues with the traffic study recommended by the Planning Commission. This is before Council because there was a condition put on this for a needed traffic study. The traffic study was presented and Circle K has gone over and above of things that wasn't requested.

Mr. Mencini stated to Madam Horvath was told legislation is written to protect all parties involved if it possibly went to court.

Madam Horvath responded legislation is written not for the involved parties it is written for the City of Brook Park, that is the foremost interest. The mindset is make sure the legislation is factually clear as stated per the law director's stamp.

Mr. Troyer stated the Planning Commission put a condition on this that will not be a fix to the intersection. Planning Commission also added additional conditions with the decorative barrier wall.

Planning Committee - Chairman, Poindexter: cont.

Mr. Salvatore stated there is one (1) issue before Council a recommendation from the Planning Commission with a condition of the traffic study. Council decided to wait for that study, didn't have to, but opted to do that professional courtesy. Now, Council needs to make the determination of putting conditions on this and vote up or down.

Madam Horvath stated Mr. Salvatore is exactly correct, it incumbent upon Council as to what conditions should apply.

Mr. Poindexter commented don't think residents mind how long this takes because the residents don't want it.

Mr. Troyer stated removing the waiver of requirements adds those conditions back, could also add (zone) U3-C and follow those requirements.

Mr. Dufour stated since no one has any conditions how should this be moved ahead.

Mr. Mencini stated have one (1) condition and let's move this ahead.

Motion by Mr. Troyer, place on next full Caucus agenda, lack of second.

Motion by Mr. Roberts, supported by Mr. McCorkle to place on next Council agenda.

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

NAYS: Troyer, Dufour, Roberts.

FINANCE COMMITTEE-CHAIRMAN, SCOTT

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MANHEIM CLEVELAND AUTO AUCTION, PUBLIC AUCTIONEERS, FOR THE PURPOSE OF AUCTIONING A FORFEITED VEHICLE AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt

Mayor Orcutt stated this is necessary whenever there is a forfeiture of a vehicle; this would be for a 2007 Chevrolet Silverado. The city paid zero (\$0) the vehicle was taken by the police due to the person having OVI's. The vehicle has been released and will put up for auction with a fee of \$100.00 and any money received will be placed into the Law Enforcement Fund 270.

Motion by Mr. Troyer, supported by Mr. Mencini, to place on the next Council agenda, March 18th first reading.

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

NAYS: Unanimous.

Finance Committee - Chairman, Scott: cont.

2. AN ORDINANCE CREATING THE STOREFRONT TARGETED AREAS RENOVATION (STAR) PROGRAM AND DECLARING AN EMERGENCY
Introduced by Mayor Orcutt, Councilmembers Mencini and Dufour.

Mayor Orcutt stated the basics of this program this generated for community development with taking blighted buildings in the city and give an opportunity for sprucing up. The defined areas for this program would be Snow, Smith and Sheldon Roads with project funds for improvement to façade, signage, awnings, doors, lighting of exterior code violations and parking lots adjacent to the public right-of-way. Monies will be from Economic Development Fund 243 with the highlights listed in Section two (2); with an interest rates at one-percent (1%) for no longer than a five-year period.

Mr. Mencini stated the city's main thoroughfares will be spruced up making the city look appealing.

Mr. Dufour stated excited to get this program started to expedite main street redevelopment and beautify the city and help generate commercial activity, for the future.

Mr. Troyer stated can recoup monies at the sixth year and shouldn't have to fund this program any more. Expressed concern with the wording in section four (4) and suggested 'All loans must be approved by Brook Park City Council'. Also in the second (2nd) Whereas and second page of the attachment would like to include Eastland and Holland Roads.

Mayor Orcutt stated the objective is to be able to put monies towards storefront renovation rather than retail. Eastland Road is more of an industrial parkway thought about adding Brookpark Road, that has a more industrial field. Two businesses very interested is the Glimcher Group with painting the outside of Brookgate shopping center and the plaza across the street from Brookgate.

Motion by Mr. Troyer, supported by Mr. Dufour, to amend second Whereas to read Smith Road, Snow Road, Sheldon Road, add intersection of Holland and Engle Roads.

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

Motion by Mr. Troyer, supported by Mr. Poindexter, to amend section four (4) to remove the word 'will' to word 'must'.

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

Motion by Mr. Troyer, supported by Mr. Mencini, to move to the March 18th Council agenda under letter M.

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

NAYS: Unanimous.

LEGISLATIVE COMMITTEE-CHAIRMAN, SCOTT

1. ORDINANCE NO. 11413-2024

AN ORDINANCE AMENDING SECTION 351.99 (a) OF THE CODIFIED ORDINANCES, ENTITLED 'PENALTY' AND DECLARING AN EMERGENCY.

Introduced by Mayor Orcutt.

Mayor Orcutt stated the former city prosecutor wanted to bring the city in compliance with the State of Ohio for people parking in handicapped spaces.

Mr. Dufour asked Madam Horvath if the amendment sent over would be sufficient?

Madam Horvath responded law department's been busy but did glance at the amendment and would like to work with you on the amendment.

Mr. Troyer asked is this to fix or a separate piece.

Mr. Dufour responded would be an amendment to carve out division f from \$250.00 to \$500.00 setting as an M-3, everything else would remain the same.

Motion by Mr. Dufour, supported by Mr. McCorkle, to place on March 18th Caucus agenda.

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

NAYS: Unanimous.

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

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

Council President Salvatore declared this meeting adjourned at 9:17 p.m.

RESPECTFULLY SUBMITTED


Carol Johnson
Clerk of Council

APPROVED APRIL 8, 2025

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

(c) Additional Information Required. Whenever a conditional use permit is required pursuant to this Zoning Ordinance, the following additional information shall be submitted as part of the application for site plan and general building plan review and approval required by subsection (b) hereof, subject to the provisions of subsection (d) hereof:

(1) All final environmental assessments and environmental impact statements for the proposed building, structure, use, development or activity if either or both are required pursuant to State or Federal law, including but not limited to the National Environmental Policy Act of 1969, as amended;

(2) Copies of all studies or analyses upon which have been based projections relied upon by the applicant of the need or demand for the proposed building, structure, use, development or activity, together with copies of all studies or analyses upon which the applicant has relied in selecting a location for the proposed building, structure, use, development or activity over alternatives thereto;

(3) A description of the present use, assessed value and actual value of land which will be used by the proposed building, structure, use, development or activity, together with a description of the expected future use of all such land, including all long-term plans and master plans of the applicant for the future use or development of such land;

(4) A description of the applicants ability to obtain needed easements (including, but not limited to, those necessary for drainage, waste disposal, utilities, and avigation) for the proposed building, structure, use, development or activity;

(5) A description of the feasibility and costs of any necessary removals of, or modifications to, residential, commercial and public structures in connection with the proposed building, structure, use, development or activity and with each alternative thereto considered by the applicant;

(6) A description of all special construction requirements for the proposed building, structure, use, development or activity and for each alternative thereto considered by the applicant, including descriptions of special geologic features and availability of special materials needed for construction;

(7) A description of ingress and egress to and from the proposed building, structure, use, development or activity, including projections of future ground traffic, traffic impact surveys, descriptions of existing ingress and egress routes, description of necessary or proposed expansions or enlargements of routes and parking areas;

(8) If the proposed use or activity will result in increased noise in the City of Brook Park, data demonstrating compliance with the guidelines set forth in Section [1121.38](#)(f) of the Planning and Zoning Code;

(9) Copies of all studies undertaken or considered by any local, State or Federal agency in connection with the proposed building, structure, use, development or activity.