

NOTICE  
SPECIAL MEETING OF COUNCIL

Clerk's Office, Brook Park, Ohio

JULY 24, 2023

TO: COUNCILMEMBERS TROYER, MENCINI, ROBERTS, SCOTT, COYNE, POINDEXTER, SALVATORE, COUNCIL PRESIDENT VECCHIO, AND MAYOR ORCUTT, LAW DIRECTOR HORVATH, AND INTERIM FINANCE DIRECTOR MAYKUT

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 25<sup>th</sup> day of July, 2023 AT 5:00P.M. at the place of holding regular meetings. (\*Refer to Rules of Council, No. 4, if applicable.)

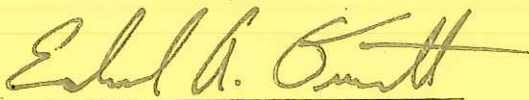
**ROLL CALL OF MEMBERS:**

**PLEDGE OF ALLEGIANCE:**

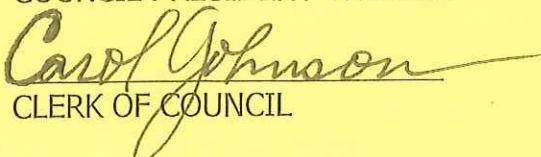
**DISCUSSION:**

1. A RESOLUTION REQUESTING THAT THE COUNTY FISCAL OFFICER CERTIFY CERTAIN INFORMATION TO THE CITY OF BROOK PARK, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. - PER COUNCIL PRESIDENT VECCHIO.
  
2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH INDEPENDENCE EXCAVATING, INC., AND TO PROCURE THE NECESSARY CONSTRUCTION ADMINISTRATION, CONSTRUCTION OBSERVATION, AND CONSTRUCTION TESTING SERVICES FOR THE WEDO PARK STORM WATER BASIN PROJECT, AND DECLARING AN EMERGENCY.
  
3. AN ORDINANCE AMENDING ORDINANCE NO. 11318-2023, THE APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK, AND DECLARING AN EMERGENCY

**ADJOURNMENT**



COUNCIL PRESIDENT VECCHIO



CLERK OF COUNCIL

**SPECIAL CAUCUS MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
HELD ON TUESDAY, JULY 25, 2023**

The meeting was called to order by Council President Vecchio at 5:00 p.m., the clerk called the roll and the following Members of Council answered:

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

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

**DISCUSSION:**

1. A RESOLUTION REQUESTING THAT THE COUNTY FISCAL OFFICER CERTIFY CERTAIN INFORMATION TO THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this is one of five pieces of legislation for the passage of the Southwest General Health Center five-year levy. If passed by Council, this legislation will be sent to the county auditor's office for millage.

Mr. Poindexter asked Mayor Orcutt what the deadline is for legislation?

Mayor Orcutt responded August 9th.

Mr. Mencini asked Mayor Orcutt if there is any increase?

Mayor Orcutt responded this is for a renewal, no increase, and will be for the five-years from 2025 through 2029.

Mr. Salvatore asked Madam Horvath for an explanation on how this was done in the past.

Madam Horvath responded in September, 2022, there were a number of changes made on how this procedure would be put forward; segmented into three basic pieces beginning with the piece on tonight's agenda. Asking the auditor to certify the millage of the tax. The next piece would be the language inserted into city ordinance followed by an accompanying piece; all three are needed to be placed on the ballot by August 9th. Two other pieces of legislation would be the contract with Southwest General and the fifth piece would be a resolution urging the voters to pass that particular levy.

**Motion** by Mr. Troyer, supported by Madam Coyne, discussed.

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

**Discussion: cont.**

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH INDEPENDENCE EXCAVATING, INC. TO PROCURE THE NECESSARY CONSTRUCTION ADMINISTRATION, CONSTRUCTION OBSERVATION AND CONSTRUCTION TESTING SERVICES FOR THE WEDO PARK STORM WATER BASIN PROJECT AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated since 2022 have been working within the budgets for this retention basin. In 2022 legislation was approved for the design build for the retention basin with Euthenics. This legislation awards the contractor that will be able to build the Wedo Park retention basin and referred to the city engineer.

Mr. Piatak reported this is the next piece of the puzzle to bring this project to fruition. This project was publicly advertised with five bids submitted: Independence - \$1.93 million dollars; Fabrizzi Trucking - \$2.19 million dollars; Precision Engineering & Construction - \$2.22 million dollars; Mark Hanes Construction - \$2.25 million dollars and Digioia Suburban - \$2.28 million dollars. Engineer's estimate was \$2.2 million-dollars Independence was the lowest bid received and more than qualified to perform this work, it is my recommendation to award the contract to Independence.

Mr. Poindexter asked Mr. Piatak after passage how soon will work begin?

Mr. Piatak responded met with contractor last week with the anticipation to start the paperwork. The contractor indicated preliminary work to begin the first or second week of August with the pavilion coming down, testing and logistics.

Mr. Poindexter continued with last Thursday's storm, would this basin helped in some of those areas?

Mr. Piatak responded would have helped but not eliminated water coming through the foundations.

Mr. Poindexter interjected would have relieved some of the pressure in the storm drains.

Mr. Piatak responded believe that to be the case, yes.

Mr. Troyer stated would like to have attached to the legislation the amount being spent as a drawing of what the city is getting.

Mayor Orcutt clarified you would like to see the rendering of what has been put out?

**Discussion: cont.**

Mr. Troyer responded yes. Continued to Mr. Piatak percentage wise with the past rains how many homes would have been affected by this catch-basin if it would have been in working order?

Mr. Piatak stated that is a hard number to say because if there are ten-gallons of water going into the bucket and take two-gallons out. That will help those people that contributed those two-gallons but also allows eight-gallons to pass through. That will not help those people directly affected by that. As far as percentage and number some of the early studies delineated the drainage area that will be directly draining to that basin. Council gets a copy of all the contracts entered into with the one we stepped a little bit by apprising Council on what was going on. Can say that the plan from day one has changed minimally path may have moved a little bit with the outlet structure being relocated from one corner to the other, general terms the plan has changed very, very little.

Mr. Troyer continued there's been talk about another inlet off of Harrison Drive, that is not part of this?

Mr. Piatak concurred

Mr. Troyer continued always for a comprehensive water program to help control water in the city. My issue with this would have been to use the highway - Abrams Creek which is a different watershed. The bigger creeks are the highway and paid for through the Storm Water Management District; 75%, Wedo park is a side street with the city covering the costs. Are there any highway projects being looked at?

Mr. Piatak always discussion and pleaded with the district to fund this project and the answer has always been the same.

Mr. Mencini stated last Thursday's storm residents received water that didn't get water before. Years ago the same question was asked that Mr. Poindexter asked with the same answer. How will the city get the water flow from the basements to channel towards the retention basin? Can the water be channeled to the retention basins will that be part of the project the city is paying for?

Mr. Piatak stated the city is looking to enter into contract with Independence Excavating to dig a basin at Wedo Park this has nothing to do with Brookview (school), Kolleda (ditch) or any other part of town. The work is focused at Wedo Park and am a firm believer that a lot of the issues seen in that neighborhood are created from a backup from Kolleda (ditch). With this basin we're looking at kind of isolating that neighborhood by letting water drain into the basin; as opposed to draining into the Kolleda ditch which is already full. The water from that

**Discussion: cont.**

neighborhood will be drained into the basin and let it sit there until storm passes then allowing the basin to drain when Kolleda ditch can handle the water, relieving the head on that existing system. This project does not go in and redo the sewers within the neighborhood and will not say that if there is another 2 1/2 inches of rain which is an extreme amount of rain, in a short period of time, there won't be problems. Will say that with this retention basin there will be improvements made to that neighborhood.

Mayor Orcutt stated all stories heard there have been flooding problems before homes. Past leaders have spent monies by putting tanks in to help flooding which has helped. This project will help with flooding problems but must continue. This city has a problem with either pipes or infrastructure being too small and whatever can be done to relieve that ditch will help. Think there will need to be a series of ditches throughout and the city probably get on some type of program to further mitigate for this issue. To Mr. Troyer looking at section 3 of this legislation -Fund 459 is being used to complete this project. Looking at the March appropriations page 2 - Fund 459 Ditch Cleaning there are funds appropriated to pay for this and the overall, for the record, would be \$2,052,000.00 with \$200,000.00 for contingency monies in the contract. If the contingency money is not utilized it will be \$1,082,000.00. Currently, have a request to the sewer district to take money out of the Community Cost-Share, approved by City Council, as of June 30th having a balance of \$880,000.00. Have put in a request, must need approval from City Council, to take \$800,000.00 to put towards this project. Also, in that request asked for over the next five-years borrow \$200,000,00 from ourselves. We put in over \$300,000.00 yearly so over five-years at \$200,000.00, if approved by sewer district and City Council, totals \$1 million-dollars back in five-years.

Mr. Poindexter stated this is just one piece in solving this problem and during the last storm it was brought to my attention that residents removing the mats placed over the catch-basins so water does not stay in the street.

Mayor Orcutt responded yes, that was an isolated area of Doris Drive and Councilman Roberts and I addressed the issue with crowd of people trying to help. Mats are there to help with putting water on the streets rather than the storm circuit and allowing for drain tiles around a home to work through the mains while there is water on the streets. Those mats are city property and should not be cut-off.

Mr. Poindexter stated in full support of this project but will not solve the problem.

Mayor Orcutt stated this is a credit to the city engineer and former people on this dais by putting monies into the community cost-share program.

**Discussion: cont.**

**Motion** by Madam Coyne, supported by Mr. Poindexter, discussed.

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

**NAYS:** Unanimous.

3. AN ORDINANCE AMENDING ORDINANCE NO. 11318-2023, THE APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated these are adjustments to the city budget - three main items are Fund 459 to fund the construction of the Wedo Park retention basin; increase to the Sheldon Road Water-main project and appropriate funds for the Sheldon Road bridge design project.

Mr. Piatak stated the waterline project was put out to bid in May with no bids received, think the industry is still recouping from material and labor shortages. Made adjustments to the plans and upped the engineer's estimate and received one bid that came in a little under 8% of the engineer's updated estimate. Waterlines are expensive and this project needs to get done prior to the county resurfacing project next year. The City of Brook Park is partnering with the City of Middleburg Heights, 50-50% partnership, to move forward. The City of Middleburg Heights has indicated wants to move forward and have already appropriated their share of the increase for this project.

Mr. Troyer asked how are these numbers working the city pays our share and is being reimbursed?

Mr. Piatak the City of Brook Park is funding all monies then gets reimbursed from Middleburg Heights.

Mayor Orcutt stated the waterline price at \$1 million-dollars the city will pay half of that. With the bridge design of \$1.175 the city will get money back and with the water-main replacement of \$1 million-dollars the city will get \$500,000.00 back.

Mr. Poindexter stated with all the changes the only additional increase is to the General Fund of \$561,000.00.

Madam Maykut concurred.

Mayor Orcutt commented the bridge design monies have to be zeroed out.

Madam Maykut stated the bridge design monies spent will be reimbursed within the timeframe. Had to put the appropriations on the books to be reimbursed into the same fund.

**Discussion: cont.**

Mayor Orcutt stated the Sound Insulation Fund we are re-appropriating \$50,000.00 for Council fees for west end lawsuit, City of Brook Park vs. City of Cleveland.

~~Mr. Troyer stated to Madam Maykut with Fund 210 - City Income Tax \$29,000.00 is not being used for refunds; instead being appropriating for salaries and fringe benefits/~~

Madam Maykut responded there are \$750,000.00 in refunds where last year, at this time, the city had over one-million.

Mr. Troyer asked why is the extra money needed for salaries?

Madam Maykut responded there were some changes in the tax department with a part-time employee going to full-time and a clerk to administrative assistant.

Mr. Troyer stated with Fund 545 - Street Improvement Fund where is that being transferred to?

Madam Maykut responded Fund 545 needs to be broken where they originally came from; General Fund and Fund 401 - Capital Improvement. Part of that is Advances - \$398,000.00 and another Advances 601 \$839,000.00 and part of Transfers to Capital.

Mr. Troyer questioned Mayors Court - Communications?

Madam Maykut responded the Building and Tax departments have to send out notices to residents by certified mail, increase is for postage.

Mr. Troyer questioned Mayor's office salary?

Madam Maykut responded an employee was put in Department 415 and should have been moved to Department 400.

Mr. Troyer questioned the Fund 411 - Safety Building - \$49,000.00?

Madam Maykut responded that \$49,000.00 was not included in the original budget for emergency backup of dispatch services.

Mr. Troyer continued Fund 415 - Building Department is lower.

Madam Maykut responded that is moving one person out and people who left had to be paid vacation and comp time.

**Discussion: cont.**

Mr. Troyer questioned Sanitation - \$10,000.00.

Madam Maykut responded that is for a turbo charger truck repair that was not in the original budget.

Mr. Troyer continued Fund 428 - Regular Salaries - Public Properties - \$35,000.00?

Madam Maykut responded that was for personnel change from sewers & drains to public properties.

**Motion** by Mr. Troyer, supported by Mr. Poindexter, discussed.

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

**NAYS:** Unanimous.

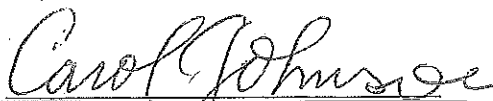
There being no further business to come before this meeting a **motion** by Mr. Mencini, supported by Mr. Roberts to adjourn.

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

**NAYS:** Unanimous.

Council President Vecchio declared this meeting adjourned at 5:49 p.m.

RESPECTFULLY SUBMITTED



Carol Johnson  
Clerk of Council

APPROVED September 5, 2023

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