

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, MARCH 21, 2023
6:00 P.M.**

{TIME EXTENSION DUE TO BUDGET}

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III. DISCUSSION:

1. AN ORDINANCE TO PROVIDE. FOR THE APPROPRIATIONS OF THE CITY OF BROOK PARK, STATE OF OHIO, FOR FISCAL YEAR ENDING ON DECEMBER 31, 2023. Introduced by Mayor Orcutt.
2. A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE HOUSING COUNCIL ON THE CITY OF BROOK PARK'S COMMUNITY REINVESTMENT AREA (CRA) AGREEMENTS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
3. AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ADMINISTRATIVE CODE TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR EMPLOYEES OF THE CITY, OTHER THAN ELECTED OFFICIALS OR THOSE COVERED UNDER NEGOTIATED LABOR CONTRACTS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

IV. ADJOURNMENT:

**ITEMS TO BE CONSIDERED
AT THE EXTENDED CAUCUS PRIOR TO THE COUNCIL MEETING
HELD ON TUESDAY, MARCH 21, 2023**

The meeting was called to order by Council President Vecchio at 6:00 p.m., the clerk called the roll and the following Members of Council answered:

MENCINI, POINDEXTER, SALVATORE, TROYER, COYNE, SCOTT

Also in attendance were Mayor Orcutt, Safety Director Sensel, Finance Director Cingle. Service Director Beyer and Engineer Piatak. Councilman Roberts excused. Law Director Horvath (7:00 p.m.).

DISCUSSION:

1. AN ORDINANCE TO PROVIDE. FOR THE APPROPRIATIONS OF THE CITY OF BROOK PARK, STATE OF OHIO, FOR FISCAL YEAR ENDING ON DECEMBER 31, 2023. Introduced by Mayor Orcutt.

Mr. Troyer stated a letter from a resident was received about an issue with ADA compliance. Talking with the finance director about a fund set up for these types of ADA projects with a possible amount of \$50,000.00, minimum \$10,000.00, due to issues in the city.

Mr. Salvatore agreed with Mr. Troyer to address some of these issues and thinks an ordinance is needed to establish the ongoing matters and funding.

Mr. Mencini asked if any other residents have brought forward any issues.

Mr. Troyer responded not recently but am sure it has happened in the past. One issue brought up is there is no sidewalk on Engle Road to the RTA (Regional Transit Authority).

Mr. Mencini stated there are a lot of issues in the city that need addressing and this city is starting to move forward with the Cooper Foundation for playground equipment and programs in the recreation center.

Mr. Poindexter agreed think it's a great idea, my question is what fund is being looked at?

Mr. Troyer responded would have no specific fund to take monies out of, there is money there.

Mr. Poindexter continued fully support the idea and agree there is money there.

Discussion: cont.

Motion by Mr. Troyer, supported by Madam Coyne, to have legislation drafted for ADA compliance that Councilman Troyer will advise on.

ROLL CALL: AYES: Troyer, Coyne, Scott, Mencini, Poindexter, Salvatore

NAYS: Unanimous.

Mr. Vecchio stated to Mr. Troyer, make sure you get in contact with the law department to move forward.

Mr. Troyer concurred.

Mr. Poindexter stated this is a decent budget even with all the challenges. With the exception of 2020 the income tax estimates for the year are quite a bit lower than the actual income tax revenues. The proposal for the big ticket items i.e. Wedo Park retention basin, roof and walls (recreation center) and needing a new safety building, in the future. The Capital Construction Fund has \$250,000.00 and the proposal would be to take any excess, anything over in tax revenues, and transfer every year to the Capital Construction Fund. If that was done in years 2020, 2021 and 2022 there would be \$3,470,940.00, in that fund, just by doing that. The proposal would be to take the surplus and put in a fund to build a new building or put towards roads. The General Fund and Capital Improvement transfers are based off of the estimated tax revenues and any surplus remains in the city Income Tax Fund or transferred where needed. The policy of this city, to this point, is to spend everything the city has with the hope of getting grants or financing to fix things, small extra amounts can be taken and save it. The fund is established and propose taking a transfer from the Income Tax Fund, in this budget, and transfer to the Capital Construction Fund, this year.

Madam Coyne stated to Mr. Poindexter, excellent point and agree buildings in the city need to be addressed; agree to do something like that and concur with you.

Mr. Scott stated to Mr. Cingle, isn't there items pending in the State of Ohio with increases to safety department pensions, meaning an increase for both police and fire personnel? Also, the city doesn't know the work from home exact figures for income tax and possibly having 2020 coming back that may cause concern, there are unknown items on the horizon.

Mr. Cingle responded the 2020 Work from Home lawsuit is pending in the Appeals Court and am waiting for a decision for refunds to be issued for Work from Home in 2020 for Brook Park. There is a bill in Columbus to increase the employers portion of the police and fire personnel phased over a five-year period. Currently, the city's portion of the police pension is 19 1/2% and with the five-year proposal that amount would increase to 26 1/2%. Currently, the city's portion of the fire

Discussion: cont.

department pension is calculated at 24% of pensionable wages, for example, every \$100.00 a firefighter earns the city is contributing \$24.00. That would be increased to 26% or 26 1/2% over a five-year period. That was pending last year and may have lapsed at the end of 2022 and possibly re-introduced in 2023.

Mayor Orcutt responded, yes, that is something that is being pursued and turning the Estimated Revenues page eight (8) in Fund 711 - Police Pension Fund - \$500,000.00 would increase to \$750,000.00. In Fund 712 - Fire Pension Fund - \$630,000.00 would increase by a little over \$460,000.00; for an additional \$300,000.00 to the city.

Mr. Scott stated to Mr. Cingle the city has huge projects coming up i.e. Wedo Park Retention Basin and the Roof and Walls (recreation center) pool area. Monies are taken from funds to use on other projects and the city would have to borrow monies to fund these projects, right or wrong?

Mr. Cingle responded depending on the proposals that are enacted that possibly could be a true statement. I would have to see the proposals in legislative form and enacted by City Council. To Mr. Poindexter's comment earlier with the Income Tax the city is conservative with the estimates for Income Tax, and have been for my years in office. If Mr. Poindexter's proposal was enacted in 2021 that \$3.4 million-dollar or \$3.5 million-dollar figure some of those monies would come from the General Fund; lessening the monies currently in that fund. I think it is prudent to be cautious especially with the Work from Home refund situation. Taxpayers have up to three-years to request a refund and the department is getting into year two for 2021 refunds and are also being asked for refunds for year 2022. I would feel comfortable if NASA employees were working in Brook Park and not working hyper-schedule or completely from home. As stated last week it is imperative working forward with budgets month-to-month to keep an eye on the income tax revenues and how fast they're growing. With salaries increasing 3 1/2% this year, projected increase for health-care costs, inflation where it is and the cost for the city to operate; utility costs increases, office supplies increasing, maintenance costs increasing, etc., would be careful moving forward. There is a lot of uncertainty out there especially with House Bill (HB) 1 (one) that affects the city's property tax which is the second (2nd) largest revenue source in the city. Move forward cautiously there are a lot of movement in Columbus that is not beneficial to public entities, right now.

Mr. Troyer stated listening to this discussion, this isn't taking monies from anything. This is taken extra money and putting it aside.

Mr. Poindexter concurred.

Discussion: cont.

Mr. Troyer continued depending on how the legislation is written this would designate big projects i.e. buildings; building repairs, Wedo Park retention basin. Monies will be in that line-item designated for that (project) and Council by majority vote can move those monies; nothing would be appropriated in this budget.

Mr. Mencini stated as stated depends on how the legislation is written, with the Engle Road sidewalk that money could go very fast. As also stated this city has an aging workforce in police, fire and service departments in the next three to five years. These are things that should be done through the years and these are great pieces that take a little time to work on, also listen to the resident's and what they want.

Mr. Salvatore stated think we need to sit down and prioritize because there is only so much money to be spent and also think this budget should be in front of Council every quarter. Hopefully, with new projects coming forward the city will be able to change the revenue stream. This should be done quarterly because times are changing quickly and this city needs to be ready for it.

Mayor Orcutt stated these discussions are very good and to Mr. Poindexter good point with the infrastructure and putting monies aside for that. Talking about the new safety building would that include putting everything under one roof i.e. city hall, building department, etc. That would still cost tens of millions of dollars or let's say don't put all those things in there still talking about \$30 million-dollars to \$40 million-dollars building. With this budget and how tight it is it will take a significant amount of money to pull off all the items that need to be done. Savings for the future is good but it will take another revenue source to pull off all these items. When looking at the city's revenue stream turn to on page 1 - Fund 210 - City Income Tax there is a proposed estimated revenue of \$22,000.00 and one thing to remember. There are two (2) major entities feeding that fund and this city doesn't have assessment on property tax, that other cities do. If one (1) or two (2), or both, of those entities would fold this city would be in immediate trouble; especially when looking at the debt services on the capital side; with storage tanks and sewer repairs past leaders made the right decisions. Those are some things that have to be taken into conversation about this budget. Also, on the revenue side there are monies not appropriated in different funds because they're for the Wedo basin and roof and walls (recreation center), that's this administration's intent to use those monies.

Mr. Poindexter stated all this feedback reinforces the position of putting money away is an employer were to fold; to finance the projects that need to be done. To Mr. Cingle monies have been budgeted, in this budget, for workers working remotely?

Discussion: cont.

Mr. Cingle responded yes, we have.

Mr. Poindexter continued and that's with the estimated revenues so if the city gets an increase to income tax revenues, that wouldn't be cut short one bit. By putting aside a little into the Capital Construction Fund that would pay the \$40,000.00 for the safety building. In 2022 it was estimated the city would collect \$19.9 million dollars and the city collected \$21 million-dollars; difference of \$2.0 million-dollars. Why can't some of those monies be set aside for the big ticket items that we know are coming down the pipeline. It may not be three, four or five years but that safety building is crumbling, as the Mayor Stated on several occasions. All the city buildings are getting older and if we don't start putting a little bit away now what are we going to do borrow it all or ask the residents for tax increases. There is enough to start putting away now and think we should seriously consider doing that. Will be bringing legislation forward since the fund is already established on page six (6) in Fund 521 - Capital Construction Fund - \$200,000.00, that hasn't been moved. What is the difference of adding a bit more to that fund every single year? What is the difference if it stays in the Capital Construction Fund or stays in gets paid out for expenses the city needs to pay for?

Mr. Troyer to Mr. Cingle with Fund 521 if monies were put into that fund would those monies be restricted until the end of the year, or just be in there the second year?

Mr. Cingle responded those monies would be for Capital Construction purposes only, no salaries could be paid out of there.

Mr. Troyer continued Council could move monies out by amending the budget?

Mr. Cingle responded depends on where the monies would be moved and where they came from.

Mr. Troyer asked at one point does it matter where the monies came from?

Mr. Cingle responded always matters where the monies came from, regardless how long the fund is open.

Mr. Troyer continued if the monies comes from the General fund would the split have to be figured?

Mr. Cingle responded if the monies came from the General Fund and hypothetically looking to close the fund; any monies left would go back to the General Fund, they go back to where they came from. To Mr. Poindexter's comment at budget time last year the estimate was \$19.9 million-dollars with an actual collection of \$21.9

Discussion: cont.

million-dollars, approximately \$2 million-dollars more. Of that amount, as stated last week, in the net profit line-item or what is called business accounts projected, at budget time, last year was to collect \$1.9 million-dollars and collected almost \$3.2 million-dollars, approximately a \$1.2 million-dollar increase. Of that, \$975,000.00 was paid in estimates from seven (7) companies with three (3) companies paying through the State of Ohio business gateway, roughly \$500,000.00. Reading that tells me those are estimated payments that may or may not be realized actual income once the tax returns are finalized in the tax department. For example, add \$1.2 million-dollars in there and a positive variance in the business accounts. Once the returns are filed hypothetically, \$600,000.00 was actual profit tax; there is \$600,000.00 may have to be refunded to the companies. Understand the Councilman's position and understand the need for investing in the city's infrastructure, however, there are a lot of moving parts and be careful moving forward when start moving monies around. If the taxes aren't realized may be looking in other places to make up the difference. I would probably do it a little bit differently and talk with the Councilman before the legislation is drafted to maybe get to a way Mr. Poindexter is looking to get to without it's called tying it into increases in income tax revenues.

Mr. Troyer stated the point is this won't appropriate any money, it's just saying if there is a difference, may not be, between the estimated revenue and actual revenue.

Mr. Cingle interjected you will be appropriating monies because you have to move the funds; in order to move the dollars, they must be appropriated to move. If you're going to move dollars from the General Fund those dollars must be appropriated to be moved to the Capital Construction Fund. Same thing with the Capital Improvement Fund if moving monies to Capital Construction Fund, monies are being appropriated. Will be appropriating monies to move to the Capital Construction Fund that will sit in that fund until appropriated.

Mr. Troyer stated that is only the case with extra revenue?

Mr. Cingle responded correct, would come part of the budget.

Mr. Troyer continued not taking revenue from anywhere, just if there is extra.

Mr. Cingle responded you are taking revenue from places that go to the General Fund or Capital Improvement Fund. In Income Tax you're taking those dollars i.e. out of the General Fund and moving into the Capital Construction Fund. As Mr. Mencini stated earlier there are a lot of employees in the service department that will be retiring over the next three (3) to five (5) years, probably at least ten (10).

Discussion: cont.

That retiree account is going to need monies in the source of revenue for the Employees Retired Accrued Benefits Fund, part of General Fund.

Mr. Troyer stated no monies move if there are no monies to be moved.

Mr. Cingle responded you're moving monies, you are appropriating monies from, in this example, General Fund and Capital Improvement Fund to the Capital Construction Fund; you are appropriating dollars to move the monies. Have the dollars been spent the answer is no but they are in another fund to be spent in time.

Mr. Poindexter stated it's an appropriation and would have to be appropriated again emergency repairs come up and have to prioritize. All I'm saying is if there are extra monies, the city generates more income tax revenue for a given year just take the surplus, our budget is built off the estimate. If there is a surplus lock it in there like putting money into a savings account because not able to get at it right away. All I'm saying is we need to start saving for these projects or they will never get done. The city's budget is created off of income tax revenue so if there is greater the budget is done for the year.

Mr. Mencini asked Mr. Cingle what are your thoughts on HB 1 if it were to pass.

Mr. Cingle responded I do have concerns and am not sure it's being thought out very deeply in Columbus. Looking at the second largest revenue source in the General Fund is Property Tax. Looking at potentially reducing the assessed evaluation percentage from the current 35% of the appraised value of a property to 31.5% and potentially eliminating the state rollback. Last year the state rollback in the General Fund the city collected \$221,000.00 and this year budgeted \$208,000.00 as part of the state-aid, if that gets eliminated that's a couple of employees in the safety forces. What is coming out of Columbus recently hasn't been good for any public entities i.e. schools, villages, counties, etc. That is a concern along with the employer contribution increase of the police and fire pension funds.

Madam Coyne stated with previous discussions with the Mayor and the last budget presentation, I agree with most of the proposals in this year's budget. In last year's budget I tried securing funds for roads and was unsuccessful. In this year's budget there are some remaining balances in Fund 545 - 2018-2019 Street Improvement so I am proposing transferring \$1,625,000.00 to this year's street program. With the new repair process, the Mayor is undertaking more funding will be needed for in-depth repairs than anticipated. Turning to page 4 Appropriations - Fund 549 - 2023 Street Improvement Fund I am proposing a \$1,625,000.00 transfer from Fund 545 - 2018 & 2019 Street Improvement Fund.

Discussion: cont.

Mayor Orcutt stated to Madam Coyne if we drain that account as proposed what would that total be?

Madam Coyne stated with the present amount there would still be monies left in that account so the present amount could be increased \$1,625,000.00 from Fund 545 - 2018-2019 Street Improvement and put that amount in the 2023 Street Improvement to reflect a transfer that will increase the street amount to \$2,815,000.00.

Mayor Orcutt continued I'm looking to do \$1,420,000.00 so that would increase to over \$3 million-dollars. With Fund 545 the intent is to put those monies towards the (recreation center) roof & walls and the Wedo Park retention basin. Those numbers are not known and once they are will be introducing legislation and appropriating monies for those projects. That \$1,625,000.00 was left in the revenue side and not appropriated with the full intention to help with flooding relief and/or put towards the roof and walls repair; as is being done with Fund 218 having \$1.8 million-dollars. Currently, the estimate is around \$7 million-dollars for those two (2) projects.

Madam Coyne stated I understand you have a budget but shouldn't monies for roads be used for roads, there is a whole list of streets that need to be done and idealistically people would like whole roads done i.e. Wengler or Starlite. Putting more money into the fund because there will be unexpected things.

Mayor Orcutt stated in the Roads budget there are whole roads Parkland, Christene, Southway and Wengler; there are 8 1/2 roads in this year's budget. The reason for the new process is it is not known of the availability of concrete there were some projects left behind due to concrete not being available. Very healthy roads program of \$1.8 million-dollars and if the city didn't have to do the Sheldon Road Water Replacement project for \$427,000.00, that would be more money for the roads program. That project needs to get done that waterline has been a problem for many years and needs to be addressed.

Madam Coyne continued with HMAP (Home Maintenance Assistance Program) was not pleased with last year's program and new legislation has been introduced creating a permanent fund and giving priority to property maintenance violations; removing requirements so resident's aren't so restricted. The way to do this is transfer \$100,000.00 from the Sound Insulation Program - Fund 517 and place in the new HMAP fund. Going to page six (6) of Revenues transferring \$100,000.00 from Fund 517 - Sound Insulation Program would fund a permanent HMAP fund. Thirdly, with flooding and despite the millions of dollars put into flooding in this city it will continue to have flooding issues. Therefore, also proposing a Flooding

Discussion: cont.

Relief Assistance Program (FRAP) starting with \$100,000.00 and also be a permanent part of the budget. The proposal would be taking \$50,000.00 from Fund 244 - Brookpark Road Corridor Fund and taking \$50,000.00 from the Fund 243 - Economic Development Fund. Also, have to address the problems with city-owned buildings and lands what is the right size recreation center and as brought up a new safety building is needed. To do all this a strategy plan is needed and am proposing hiring a consultant to assist Council in making these decisions by transferring \$200,000.00 from Fund 525 - Economic Development Fund to Fund 700 - General Government, Land & Buildings Fund and funding from Fund 529 - Contracts which will provide funding for this consultant, so we know the best use of our properties and lands. At the end of the day, with all of this also should have resident's input before spending anymore monies on lands this city needs a plan.

Mr. Vecchio stated to Mayor Orcutt with Fund 282 - American Rescue Plan Act having \$1.8 million-dollars that is intended for the recreation center roof and walls.

Mayor Orcutt concurred

Mr. Vecchio continued with the necessary needs of the police department who not take a portion of those monies to fix those issues i.e. Sallie-port.

Mayor Orcutt responded the Sallie-port is shut down don't want any vehicles in there. There are already monies for the Wedo Park retention basin and it is not structurally known what is needed for the Sallie-port repair.

Madam Coyne clarified the proposed FRAP Program will assist with flooding in the homes, not a retention basin.

Mr. Troyer stated going back to (exhibit) A-3 - Roads and Waterline cost estimates, to the service director do you believe all these roads will get done?

Mr. Beyer responded I do, and these are heavy estimates won't know until the project goes out to bid and taken by a contractor.

Mr. Troyer asked what street will be first?

Mayor Orcutt responded once the contract is awarded will work with the contractor to come up with a strategic plan.

Mr. Troyer continued I believe six (6) of streets are close to perfect for this overlay. Do have a problem with Southway, Delores and Van Wert because they are traffic streets; should be repaired full-depth. The Stonecrest overlay is

Discussion; cont.

crumbling and can't be patched due to having nothing to patch to; Southway still has that ability. With not using cement I know there will be areas on Southway that will need cement or thick layer of asphalt.

Mr. Beyer as I explained to you, any joints that are compromised will be removed and filled with asphalt, that does the same as concrete; as long as everything is maintained and sealed correctly will get longevity out of the street.

Mayor Orcutt as stated before, those areas that are compromised or undermining will be backfilled and milled & filled. Snow Road was done in 2017 and service crews are going back to do preventive maintenance due to buckling and cracks, the same will be done for these roads. For example, a full-depth repair for Sylvia from Mercer to Michael Drive had an estimate of \$940,000.00 that is two-third (2/3) of this budget. I would like full-depth on all these streets but this city is still paying debt services for streets done 11 years ago.

Mr. Troyer asked this same program will be used next year?

Mayor Orcutt responded no, this is a pilot program to see how it works and see how the economy balances out. This program is used in the Cities of Strongsville and Parma Hts. and what is done is they assess as going through and found usually having monies left over to do additional streets.

Mr. Mencini stated what is needed is a dedicated roads program either full-depth or asphalt. Would like to do all 200 streets and hope all these streets get done this year.

Motion by Mr. Troyer, supported by Mr. Poindexter this was discussed.

ROLL CALL: AYES: Troyer, Poindexter, Mencini, Scott, Coyne, Salvatore

NAYS: Unanimous

2. A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE HOUSING COUNCIL ON THE CITY OF BROOK PARK'S COMMUNITY REINVESTMENT AREA (CRA) AGREEMENTS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated all the homes were inspected with no violations.

Mr. Troyer stated concern with the first (1st) Whereas of receiving information from the housing council.

Mr. Vecchio responded this legislation means the houses were looked at and agreed on.

Discussion: cont.

Mr. Troyer continued usually someone from the building department is in attendance informing Council the homes were inspected and approved.

Mr. Troyer asked Mr. Sensel to comment.

Mr. Sensel responded Reggie Simmons and Building Commissioner Monaco inspected all these homes and they were all in compliance.

Motion by Mr. Troyer, supported by Mr. Mencini, was discussed.

ROLL CALL: AYES: Troyer, Mencini, Poindexter, Salvatore, Coyne, Scott

NAYS: Unanimous.

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

Introduced by Mayor Orcutt.

Mayor Orcutt recommended this was discussed and will be introduced at tonight's Council meeting.

Motion by Mr. Mencini, supported by Mr. Coyne, this was discussed.

ROLL CALL: AYES: Mencini, Coyne, Scott, Troyer, Salvatore, Poindexter

NAYS: Unanimous.

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

ROLL CALL: AYES: Mencini, Coyne, Troyer, Scott, Poindexter, Salvatore

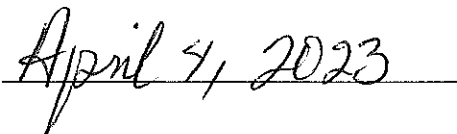
NAYS: Unanimous.

Council President Vecchio declared this meeting adjourned at 7:28 p.m.

RESPECTFULLY SUBMITTED


 Carol Johnson
 Clerk of Council

APPROVED



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