

REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, MAY 9, 2023
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 APRIL 11, 2023.

IV. DISCUSSION:

V. AVIATION & ENVIRONMENTAL COMMITTEE- CHAIRMAN, POINDEXTER

1. AN ORDINANCE AUTHORIZING THE MAYOR TO PARTICIPATE IN THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF OIL AND GAS RESOURCES MANAGEMENT'S (DIVISION) ORPHAN WELL PROGRAM, TO PLUG AN ORPHAN WELL LOCATED IN THE RIGHT-OF-WAY AT 5841 RUPLE ROAD, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

FINANCE COMMITTEE- CHAIRMAN, SCOTT

1. AN ORDINANCE CREATING FUND #550, THE SHELDON ROAD BRIDGE IMPROVEMENT PROJECT FUND, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. AN ORDINANCE AUTHORIZING THE CITY OF BROOK PARK TO ACCEPT DONATED FUNDS, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

VI. LEGISLATIVE COMMITTEE- CHAIRWOMAN, COYNE

1. A RESOLUTION DECLARING THE MONTH OF MAY AS LUPUS AWARENESS MONTH IN THE CITY OF BROOK PARK, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. A RESOLUTION TO EXTEND THE MORATORIUM ON VAPE AND SMOKE ESTABLISHMENTS OR SHOPS WITHIN THE CITY OF BROOK PARK FOR A PERIOD OF NOT MORE THAN 12 MONTHS, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

VII. SAFETY COMMITTEE- CHAIRMAN, ROBERTS

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SUTPHEN CORPORATION, BASED UPON SOURCEWELL CONTRACT NO. 113021-SUT FOR THE PURCHASE OF ONE NEW SUTPHEN HEAVY DUTY CUSTOM PUMPER TRUCK AND RELATED MISCELLANEOUS EQUIPMENT, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

In Attendance: Fire Chief Mark Higgins

VIII. SERVICE COMMITTEE- CHAIRMAN, POINDEXTER

1. AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROJECT AGREEMENT WITH NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR THE SHELDON ROAD PROFILE RAISING AND BRIDGE REPLACEMENT DESIGN PROJECT AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
In Attendance: Michael S. Blair, P.G. Project Manager and Nicole Velez Watershed Team Leader
2. AN ORDINANCE AMENDING ORDINANCE 11233-2021, WHICH AUTHORIZED THE MAYOR TO ENTER INTO A CONTRACT WITH CONSTRUCTION RESOURCES, INC. TO PREPARE DETAIL DRAWINGS, SPECIFICATIONS, AND BID PACKAGES FOR THE NATATORIUM REPAIR, AND A ROOF STUDY, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
3. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND THE CITY OF BROOK PARK, FOR THE STORMWATER MCM #6 IMPLEMENTATION, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
4. AN ORDINANCE AUTHORIZING THE MAYOR TO DISPOSE OF OBSOLETE CITY VEHICLES THAT ARE UNSAFE AND NO LONGER ROAD WORTHY, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
5. AN ORDINANCE AUTHORIZING THE MAYOR TO TRADE-IN THE CITY'S 2007 NEW HOLLAND W170B WHEEL LOADER, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

IX. ADJOURNMENT

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, MAY 9, 2023**

The meeting was called to order by Council President Pro-Tem Salvatore at 7:00 p.m., the clerk called the roll and the following Members of Council answered:

TROYER, MENCINI, ROBERTS, SCOTT, COYNE, POINDEXTER, SALVATORE

Also in attendance were Mayor Orcutt, Law Director Horvath, Interim Finance Director Maykut, Safety Director Sensel, Service Director Beyer and Engineer Piatak.

Council President Vecchio properly excused.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Regular Caucus meeting held on April 11, 2023.

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

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

NAYS: Troyer.

Motion by Mr. Troyer, supported by Mr. Poindexter, to go out of the regular order of business to Safety committee.

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

NAYS: Unanimous.

SAFETY COMMITTEE - CHAIRMAN, ROBERTS:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SUTPHEN CORPORATION, BASED UPON SOURCEWELL CONTRACT NO. 113021-SUT FOR THE PURCHASE OF ONE NEW SUTPHEN HEAVY DUTY CUSTOM PUMPER TRUCK AND RELATED MISCELLANEOUS EQUIPMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this will replace the 1994 fire engine and deferred to Fire Chief Higgins.

Mr. Higgins stated the 1994 engine and by the time this new pumper truck comes in the 1994 engine will be 33 years, only supposed to be in service for 25 years at front-line status and taken out of service at 30 years. The big problem is with supply chain with a 38 to 44-month buildout time and inflation there are additional risks being that far out. Talking to an owner from Sutphen he informed me there is a high demand for federal government monies that cities need. Because of that cities that could not afford a fire engine can now afford one. This engine will be delivered later this year or early next year with many price increases, including another one on June 15th.

Safety Committee - Chairman, Roberts: cont.

Mr. Mencini thanked Mr. Higgins for coming, and asked how many runs does this truck make a year.

Mr. Higgins responded it's not all fire it responds to medical runs with the average being two to two and one-half runs a day.

Mr. Mencini continued working at the service garage saw the truck in for service many times. Is there any reason why the city shouldn't get a new truck?

Mr. Higgins responded see no reason, this truck is antiquated and costing the city money with all the repairs and issues.

Mr. Poindexter stated to Mayor Orcutt the city's fleet is aging and must be replaced. With the \$1.2 million-dollars upon delivery and leasing over multiple years. Is this planned in this budget or next year's budget to pay a bigger portion.

Mayor Orcutt responded it is an aging fleet and are still waiting to receive the pumper later this year to replace the 1986 pumper and will start financing that this year, already approved by Council. With the 38 to 44-month buildout and when received will start making payments; those will be ten-year leases. For the next four years will be paying on the pumper received in 2023 and for more years from now will be paying for this pumper; financing for the next ten years.

Motion by Mr. Troyer, supported by Mr. Mencini, to place on the May 16th Council agenda, first reading.

ROLL CALL: AYES: Troyer, Mencini, Roberts, Poindexter, Salvatore, Coyne, Scott
NAYS: Unanimous.

SERVICE COMMITTEE - CHAIRMAN, POINDEXTER:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROJECT AGREEMENT WITH NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR THE SHELDON ROAD PROFILE RAISING AND BRIDGE REPLACEMENT DESIGN PROJECT AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. In attendance: Michael S. Blair, P.G. Project Manager and Nicole Velez, Watershed Team Leader.

Mayor Orcutt stated this is a design project for Sheldon Road in the area of Abrams Creek and when heavy rains come the road must be shut down. This is a very important project that City Engineer Piatak has been working on, deferred to city engineer.

Service Committee - Chairman, Poindexter: cont.

Mr. Piatak stated point out history of project and points of interest 2020 the district commission did a study of the watershed to research the Sheldon road crossing. Purpose of study to evaluate different alternatives to reduce or eliminate the over-topping of Abrams Creek at the Sheldon Road crossing. Study included preliminary technical and environmental investigations and analyzed a number of design alternatives and submitted three for consideration. This was concluded by myself, the district and Cuyahoga County that alternative two is the choice. Alternative two is a replacement of the structure with a 44' wide by a little under 10' precast structure and in addition to that there will 900 feet of pavement elevated to 3 1/4 or 3 1/2 feet. The results of that alternative is in a 100-year rain event that road will still fill over top but with the elevation the road will be considered passable, that is the alternative proposed to be moved to final design. Before Council is the advanced agreement from the district, to advance that final design and construction with no construction dollars allocated or activities at this point; that agreement will be forthcoming at a later date. Some of the geotechnical work conducted indicated organic materials that will have to be contended with to minimize sediment in that area, due to the new structure and roadway embankment. There are a number of utilities in the area: There is a 30" and 12" water main, Columbia and Dominion both have a four-inch gas main, CEI has transmission and distribution lines as well as a number of telephone, cable and fiber optic facilities, co-located on a number of CEI poles. The district owns a 48' diameter interceptor sewer at the northeast quadrant of the project, don't anticipate getting into that at this point. Do anticipate some right-of-way needed or easements to accommodate the new roadway in the footprint. The district has requested of both Brook Park and Middleburg Heights who own properties on either side of the road within the project limits the district required both cities donate those easements or land rights for the project; think that was a reasonable request. That area is an FEMA flood-plain so there will be some FEMA coordination and initial studies have indicated that the new structure and roadway isn't going to raise a 100-year flood elevation by the allowable amount, that is good. Some of the services provided will be surveying, base-mapping, utilities coordination, utility relocations, maintenance of traffic and whatever it takes to bring this project through construction. Keep in mind that we do anticipate having some aesthetic treatments on the bridge such as a form-liner and stained concrete that will be attractive. Mr. Troyer brought this up before, this segment of Sheldon Road is on the Cuyahoga County greenways plan and been in touch with MetroParks who have expressed interest to partner with both Cities of Brook Park and Middleburg Heights by potentially expanding their greenways network, in the area. The estimated designs and permitting phase is approximately 24 months for completion and hoping to have construction documents ready to go out to bid in 2025; with a projected cost somewhere near \$10 million-dollars. Points of interest on the agreement anticipate construction costs shared with multiple entities; i.e. City of

Service committee - Chairman, Roberts: cont.

Brook Park, City of Middleburg Hts., Sewer District and Cuyahoga County; all have been engaged and on board with the project. The agreement is basically a reimbursement type project to the City of Brook Park, being the lead agency. Work will be performed as well as having consultants performing work, process invoices to be submitted to the district for reimbursement. Some of the agreement sections that may be of interest are 2.1 speaks about 100% reimbursement by the district for the agreement phase currently in. The disbursement request will go through Euthenics and the district indicated a turn-around time of approximately 45 days. Lastly pointed out that sewer district passed resolution 55-23 and is excited to move forward with this project. Ms. Velez -Watershed Team Leader had a family emergency and unable to attend.

Michael Blair - Sewer District Representative
4749 E. 49th St.
Garfield Hts.

Mr. Blair thanked everyone for allowing him time for remarks. As mentioned the district recently completed the Rocky River Watershed Plan that identified problem areas with conveyance, erosion and water quality in this service area. One area identified with conveyance and flooding was on Sheldon Road and what we tried to do in the study is to reach the 100-year (rain) storm that is currently at only ten-year and also maintain traffic in a commercial-industrial area of roadway. This is an important step in managing the regional storm water program and system and appreciate the assistance of Brook Park taking the lead with this, currently the district has four master plans going at a cost of \$1.5 million-dollars of work to get done as soon as possible.

Mencini thanked for coming and asked with the flooding this used to go the former Brook Park treatment plant?

Mr. Piatak responded no, Abrams Creek runs adjacent to the former treatment plant but none of the water entered the plant.

Mr. Blair commented the treatment would be for sanitary and once treated would be discharged.

Mr. Mencini continued where will this water go when the project is completed?

Mr. Blair responded one of things done as part of the master plan is to entail hydraulic-hydrological models of the watershed for Abrams Creek. To find out the alternatives to see what the impact will be. One of the key things in all four master plan studies performed is to not pass the flow issue downstream. Address the problem and not make it worse for people downstream. This alternative looked at

Service Committee - Chairman, Roberts: cont.

with the master plan and design completed in 2020 it was determined with this alternative is by opening that up. The plain currently happening is there is a restrictive culvert with water backing up and until it's able to flow over the roadway embankment it runs downstream. By raising that up and opening that up will allow for the water to flow through the crossing and downstream with no backup; the water will be conveyed but not cause any downstream flooding.

Mr. Troyer requested Ms. Velez - Watershed Team Leader to come to a meeting. Asked Mr. Blair are you aware of beavers dropping trees over the creek?

Mr. Blair responded one of the groups is the Storm and Water Maintenance group and are probably aware of that issue, will let them know.

Mr. Troyer inquired any way to speed this up?

Mr. Blair responded the 24-month time span is based on the time it's going to take for the design work; the time for doing any acquisitions of easements; 13 of the 17 parcels are either owned by the City of Brook Park or City of Middleburg Hts., and expect to go smoothly. The other four parcels we expect to go smoothly but every once in a while there is an issue that eventually leads to negotiations or the modification of the design, so that could have an impact. That is schedule to do the design, submittals and reviews not only by the county engineer but the sewer district. Then looking at the permitting will both be the Environmental Protection Agency (EPA) and the due to involving the regional stream and FEMA involvement. Will tell all of you my boss is anxious to get this project moving forward and if we can, we will try to do that.

Mr. Troyer thanked Mr. Blair for coming and for all that is done to help deal with 100-year storms.

Mr. Blair stated thank all of you for taking the lead and assisting us with this.

Mr. Poindexter stated this design will alleviate flooding by creating a natural flow of water.

Mr. Blair responded will still maintain the conveyance but trying to eliminate the backing up of that water so it doesn't go over the road. By raising it up and adjusting the size of the culvert is when that storm first comes and water builds up. Instead of going over the road it goes into the large crossing and goes through there so the water flow isn't going to be much higher than normal; it just avoids the overtopping so the road is passable. I think it's currently at four inches and with this alternative will be a little under eight inches.

Service Committee - Chairman, Roberts: cont.

Mr. Poindexter continued with enlarging the culvert means bigger openings, more openings and more barrels?

Mr. Blair responded looking at a single barrel, at this time.

Motion by Mr. Troyer, supported by Mr. Roberts, to move to the May 16th Council agenda, first reading.

ROLL CALL: AYES: Troyer, Roberts, Mencini, Poindexter, Salvatore, Coyne, Scott
NAYS: Unanimous.

2. AN ORDINANCE AMENDING ORDINANCE NO. 11233-2021, WHICH AUTHORIZES THE MAYOR TO ENTER INTO A CONTRACT WITH CONSTRUCTION RESOURCES, INC., TO PREPARE DRAWINGS, SPECIFICATIONS AND BID PACKAGES FOR THE NATATORIUM REPAIR AND ROOF STUDY AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this legislation amends a previous Ordinance by adding a fourth Whereas, exhibit C, to include additional consulting fees of \$4,000.00; for the finalization of the finalization of the structural components and design work.

Madam Coyne stated to Mayor Orcutt wasn't this the same company when Mr. Griffith came to speak to Council?

Mayor Orcutt concurred.

Madam Coyne continued with their analysis, when up there, and accusing Brewer-Garrett, reputable company, of making mistakes and errors and unsafe, that were corrected and still considered unsafe. Why would the city invest in a company that did the report? Why would the city trust this company?

Mayor Orcutt responded the trust is opinions of Construction Resources and the contractor. Would take Brewer Garrett out of this because they were not the company that installed the product.

Madam Coyne stated the report showed some things that were not true and a few things inconsistent. Why would the city rely on this company when the report showed profound mistakes that were originally correct.

Mayor Orcutt responded all this is doing is executing the design work to go out to bid and the company is asking for an additional \$4,000.00 for consulting services.

Madam Coyne asked where will this money come from

Service Committee - Chairman, Poindexter: cont.

Mayor Orcutt responded American Rescue Plan (ARP) dollars will be used, can provide fund number tomorrow.

Madam Coyne continued after this is conducted what is the plan for the (recreation center) building?

Mayor Orcutt responded this allows to put the construction documents together for bidding purposes, has nothing to do with the inside of the building.

Mr. Mencini stated looking at this what's another \$4,000.00, for what has been put in there. My worry is this has been dangling for a very long time and the city will get this consultant to look at this; after that that will the consultants come back to Council to make a presentation?

Mr. Poindexter responded the presentations and discussions were made and legislation was passed for the consultants to put together construction documents and bid packages. Now at this point that the designing is almost complete and costed \$4,000.00 more than anticipated for the designs and so forth; once completed goes out to bid.

Mr. Mencini continued after that what is the plan; half of the residents want a pool and half want it torn down.

Mayor Orcutt stated getting ahead of ourselves, the roof is caving in and water comes inside the natatorium area, when it rains. This is just an addition to what was already paid to do the design work for the natatorium area; to complete the bidding process. Once that the bidding is completed we will have to look at the funding source to get roof and walls done and when that is completed will need to have good discussions with the community. Looking at the mechanical, piping and condition the bones of the pool are not good. At that point, will have to that conversation with our constituents to see what they want and if they want a pool they will need to provide some cash-flow somehow, someway. If that can be afforded will look at other prospects.

Mr. Mencini continued Brewer-Garret is a good company and they did a lot of things during the walk-through but they could have made a good observation on the pool either tear it down which wasn't done and why we're at where we are now.

Mr. Troyer pointed out in exhibit c last two lines the City will acknowledge that the West PUF roof at the base of the natatorium walls will not be dealt with by CRI and leaks at the wall base is not the responsibility of the project's scope of work. Is the date of 1/25/23 at the top still okay with that?

Service Committee - Chairman, Poindexter: cont.

Mayor Orcutt concurred.

Mr. Troyer continued want to get this moving forward and done right. To Madam Horvath according to the Charter section 4.08 read number two - No Ordinance shall be revised or amended unless the ordinance or resolution superseding it contain the entire ordinance or resolution so revised or amended or section or sections shall be expressly repealed. Does the old piece of legislation have to be repealed?

Madam Horvath responded think because adding onto a dollar amount and the only change think that will be fine with this version; throughout the course of time Council has amended many things in this fashion. Once again, asked if there are any questions to inform the law department so a much detailed answer can be given. Looking at that particular section and legislation would opine that is fine.

Mr. Troyer stated basically a change order?

Madam Horvath concurred.

Mr. Troyer stated should be out in the open and if I have a question would like an opinion on the floor.

Mayor Orcutt good point Councilman I brought up that the city will acknowledge that the West PUF roof at the base of natatorium walls will not be dealt with by Construction resources or leaks at the wall base. This is going off of what Councilwoman Coyne stated with a difference of opinion and not being a roof specialist don't know who is right or wrong. Construction Resources will need to lay down plywood and scaffolding up on the roof that was done and want to make sure they won't be held accountable for resealing any of that after removing the plywood.

Mr. Poindexter stated think this legislation speaks for itself already paying this company \$170,000.00 and it's been a while, am sure costs have gone up. No matter what goes into that area it needs to be repaired and in full support of moving forward.

Motion by Mr. Troyer, supported by Mr. Roberts, to place on May 16th Council agenda, under first reading.

ROLL CALL: AYES: Troyer, Roberts, Mencini, Poindexter, Salvatore, Coyne, Scott
NAYS: Unanimous.

Service Committee - Chairman, Poindexter: cont.

3. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND THE CITY OF BROOK PARK FOR THE STORMWATER MCM#6 IMPLEMENTATION AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt considers this legislation housekeeping, done every year. Every resident and commercial business pays into NEORS that is put into an account the city can draw from for maintenance and to do projects.

Mr. Beyer stated this past year the city was reimbursed \$200,000.00 from that account and targeting the same for 2023. These monies are used for street-sweeping, catch-basin cleaning and debris pickup throughout the city as well as material placed in the roll-off containers that needs to be taken away.

Mr. Troyer asked Mr. Beyer how many laborers does this give the city?

Mr. Beyer responded hard to put a number on it; one driver for the street-sweeper, two people on the Vactor and throughout the year employees are utilized for debris pickup. Can say four to five but there is no accurate number; everything is recorded with catch-basins, Vactor and street-sweeping. Not only doing labor but there is a FEMA standard followed with the equipment.

Mayor Orcutt interjected I don't have exact numbers but in 2022 it was over \$300,000.00 in street-sweeping and Vactor operations.

Mr. Troyer elaborated where this money comes from is a storm water charge/fee that was put on the sewer bills that the city can ask for 25% back.

Motion by Mr. Roberts, supported by Mr. Troyer, to place on the May 16th Council agenda, under first reading.

ROLL CALL: AYES: Roberts, Troyer, Coyne, Scott, Mencini, Poindexter, Salvatore
NAYS: Unanimous.

4. AN ORDINANCE AUTHORIZING THE MAYOR TO DISPOSE OF OBSOLETE CITY VEHICLES THAT ARE UNSAFE AND NO LONGER ROAD WORTHY AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated the attached exhibit shows the different vehicles to be scrapped.

Mr. Beyer stated any vehicles that had salvageable parts were taken out, this is done every couple of years if they can't be auctioned.

Service Committee - Chairman, Poindexter: cont.

Mr. Troyer asked Mr. Beyer were these approved as scrapped and not be sold to anyone?

Mr. Beyer responded I am sure the maintenance mechanic shows that the frames and vehicle identification number (VIN) are scrapped and not sold to anyone can follow-up with that.

Mr. Troyer stated my concern is that a transmission could be transferred to another vehicle, not by the city, that could come back and cause problems for the city.

Mr. Beyer continued if any of those vehicles were salvageable they would be taken to auction, if we took them to auction being not road worthy that could cause problems to the city.

Mayor Orcutt stated the service director has set up an account with a scrap yard based on metal pricing daily. Once the scrap yard gets these vehicles they strip them down for parts of what have you.

Mr. Troyer asked Madam Horvath is there any liability to the city if put back on the street?

Madam Horvath responded with scrap vehicles the city can't have 100% control with what another company does. Would think that our sovereign immunity would protect the city since giving these vehicles to another company to scrap, it is the city's intention that these vehicles be off the road. Can work with the service department to check into this further.

Mr. Mencini stated nothing is full-proof these day and these vehicles have been ruled obsolete by the Mr. Pensis.

Mr. Beyer concurred.

Mr. Mencini continued metal is not at a bad price currently. Does the city get anything back besides monetarily that the VIN no longer exists?

Mr. Beyer responded I can talk with Mr. Pensis and work with the law director.

Mr. Poindexter stated have taken many vehicles to the junk yard and once given to them it's not the city's problem anymore. How can it be the city's problem?

Mayor Orcutt commented the title.

Mr. Poindexter continued once the title transfers the owner is not liable.

Service Committee - Chairman, Poindexter: cont.

Mr. Salvatore stated the vehicles are being declared scrap by legislation, making it official.

Motion by Mr. Salvatore, supported by Mr. Roberts, to place on the May 16th Council agenda, first reading.

ROLL CALL: AYES: Salvatore, Roberts, Poindexter, Mencini, Scott, Coyne, Troyer
NAYS: Unanimous.

5. AN ORDINANCE AUTHORIZING THE MAYOR TO TRADE-IN THE CITY'S 2007 NEW HOLLAND W170B WHEEL LOADER AND DECLARING AN EMERGENCY.
Introduced by Mayor Orcutt.

Mayor Orcutt stated in the 2023 budget monies were put in for a new front-end wheel loader and the one found is a John Deere by state-wide purchasing program. With this trade-in the city is releasing front-end loader to this company at a cost of \$30,000.00 to put towards the new one.

Mr. Beyer stated the 2007 New Holland is a discontinued model and Mr. Pensis explained that that electronics board is obsolete.

Mr. Troyer asked what is this used for?

Mr. Beyer responded used for moving salt and not unusual to use in other areas such as moving snow drifts, especially on Henry Ford Blvd. and Aerospace Parkway, also used in the yard for moving concrete and asphalt.

Mr. Troyer clarified this is just for the trade-in there will be another piece of legislation for purchasing?

Mayor Orcutt the new front-end loader is part of the statewide purchasing program and does not need to get bids, there will be another piece of legislation in November or December.

Motion by Mr. Salvatore, supported by Mr. Roberts, to place on the May 16th Council agenda, first reading.

Mr. Poindexter asked Mr. Beyer there won't be a trade in until the new one is received?

Mr. Beyer responded when the new one is delivered the company will take the 2007; still waiting on the letter of intent for current pricing.

Mr. Troyer stated did the city look into getting a used board?

Service Committee - Chairman, Poindexter: cont.

Mr. Beyer responded the 2007 is hard to come by and if the city gets a used board how long will that one last, also costs more.

Mayor Orcutt stated I asked that same question, this is the micro-processor that relays all the moving parts, steering and completely obsolete. This is in preparation of moving forward with this new purchase and believe there not any boards available.

The clerk called the **motion** by Mr. Salvatore, supported by Mr. Roberts, to place on the May 16th Council agenda, first reading.

ROLL CALL: AYES: Salvatore, Roberts, Poindexter, Mencini, Troyer, Coyne, Scott
NAYS: Unanimous.

Mr. Salvatore directed Council back to Aviation & Environmental Committee.

AVIATION & ENVIRONMENTAL COMMITTEE - CHAIRMAN, POINDEXTER:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO PARTICIPATE IN THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF OIL AND GAS RESOURCE MANAGERMENTS (DIVISION ORPHAN WELL PROGRAM) TO PLUG AN ORPHAN WELL LOCATED IN THE RIGHT-OF-WAY AT 5841 RUPLE ROAD AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated there is natural gas leaking on Ruple Road for many years. The location of 5841 Ruple Road is on the east side between Cedar Point and Valley View Roads. With this program there is no cost to the city and this company will prepare bids for a gas plug to be put on. The city, landowner, is not responsible for any fees or plugging costs.

Mr. Mencini stated there will be no inconvenience to the residents or traffic?

Mayor Orcutt concurred.

Mr. Mencini continued how long will it take to cap?

Mayor Orcutt responded don't have that information but once this firm has the three bids can ask how long it takes.

Motion by Mr. Mencini, supported by Mr. Salvatore, to place on the May 16th Council agenda.

ROLL CALL: AYES: Mencini, Salvatore, Poindexter, Roberts, Scott, Coyne, Troyer
NAYS: Unanimous.

FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. AN ORDINANCE CREATING FUND #550, THE SHELDON ROAD BRIDGE IMPROVEMENT PROJECT FUND AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated the city applied and was awarded a grant of \$1,175,945.00 to pay 100% of this bridge design and this created fund utilizes paying invoices out of that fund. The way this program will work is as invoices come in for the design work the city will pay those invoices and be reimbursed by the sewer district within 45 days.

Madam Maykut stated once passed Fund #550 fund will be set up and billed through Euthenics; who will then bill the sewer district. There will be funds taken out of the General Fund and then reimbursed.

Mr. Poindexter asked Mayor Orcutt will this fund remain intact during the construction project and be used for construction in the future?

Mayor Orcutt responded that would have to be determined and I would have to say no; this is just a special fund for the design work. The important thing the city wants to make sure is the fund balance is zero (\$0) at the completion of the design work.

Mr. Poindexter continued that was what I was getting at is putting a little bit here and there with five or six years down the line to put \$50,000.00, think it would be a prudent idea.

Mayor Orcutt responded getting everything done that this city needs to get done we obviously don't have the cash. I think you are bringing up a very good point the city has to save. People have different opinions of how much money the city has and believe it was stated at last meeting the city has \$7 million-dollars extra. \$5 million-dollars of that goes to the city's rainy day fund. When there is an extra \$2 million-dollars and have to install a retention basin, fix the roof and walls and put a bridge in I think what you're talking about is what this administration believe in to start saving money and diversify city funds to do everything we can. This year there is pilot program for (streets) mill and fill and hopefully can get the eight streets done and the cul-de-sac and hopefully it is a successful program.

Motion by Mr. Salvatore, supported by Mr. Mencini, to place on the May 16th Council agenda, first reading.

ROLL CALL: AYES: Salvatore, Mencini, Roberts, Poindexter, Troyer, Coyne, Scott
NAYS: Unanimous.

Finance Committee - Chairman, Scott: cont.

2. AN ORDINANCE AUTHORIZING THE CITY OF BROOK PARK TO ACCEPT DONATED FUNDS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated as previously reported the city is getting a K-9 spearheaded by the safety director. Blue Line is another foundation to collect funds for the operation of a K-9 unit.

Mr. Sensel stated Blue Line Unlimited is a charity that assists and provides funds to first responders and their families in the wake of training, education and equipment. Blue line does a lot of fundraising and raffles; several weeks ago they had a reverse raffle in the City of Parma, biggest event of the year and at that time presented to the police chief a check for \$2,000.00, to assist with the K-9 program. The K-9 arrived yesterday and will be in school for the next eight weeks with his trainer Police Officer, Big Lang-Awa.

Mr. Salvatore asked Mr. Sensel has the K-9 been fitted for bullet proof vest?

Mr. Sensel responded yes, he has.

Mr. Poindexter asked what is his name?

Mr. Sensel responded Odin.

Motion by Mr. Mencini, supported by Mr. Roberts, to place on the May 16th Council agenda, first reading.

ROLL CALL: AYES: Mencini, Roberts, Poindexter, Salvatore, Troyer, Coyne, Scott
NAYS: Unanimous.

LEGISLATIVE COMMITTEE - CHAIRWOMAN, COYNE:

1. A RESOLUTION DECLARING THE MONTH OF MAY AS LUPUS AWARENESS MONTH IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt and C/W.

Mayor Orcutt stated actually learned a lot more about Lupus with putting this legislation together. The second Whereas is very important because more than five million people are affected by this horrible disease and one-million people are diagnosed. Lupus is a very dangerous disease with healthy cells being attacked and extremely hard to diagnose people with Lupus; this disease is unfunded with hospitals, at this time.

Legislative Committee - Chairwoman, Coyne: cont.

Madam Coyne thanked Mayor Orcutt for doing this, and using my medical background Lupus is called Systemic Lupus Erythematosus that affects all cells in the human body and is a very serious illness that gets overlooked.

Mr. Troyer expressed wonder if a section should be put in to send to state representatives; who could get funding for this.

Mayor Orcutt stated Representative, Tom Patton and Senator, Matt Dolan.

Mr. Troyer asked Madam Horvath if wording could be worked on?

Madam Horvath concurred.

Motion by Mr. Mencini, supported by Mr. Roberts, to place on the May 16th Council agenda, first reading.

ROLL CALL: AYES: Mencini, Roberts, Poindexter, Salvatore, Troyer, Coyne, Scott
NAYS: Unanimous.

2. A RESOLUTION TO EXTEND THE MORATORIUM ON VAPE AND SMOKE ESTABLISHMENTS OR SHOPS WITHIN THE CITY OF BROOK PARK FOR A PERIOD OF NOT MORE THAN 12 MONTHS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated last year City Council passed a moratorium on smoke and vape shops. This legislation is to extend that moratorium so that a committee can be formed to discuss these types of shops. Would like to work with the committee and the law department to see what can be done to control the certain amount of certain businesses in certain areas of the city, every surrounding city is having this problem. Over the next 12 months would like to work with this committee to see what can be put in place for this community.

Mr. Troyer agreed with Mayor Orcutt and stated there was another issue pushed down the road that I fought to get passed and regulated, same thing here. For instance, there is legislation on the books there can only be two gas stations on corners. Think we already have the committee - Planning and this does need to be extended.

Mr. Mencini agreed with Mayor Orcutt and my thing is hearing from residents not another one of those. Also, have to look at what kind of income this brings in and what types of areas. There are neighborhoods that these establishments can't be put in and it's always good with a town hall meeting, to hear from the residents.

Legislative Committee - Chairwoman, Coyne: cont.

Mr. Roberts stated speaking with Councilmen Mencini and Scott we saw some other cities doing this and I would like to work with the Mayor to limit these types of establishments.

Motion by Mr. Mencini, supported by Mr. Poindexter, to place on the May 16th Council agenda, first reading.

ROLL CALL: AYES: Mencini, Poindexter, Roberts, Salvatore, Troyer, Coyne, Scott
NAYS: Unanimous.

Note: Safety and Service committee items were moved by **motion** to beginning of meeting.

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

ROLL CALL: AYES: Mencini, Roberts, Poindexter, Salvatore, Troyer, Coyne, Scott
NAYS: Unanimous.

Council President Pro-Tem Salvatore declared this meeting adjourned at 8:33 p.m.

RESPECTFULLY SUBMITTED Carol Johnson
Carol Johnson
Clerk of Council

APPROVED June 13, 2023

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