

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, OCTOBER 8, 2024
7:00 P.M.**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III. DISCUSSION:

1. DEPARTMENT OF LIQUOR CONTROL - 15119 SNOW ROAD, LLC, 11519 SNOW ROAD AND PATIO, BROOK PARK, OH, 44142, C TRFO 6552173. Postmark Date: 10/21/24.
2. DEPARTMENT OF LIQUOR CONTROL - GET-GO OPERATING LLC, DBA BROOK PARK GET-GO 3465, 1460 SNOW ROAD, BROOK PARK, OH, 44142, C TRFO 3158049-0055. Postmark Date: 10/26/24

IV. FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. AN ORDINANCE AMENDING SECTION 1311.06(A) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SURETY BOND AND INSURANCE REQUIRED' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. AN ORDINANCE AMENDING SECTION 1801.05(H) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'COLLECTION AT SOURCE' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
3. AN ORDINANCE AUTHORIZING AN INCREASE IN COMPENSATION FOR THE SENIOR SNOW REMOVAL AND GRASS CUTTING ASSISTANCE PROGRAM PROVIDERS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

V. LEGISLATIVE COMMITTEE - CHAIRMAN, SCOTT:

1. ORDINANCE NO. 11413-2024
AN ORDINANCE AMENDING SECTION 351.99 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PENALTY' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. AN ORDINANCE AMENDING SECTION 1323.02 OF THE BROOK PARK CODIFIED ORDINANCES 'PENALTY' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

VI. RECREATION COMMITTEE - CHAIRMAN, McCORKLE:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GAMETIME FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT AT CARPENTER PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

VII. SAFETY COMMITTEE - CHAIRMAN, TROYER:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SIGNAL SERVICE COMPANY, WITHOUT PUBLIC BIDDING, TO PROVIDE FOR THE MAINTENANCE OF TRAFFIC CONTROL DEVICES AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT OR THE TRADE- IN OF SIX GUNS AND A RIFLE SCOPE AND TO ACCEPT A TRADE-IN ALLOWANCE OF \$7,420.00 AND USE THAT ALLOWANCE TO PURCHASE A ROSS M40A3 TACTICAL RIFLE AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
3. AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO TRADE-IN POLICE EQUIPMENT AND/OR UNCLAIMED OR FORFEITED PROPERTY NO LONGER NEEDED BY THE BROOK PARK POLICE DEPARTMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
4. AN ORDINANCE AMENDING SECTION 143.02(A) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'COMPOSITION-EXECUTIVE HEAD' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

VIII SERVICE COMMITTEE - CHAIRMAN, ROBERTS:

1. AN ORDINANCE AUTHORIZING A CHANGE ORDER FOR BEST EQUIPMENT CO., INC. FOR THE PURCHASE OF PARTS AND REPAIRS FOR GARBAGE TRUCKS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. AN ORDINANCE AUTHORIZING THE CITY OF BROOK PARK'S PURCHASE OF A 2024 FORD TRANSIT 350 WHEELCHAIR VAN 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, OCTOBER 8, 2024**

The meeting was called to order by Council President Salvatore at 7:00 p.m., the clerk called the 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, Police Chief Powers and Service Director Beyer.

Motion by Mr. Mencini, supported by Mr. Dufour, to go out of the regular order of business to Service committee followed by Safety committee.

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

SERVICE COMMITTEE - CHAIRMAN, ROBERTS:

1. AN ORDINANCE AUTHORIZING A CHANGE ORDER FOR BEST EQUIPMENT CO., INC. FOR THE PURCHASE OF PARTS AND REPAIRS FOR GARBAGE TRUCKS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mr. Beyer stated this is the company that Brook Park purchases automated rubbish trucks and rear-loaders and there are many things that can't be done in-house. Therefore, the trucks must go to Best Equipment to make repairs and the tires for these trucks. Costs have gone up and that's the reason for this change-order legislation.

Mr. Mencini stated to Mr. Beyer with the rubbish trucks being used five (5) days a week, how often does this occur?

Mr. Beyer responded not every week but some of the fleet is older. One of the biggest things is the electronics and the moving arms on the trucks. Maybe monthly but they are big ticket items.

Mr. Mencini asked do the trucks come back in a timely fashion?

Mr. Beyer responded absolutely.

Mr. Troyer asked Mr. McGann has this been appropriate or will that need to be done?

Mr. McGann responded will have to appropriate at the end of the year up to \$100,000.00, will have a final appropriation at end of year.

Service committee - Chairman, Roberts: cont.

Motion by Mr. Poindexter, supported by Mr. Dufour, to place on next week's Council agenda.

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

2. AN ORDINANCE AUTHORIZING THE CITY OF BROOK PARK'S PURCHASE OF A 2024 FORD TRANSIT 350 WHEELCHAIR VAN AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this van will be utilized for taking seniors to doctor appointments and shopping. The grant the city received was in the amount of \$64,000.00 and the total price of the van is \$81,174.24; difference the city will pay is \$17,174.24. The van comes with a wheelchair lift and five (5) chairs.

Motion by Mr. Troyer, supported by Mr. Mencini, to place on next Council agenda, October 15th.

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

SAFETY COMMITTEE - CHAIRMAN, TROYER:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SIGNAL SERVICE COMPANY, WITHOUT PUBLIC BIDDING, TO PROVIDE FOR THE MAINTENANCE OF TRAFFIC CONTROL DEVICES AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated the amount will have to be increased for services with most of it being for tornado damage and repairs. Section two (2) shows the amount of \$120,000.00, out of Fund 100 - General Fund. Asking for an amendment to increase to \$200,000.00.

Motion by Mr. Poindexter, supported by Mr. Mencini, to amend to \$200,000.00.

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

Mr. Troyer asked is this contract for 2024? Because usually the contract would have a set amount and now adding the emergency necessities.

Mayor Orcutt concurred and stated the traffic signals at West 130th Street and Zaremba Drive are hanging by a string, due to damage from the tornado.

Mr. Troyer continued with the regular contract the city would do this for the year for regular maintenance, which is included in this. That's for this year and are now adding due to tornado damage and new projects?

Safety committee - Chairman, Troyer: cont.

Mayor Orcutt responded two (2) control boxes, two (2) arms and work that will be done at the old crosswalk by Brook Park Memorial School and putting signals there.

Mr. Troyer stated was hoping to get new wording with the second 'Whereas' that says this company is excepted from bidding requirements due to skill abilities. There are other companies that do this kind of work.

Motion by Mr. Poindexter, supported by Mr. Roberts, to place on next week's Council agenda.

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

NAYS: Unanimous.

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE TRADE-IN OF SIX GUNS AND A RIFLE SCOPE AND TO ACCEPT A TRADE-IN ALLOWANCE OF \$7,420.00 AND USE THAT ALLOWANCE TO PURCHASE A ROSS M40A3 TACTICAL RIFLE AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mr. Troyer asked Mr. Powers why is this needed?

Mr. Powers responded to replace an older rifle needed at the department, updating a rifle.

Mr. Troyer continued my understanding is this is a sniper rifle?

Mr. Powers concurred.

Mr. Troyer asked can a citizen of Brook Park own one (1) of these rifles?

Mr. Powers responded that particular one (1) they would have to go through a background check and licensing through the government.

Mr. Troyer stated have a problem with that because don't think Brook Park police should have something that the average citizen can't have. This is a gun that is specialized and the equipment that is on it that makes it specialized.

Mr. Powers responded it's the type of rifle that is.

Mr. Troyer continued it's the actual rifle itself, not the equipment on it?

Mr. Powers concurred.

Safety committee - Chairman, Troyer: cont.

Mr. Troyer continued every citizen could get this rifle with a background check. Is there any other thing special?

Mr. Powers responded it would be a special permit from the government, if the criteria are met.

Mr. Troyer asked what type of criteria is required?

Mr. Powers responded don't deal with the criteria just deal with the law enforcements side.

Mr. Troyer commented all for giving the police what is needed but think a citizen should be allowed to have anything the police have, reason for second (2nd) amendment.

Mr. Poindexter asked with this new weapon will additional training be needed?

Mr. Powers responded officers are already trained just replacing a rifle the department currently owns.

Mr. Mencini stated with some of the things going on in the world is the reason for moving into this direction? Will different moves be made for additional ammunition, equipment, etc.?

Mr. Powers responded are constantly evaluating what is going on with equipment and the upgrade to new equipment; just giving officers the needs to perform their jobs the best they can.

Mr. Mencini asked are other cities doing this or is this being done for the schools?

Mr. Powers responded there is more to it but the easy answer is yes; but some things are not for public knowledge.

Mr. Dufour asked will the department be moving towards this type of rifle?

Mr. Powers responded no, this is not a patrol weapon that will be on the street every day; there are specific uses for this rifle.

Mr. Salvatore commented this is a classic example of having something and not need it then to not have it and need it, great addition to the police department.

Safety committee - Chairman, Troyer: cont.

Motion by Mr. Mencini, supported by Mr. Dufour, to place on next week's Council agenda.

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

3. AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO TRADE-IN POLICE EQUIPMENT AND/OR UNCLAIMED OR FORFEITED PROPERTY NO LONGER NEEDED BY THE BROOK PARK POLICE DEPARTMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt thanked Mr. Powers for doing a great job with cleaning up the department and putting things in order.

Mr. Troyer asked for clarification with the list since some of the items look pretty old? Is this the third (3rd) for this sale; seems like the city has had this before.

Mr. Powers responded probably not the third (3rd) time for these weapons listed but probably the third (3rd) the department has done this. The department utilizes specific uses for them but it's basically finding these items and figure out what to do with them. There is a process that the department has to go through with court to allow the owners to get them back and things of that nature.

Mr. Troyer continued some of the items listed is old, such as 2015, and having done this since that time. Those weren't available to see, at that time, correct.

Mr. Powers responded correct the department had to categorize them and go through the court process to have them turned over to the police department.

Mr. Dufour asked how much credit will be given?

Mr. Powers responded no, the department will be trading guns and this is the only dealer that sells the guns the police department uses. So the department will get credit towards those guns and then turn more guns into that company. So, in essence, there is very little cash that changes hand it's basically trading equipment for equipment.

Mr. Mencini clarified that is with Vance Outdoor law enforcement equipment?

Mr. Powers concurred.

Mr. Mencini asked is this company pretty fair to the city?

Mr. Powers concurred.

Safety committee - Chairman, Troyer:

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

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

4. AN ORDINANCE AMENDING SECTION 143.02(a) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'COMPOSITION-EXECUTIVE HEAD' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated have negotiated new contract with fire department that Council passed and this legislation updates and amends the current ordinance for different classifications in the fire department. Section one (1) - paragraph (a) shows one (1) fire chief; one (1) assistant fire chief; not more than three (3) fire lieutenants; not more than one (1) fire prevention officer and not more than one (1) assistant fire prevention officer.

Motion by Mr. Poindexter, supported by Mr. Mencini, to place on next week's Council agenda.

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

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

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

DISCUSSION:

1. DEPARTMENT OF LIQUOR CONTROL - 15119 SNOW ROAD, LLC, 11519 SNOW ROAD AND PATIO, BROOK PARK, OH, 44142, C TRFO 6552173.
Postmark Date: 10/21/24. (Front Row)

Madam Horvath requested this license be moved to the next Caucus Prior for the law department to do due diligence.

Motion by Mr. Dufour, supported by Mr. Roberts, to place on the next Caucus Prior to agenda.

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

Discussion: cont.

2. DEPARTMENT OF LIQUOR CONTROL - GET-GO OPERATING LLC, DBA BROOK PARK GET-GO 3465, 1460 SNOW ROAD, BROOK PARK, OH, 44142, C TRFO 3158049-0055. Postmark Date: 10/26/24

Madam Horvath requested this license be moved to the next Caucus Prior to agenda so the law department can do due diligence.

Motion by Mr. Dufour, supported by Mr. Mencini, to the next Caucus Prior to agenda.

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

FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. AN ORDINANCE AMENDING SECTION 1311.06(a) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SURETY BOND AND INSURANCE REQUIRED' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this legislation is for current contractors who work in the city that must purchase bonds for protection purposes. The current bond is in the amount of \$25,000.00 and would like to increase to \$100,000.00. There has been no issue, thus far, but this was a great catch by the law department and building commissioner. If a contractor puts an addition on a home in the city and the work is not done properly the law department and building commissioner get involved and the city can pull \$100,000.00 from the bond.

Mr. Mencini stated that's quite a jump and understand the \$25,000.00. Is the city in line with other municipalities?

Mayor Orcutt responded currently the city is not, one (1) example is a driveway is replaced at \$15,000.00 and wasn't done properly and the contractor didn't come back (to make repairs). The job needs to be redone correctly and the city would be covered under the current ordinance of \$25,000.00. This new price comes into play for projects that are larger than \$25,000.00 i.e. an addition on a home at \$80,000.00 or a garage at \$50,000.00; this allows the city to help the residents.

Mr. Mencini concurred with wanting to help the residents but what about the smaller contractors is that amount substantial?

Mayor Orcutt responded contractors carry a minimum amount covered of \$1 million-dollars.

Finance Committee - Chairman, Scott:

Mr. Troyer agrees 100% this needs to be changed and offered an amendment or suggestion instead of \$100,000.00 it would read 'the bond for all contractors shall be in the penal sum of \$10,000.00 minimum and shall increase with the value of the project at 125% of the actual project cost and/or value'. What that does if a home is built at \$400,000.00 a \$500,000.00 bond would be needed that covers the city and helps the smaller contractor out due to the little guy paying \$100.00 and now paying \$400.00. This would help the city and the residents totally for any project and allow for a stair-step for all projects.

Mayor Orcutt asked Mr. Troyer when talking about the little guy is that the contractor?

Mr. Troyer responded yes

Mayor Orcutt continued if the contractor performs bad work in the city their license is revoked in the city and the contractor is allowed to work in the city anymore. The administration works with the law department and insurance company to get the funds back to help the resident. When it comes to the example of a brand new home at \$400,000.00 that's a good subject matter and was discussed. With larger projects and a bank being involved i.e. \$500,000.00 home or commercial-build project. There are many agreements, contractors are involved and performing work based on that contract. Let's say a \$400,000.00 home is built wrong the banks will not turn the money over to the developer when working on a commercial size project.

Mr. Troyer commented the little guy is paying four (4) times when not needed.

Mr. Poindexter understands both sides and using the \$15,000.00 driveway example that contractor has to hold a bond at \$100,000.00. Let's say this is a horrible contractor and is kicked out the city who is only seeking that \$15,000.00 for the resident. That contractor still had to pay that \$100,000.00 bond that was required and will pass that bond cost onto the resident. Let's say it's a good contractor that cost of the bond will still get passed onto the resident and will be \$400,000.00 more. I incline to agree it should be stair-stepped based on the value of the project.

Madam Horvath provided an outline of circumstances that led this to be brought forward. The city had a contractor who built two houses in the city with the limit of that contractor's bond being \$25,000.00; not \$25,000.00 per house total limit of \$25,000.00 for both houses. Split that between the two houses that comes to \$12,500.00 and the problem is number one (1) anticipating the cost of construction increasing and number two (2) is a contractor building several houses or pouring several driveways in the city before realizing the driveways are all

Finance committee - Chairman, Scott: cont.

flawed you will be limited to the sum of \$25,000.00 for all of that work. The city did the best to assist these two (2) homeowners to get the maximum amount of the bond possible. The contractor was bonded for a total \$25,000.00 and the insurance company would not double to \$50,000.00; only limiting to \$25,000.00. Given the variety of construction the city has and inflated prices it may not be discovered that there is a rogue contractor in the city until much work is done in the city; that's the reason for the sum of \$100,000.00. There may be someone that does five (5) porches before anyone realizes an issue and there is a limit of \$10,000.00 those five (5) residents are going to divide up \$10,000.00. Or if kept at \$25,000.00 as current those five (5) residents will divide up that \$25,000.00 and it's very likely that it won't cover those damages. This was the first time the law department ran into this type of situation and was unusual because it involved two (2) new houses. If it anticipates the community will grow and anticipate the contractor passing those costs onto the homeowner, probably will, also need to recognize the homeowner is paying for that cost for their own protection. Wanted Council to have that background information because if a person does ten (10) fences in the city and would have to put \$25,000.00 for each fence that is not the case or how these things are written.

Mr. Poindexter continued agree the amount (\$25,000.00) currently there that referenced those two (2) houses was nowhere near enough. The issue with those houses is going to cost more than the \$12,500.00 each homeowner will have. That's why I like Mr. Troyer's suggestion that the contractor should be bonded for the amount of work being done; not for one set price. Even on the two (2) houses referenced even \$100,000.00 wouldn't be enough at \$50,000.00 apiece. If there was a \$100,000.00 bond on each house that would have been more than enough to cover the issues that came up. That's why I like Mr. Troyer's suggestion if a contractor is doing work in the community that contractor should be appropriately bonded for the amount of work being put in. Doesn't make sense for someone to have to have a \$100,000.00 bonding if installing a \$1,000.00 fence. Commercially it doesn't make sense for them to have a \$100,000.00 bond if they're building \$500,000.00 house. Understand the need to change it and nobody is suggesting leaving it at \$25,000.00 think it should be bonded for the amount of work being done. Let's say a contractor is doing a \$25,000.00 job and gets another \$25,000.00 job while the first job is going on than the contractor would need an additional \$25,000.00 bond for the second job. Want to make sure the city is looking out for both the resident and contractor.

Mr. Troyer thanked Madam Horvath for agreeing with everything he stated except for the \$10,000.00 minimum bond. That minimum bond would be up to the building department to know what kind of work is being done. As pointed out, two (2) houses the \$100,000.00 wouldn't have been enough. If the city would have

Finance committee - Chairman, Scott: cont.

had, as suggesting, 125% limit of the value of the project would have been fully covered.

Mayor Orcutt stated this is good dialogue and for the audience the discussion is about the two (2) homes not being enough money for the bonds pulled. There were no \$100,000.00 homes they were more like \$300,000.00 homes that had issues with landscaping. The building commissioner was able to work with the contractor to work through those issues. Also, would like to make one (1) point as alterations are made to legislation and people need to keep going back and forth to the building department. That creates more work for a department that is very busy currently, so somethings done up here does provide more work to other departments.

Mr. Dufour echoed Mayor Orcutt's sentiments great discussion think making a difference. To Madam Horvath what were talked about up here is bonds provided on per project basis and wouldn't fit into this section. This section is specifically the issuance of registration for contractors and they take that bond out upon registration. So if the city were to require a per project bond of 125% this would not be the section to do that, correct?

Madam Horvath concurred and to clarify that is one (1) of the reasons I do not agree with Mr. Troyer. To the Mayor's point the city wants to make things workable for the building department and not overload with issues or paperwork. The problem the city had with this bond is there wasn't enough to go around for both homes; that's the reason for the increase to the amount so that it does not happen again.

Mr. Dufour asked would there be an instance with the \$25,000.00 or \$100,000.00 blanket bond. To have language inserted of a project over a specific amount would require an additional bond?

Madam Horvath clarified sort of a step-ladder of increasing amounts?

Mr. Dufour concurred and stated when the permit is issued upon registration.

Madam Horvath responded that could be checked into, obviously, when doing the registration and blanket bond most companies have their own rules and policies written a certain way, leaving not a lot of room for deviation.

Mr. Dufour asked Madam Horvath if a situation like this has been seen in other cities as far as the amount of bond when pulling permits.

Finance committee - Chairman, Scott: cont.

Madam Horvath responded not off-hand that I can think of. Law directors do get together to bounce off issues and am not aware of anything like that. The reason for changing the amount of the bond is solely with the issues in Brook Park.

Mr. Mencini asked if the city is on scale with what other municipalities are doing? The reason for asking is the night of the tornado driving on Sandfield (Drive) saw (storm chasers) trucks pulling up to residents saying we'll do your roof and handle the insurance claim. Probably wouldn't be a problem with a big company but what about the small (handyman) that does plumbing, would it be an issue?

Mr. Dufour stated to Mr. Mencini, did some research and the City of Middleburg Hts. in 2019 went from \$10,000.00 to \$25,000.00; think there a lot of cities at \$25,000.00.

Mr. Mencini commented would like to know if the little handyman in Middleburg Hts. would not be able to fix a faucet.

Mr. Poindexter stated for a contractor to register with the city a \$25,000.00 bond is needed. What is stopping the city from generally speaking a rehabilitation or remodel over \$25,000.00 will require a permit. Why not just make that the requirement of getting the bond for the amount the project is while continuing to have their \$25,000.00 bond to register with the city. So the smaller projects are covered and not cutting the little man out. But, with the building of houses a separate bond would be needed for each project the contractor does.

Mr. Troyer stated this is getting completed and the amendment I was making was not to do individual houses. The point was lower for the little man that saves the residents money and higher for the big projects that saves the residents money and problems.

Motion by Mr. Troyer, supported by Mr. Poindexter, back in committee.

Mr. Dufour commented this is good discussion and would like to place on next weeks' Caucus agenda.

Mr. Troyer commented would like to have time to work with building commissioner and law department to look into amendments.

ROLL CALL: AYES: Troyer, Poindexter,

NAYS: Dufour, Roberts, Mencini, McCorkle, Scott. Failed.

Motion by Mr. Mencini, supported by Mr. McCorkle, to place on next full Caucus, November 12th with Building Commissioner Monaco in attendance.

Finance committee - Chairman, Scott: cont.

Mr. Poindexter commented that's the same thing that Councilman Troyer and I suggested to do place back in committee and pull out for next Caucus.

The clerk called the roll by Mr. Mencini, supported by Mr. McCorkle to place on the November 12th Caucus agenda.

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

2. AN ORDINANCE AMENDING SECTION 1801.05(H) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'COLLECTION AT SOURCE' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this directly relates to operations with the finance department for a company that has 10 or more employees.

Mr. McGann stated any employer with 10 or more employees must file a year-to-end return with the city, on an electronic basis. This would put the city in-line with the Internal Revenue Service (IRS) code that urges employers with less than 10 (employees) to file electronically.

Mr. Troyer stated to Mr. McGann does something else concerns me with letter h it says in addition to the above wage requirements any person paying money to an individual or independent contractor shall report such payment. If a minor is paid to mow the lawn that has to be reported?

Mr. McGann responded required to file a 1099 with the city.

Mr. Troyer clarified if I pay a minor to mow my lawn \$30.00.

Mr. McGann interjected the IRS requires over \$599.00, to file a 1099.

Mr. Troyer continued if someone is paid to power-wash my home I would have to file? The legislation states any person, not any business, paying money to an individual. The way this is written it's making the homeowner have to file.

Mayor Orcutt to Mr. McGann how many days does a person have to work in the city before having to pay income tax?

Mr. McGann responded 20 days.

Mr. Dufour stated my assumption is this language is coming off the tails of the IRS reporting requirements.

Finance committee - Chairman, Scott: cont.

Mr. McGann concurred.

Mr. Dufour continued remember reading of a new item especially with online payments with new requirements that were supposed to come out and were delayed.

Mr. McGann stated know they were going to raise the threshold significantly but don't think it was passed.

Mr. Dufour continued to Madam Horvath the language of any money being paid to an individual is where the issue comes in. Is there a way to word that with what is trying to be accomplished here?

Mr. McGann commented that can be revisited.

Mr. Troyer asked Madam Horvath changing that from any person changing to any for-profit agency?

Madam Horvath responded would have to look at the IRS regulations to see what the changes are.

Mr. Poindexter requested Madam Horvath when revisiting that language maybe explore if that line is needed?

Madam Horvath clarified this should be tailored to businesses.

Motion by Mr. Troyer, supported by Mr. Poindexter, to place back in committee.

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

NAYS: Scott.

3. AN ORDINANCE AUTHORIZING AN INCREASE IN COMPENSATION FOR THE SENIOR SNOW REMOVAL AND GRASS CUTTING ASSISTANCE PROGRAM PROVIDERS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated the city has consolidated contractors for the senior snow removal-grass cutting services. Some of the contractors are exceeding \$50,000.00 annually for compensation in work; in 2022, the city had enough contractors that were under \$50,000.00.

Mr. Poindexter asked how many vendors doe the city have?

Mayor Orcutt responded grass cutting there are four (4) and snow removal there are six (6).

Finance committee - Chairman, Scott: cont.

Mr. Poindexter asked how employees per contractor?

Mayor Orcutt responded that varies per company.

Mr. Poindexter asked what would it take to bring back in-house.

Mayor Orcutt responded to bring back in-house would be more money than what it costs the city currently.

Mr. Poindexter continued would be paying wages of employees and when not on snow could be diverted to other tasks, therefore, being a surplus. More manpower is needed at the service department and think that would be an investment to the community, not a cost.

Mayor Orcutt stated high-school students are still hired in the summer months, that program still exists. When doing the finances for the entire program that residents like and very happy with the contractors. This program is done with an appropriation of \$250,000.00 yearly or less, for both grass-cutting and snow removal. The snow removal program has a few extra people then the grass cutting and having 300 people on the snow removal program that takes quite a bit of equipment. When there is a cost of the equipment the wear-and-tear of those trucks, fuel and overtime pay far exceeds the cost the city has.

Mr. Dufour stated to Mayor Orcutt this program could exceed \$50,000.00 and there is no limit. Would it be prudent to move the limit up then to remove it all together?

Mayor Orcutt responded the program is limited to \$250,000.00 and if one (1) contractor was hired, under this ordinance, that contractor would be able to handle the program. This legislation allows the contractors to make over \$50,000.00 this is being done to make sure the city has that ability.

Mr. Salvatore stated this program was designed and developed to continue the city's senior citizens that was taken away. If you have a better idea bring it forward to be voted up and down; don't mess with this program it's for our people

Mr. Mencini stated in the past, this program was eliminated due to tax (increases) not passing. Would like to have this program done in-house again as well as the grass cutting services. The city doesn't have the manpower to be able to do these programs. Asked Mayor Orcutt how many part-timers were hired this year?

Mayor Orcutt responded six (6).

Finance committee - Chairman, Scott: cont.

Mr. Mencini continued if there is a major snowstorm go ask the service crews what they think about bringing snow removal back in-house.

Mr. Troyer asked Mayor Orcutt do the routes go out to bid?

Mayor Orcutt responded the routes do not go out to bid; they are all based on the same price. When finding out the overall price for a yard in Brook Park the city pays much less to the contractors. They are getting bulk and consistent work and may have 65 yards to do which is much less than the average price. To go out bid the likelihood of people bidding probably won't happen.

Mr. Troyer stated Council is allowing unlimited non-bid contracts that is against state law anything over \$50,000.00 must go out to bid. To bring back in-house would cost the city money due to purchasing of equipment. Last year one (1) snow qualified for snow plowing so it makes sense to hire a few bodies and purchase equipment to bring back in-house so the city can control it. Not saying the same with the grass cutting that's a different animal. With the senior snow plowing program the city is paying money with non-bid contracts and the possibility of only having a few snows. The problem I have with this is a no bid contract and anything over \$50,000.00 must go out to bid per state law; by passing this we are going against state law with no limit.

Mayor Orcutt commented the contracts signed are with the residents and the contractors. The money paid out is through the appropriations of \$250,000.00.

Mr. Roberts asked Madam Horvath by passing this (legislation) will the city be in violation of state law?

Madam Horvath responded think the threshold is \$75,000.00, not \$50,000.00. Each individual homeowner enters into contract with the contractor, not the city.

Mr. Poindexter asked Madam Horvath if the contract is between the homeowner and contractor why does the city have to appropriate any monies.

Madam Horvath responded the rate the homeowners are paying is a much reduced rate and the reason is to help the residents.

Mr. Poindexter interjected the city pays for a service is that like a pass-through?

Madam Horvath responded yes, equivalent to a grant.

Finance committee - Chairman, Scott:

Mr. Poindexter continued to Mayor Orcutt as mentioned the contractors have been consolidated, correct?

Mayor Orcutt responded yes, for grass-cutting.

Mr. Poindexter stated could the possibility exist that city ends up with one (1) contractor?

Mayor Orcutt responded don't think so, don't think the city has a contractor that can take on that much.

Mr. Poindexter continued let's say the city goes to two (2) contractors by passing this (legislation) each contractor could make \$125,000.00 and \$125,000.00 without a bid, could be sceptic and that doesn't seem right.

Mayor Orcutt stated state law was changed giving the Mayor the authority to spend \$75,000.00 and under. Since that law took place I chose to stay at \$50,000.00 to be transparent with the finances of the city.

Mr. Poindexter continued agree with Mr. Dufour there should be a limit on what the contractors are paid. That way it doesn't come down to one (1) contractor or two (2) contractors having a hold on this program.

Mayor Orcutt commented currently there are six (6) contractors in the winter and four (4) in the summer. Three (3) contractors from the summer program participate in the winter program and none of them are close to the \$75,000.00 mark and don't foresee that happening.

Mr. Poindexter suggested wording instead of may exceed \$50,000.00 change to may not exceed \$75,000.00. If the contractors are consolidated and approach that amount and the program is working well, bring it back to Council.

Mayor Orcutt interjected would have to do that.

Mr. Poindexter suggested language vendors may exceed \$50,000.00 there is no ceiling. Would be more comfortable with may not exceed \$75,000.00 that stops one (1) contractor from getting the entire \$250,000.00.

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

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

NAYS: Troyer, Poindexter.

LEGISLATIVE COMMITTEE - CHAIRMAN, SCOTT:

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

Mayor Orcutt stated this (legislation) was asked from the retired prosecutor to make the city up to speed with the Ohio parking violations law. This is for those that park in a handicapped parking spot changing from a fourth (4th) degree to third (3rd) degree.

Mr. Scott provided a history of this legislation being on previous agendas and placed back in committee on June 4, 2024, referred to the law director.

Madam Horvath stated there have been lively discussions and this was brought forward to bring in-line other (city) ordinances and to cure a problem that may have existed with fines in Mayor's Court.

Mr. Scott commented the concerns were with overnight parking being a misdemeanor with a \$250.00 fine; per the former safety director nothing over \$50.00 within a 30-day time span. There was talk about a stair-step penalty legislation.

Mr. Poindexter stated recollection is clear with the suggestion of going through each item and placing a penalty on each one that would be appropriate. Some of them might need a third (3rd) degree misdemeanor i.e. parking in a handicapped zone. Go through each line item and instead of a blanket misdemeanor leave it up to the judge, putting limits on so those limits are not overextended.

Mr. Dufour showed support with going through the entire parking code and adding penalties where necessary; the city's handicapped parking violation has a conflict with Ohio law.

Mr. Troyer commented amend the attachment for passage and at the next regular Caucus agenda have the entire parking ordinance, designating half-hour at each Caucus per Charter.

Mayor Orcutt stated through discussions with this legislating think this can be fixed with itemizing some things and would like to work with Council and bring something forward from the Clerk of Court and law director to be more specifics.

Mr. Mencini mentioned having someone in attendance that deals with this on a daily basis as to why this happens.

Legislative committee - Chairman, Scott: cont.

Mayor Orcutt commented this (legislation) is specifically as to how reported these are reported to the Bureau of Motor Vehicles (BMV) for placement in the system.

Madam Horvath stated this started with the inconsistencies between the Ohio Revised Code (ORC) and would be willing to work with the Mayor and others to come up with something that makes sense. Due to a family emergency I am excusing myself from the rest of the meeting.

Mr. Troyer suggested placing on next full Caucus meeting allotting one-half hour (1/2) to discuss the entire parking ordinance; have someone from the clerk's office.

Motion by Mr. Troyer, supported by Mr. Poindexter, to have a 1/2-hour block at the next Caucus meeting to discuss the entire parking legislation.

ROLL CALL: AYES: Troyer, Poindexter, Dufour

NAYS: Roberts, Mencini, McCorkle, Scott. **Failed**

Motion Mr. Roberts, supported by Mr. Mencini, to place back in committee.

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

NAYS:

ABSTENTION: Troyer

2. AN ORDINANCE AMENDING SECTION 1323.02 OF THE BROOK PARK CODIFIED ORDINANCES 'PENALTY' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated (this legislation) deals with the issuance of occupancy certificates. This amendment adds a new section (c) stating that the building commissioner has the authority to revoke an occupancy permit if any false statements are made by the applicant. Also, for non-compliance of the building code or if the owner; agent, or person in charge of a building refuses to comply with the Ohio Building Code or Brook Park codified ordinances.

Mr. Poindexter expressed concern with section (c) that states occupancy permit may be revoked for non-compliance of building code, very general. Gives the building commissioner a lot of authority to revoke an occupancy permit over building code violations.

Mayor Orcutt stated looking at both sides want to protect the residents and business owners of the city; better to have that in the legislation for those protections. If something radical was done by a building commissioner the business owners does have the authority to hire an attorney and go through that process.

Legislative committee - Chairman, Scott: cont.

Mr. Poindexter stated that is after the fact, when the occupancy permit is revoked. What building code is this referring to i.e. installing a fence that is not 36" deep.; can an occupancy permit be taken for that. This does not specify what building codes give lateral authority for that building commissioner to revoke that occupancy permit.

Mayor Orcutt commented would not receive an occupancy permit if they did something that did not comply.

Mr. Poindexter continued what if it's an existing place and doing renovations they already have the occupancy permit and then revoked.

Mayor Orcutt responded this is on a case by case basis, for instance, with the Ohio Building Code something was not done to a firewall and there is a business next door, would think that line should be in there.

Mr. Poindexter commented line not needed as a broad stroke of not being in compliance.

Mayor Orcutt stated appreciate opinion but disagree.

Mr. Troyer concurs with Mr. Poindexter this needs a change anyone that has moved into the city 50 years ago can have their occupancy permit revoked for peeling paint, this can be used improperly.

Mayor Orcutt stated thinks everyone understands the intentions when the law director wrote this with the new paragraph (c) in bold.

Motion by Mr. Troyer, place back in committee; **failed** for a lack of a second.

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

Mr. Troyer stated how can a motion be made to move to first reading when it's improper legislation?

The question was **moved** and the roll was called to place on next Council agenda.

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

NAYS: Troyer, Poindexter.

RECREATION COMMITTEE - CHAIRMAN, McCORKLE:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GAMETIME FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT AT CARPENTER PLAYGROUND AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

Mayor Orcutt stated this legislation is time-sensitive, there are 12 parks in the city with some equipment needing replacement that is over 30 years-old. Carpenter park has equipment that is leaning and this legislation authorizes the Mayor to enter into up to \$55,000.00 grant. The total cost of the project is \$141,219.00 minus the \$55,447.00 grant, if awarded along with freight of \$3,563.19 the total cost to the city is \$89,335.19. The city has also applied at the county level for a grant in the amount of \$50,000.00 and if awarded the city would be paying an estimated \$49,000.00, time-sensitivity is the deadline date of October 16th.

Mr. Troyer thanked the Mayor for bringing this forward it is very needed and will save city money. The new equipment is not as large as the current equipment can this be expanded in the future, money permitting?

Mayor Orcutt responded the intention of the administration for this budget season. Is to remove the old equipment and present another portion that includes fencing that needs replacing, on the north side of the park, as well as concrete work.

Mr. Mencini concurred with Mr. Troyer equipment needs replacing, new families moving in and will use the playground.

Mr. Dufour questioned page the first (1st) page with non-prevailing wage rates. Then on page three (3) the bullet list of exclusions states please contact the DWA representative for prevailing wages/union contractor that will apply. Can the city do that and get a quote?

Mayor Orcutt responded that came up in discussion and there is a city ordinance when it comes to that topic that has a level of \$400,000.00. Also, there are not many contractors that do this type of work so can't go out to bid to purchase the equipment from this company and then seek someone to install the equipment.

Mr. Poindexter responded think most (Council) members would encourage union contractors. To me it's important to keep that area-weight standard up. Even if not union contractors perhaps the city can kick-in a few more dollars to ensure the workers working for Gametime know coming to Brook Park will make good, fair wages.

Recreation committee - Chairman, McCorkle: cont.

Mayor Orcutt commented the administration works very closely with union trades and every project done, so far, in the city. This administration makes sure that good, qualified contractors are hired and speaking with Gametime about wages, this company is a good, qualified company that pays their employees well.

Motion by Mr. Mencini, supported by Mr. Troyer, to place on the next Council agenda.

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

SAFETY COMMITTEE - CHAIRMAN, TROYER:

Moved by **motion** to beginning of meeting.

SERVICE COMMITTEE - CHAIRMAN, ROBERTS:


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, Troyer, Dufour, Poindexter, McCorkle, Scott,
NAYS: Unanimous.

Council President Salvatore declared this meeting adjourned at 9:26 p.m.

RESPECTFULLY SUBMITTED



Carol Johnson
Clerk of Council

APPROVED November 12, 2024

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