

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, MARCH 19, 2019**

**A. ROLL CALL OF MEMBERS**

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. CAUCUS PRIOR TO MEETING HELD ON MARCH 5, 2019.
  
2. REGULAR COUNCIL MEETING HELD ON MARCH 5, 2019.

**D. REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee - Chairman, Poindexter  
Finance Committee - Chairman, Scott  
Legislative Committee - Chairman, Mencini  
Parks & Recreation Committee - Chairman, Salvatore  
Planning Committee - Chairman, Burgio  
Safety Committee - Chairman Stemm  
Service Committee - Chairman, Orcutt  
Board of Zoning Appeals - Chairman, Scott

**E. REPORTS OF SPECIAL COMMITTEES:**

Southwest General Health Center - Trustee, Salvatore  
Berea Board of Education Committee - McDonnell, Poindexter

**F. REPORTS OF BOARDS AND COMMISSIONS:**

**G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**

1. A PROCLAMATION HONORING MISS POPPY 2019 - NICOLE ZAPOTKY

**H. REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

- I. **REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS, AND OTHER PUBLIC OFFICIALS:**
  
- J. **OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):**
  
- K. **MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**
  
- L. **REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**
  
- M. **INTRODUCTION OF ORDINANCES AND RESOLUTIONS: FIRST READING:**
  - 1. ORDINANCE NO. 11067-2019, AUTHORIZING THE MAYOR TO CONTRACT FOR THE NECESSARY CONSTRUCTION ADMINISTRATION SERVICES, CONSTRUCTION OBSERVATION SERVICES AND CONSTRUCTION TESTING SERVICES FOR THE HOLLAND ROAD RECONSTRUCTION PROJECT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
  
  - 2. ORDINANCE NO. 11068-2019, AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE SMITH ROAD RESURFACING PROJECT (PID 108950) AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
  
  - 3. RESOLUTION NO. 2-2019, GRANTING A CONDITIONAL USE PERMIT TO GPC MOTORSPORTS LOCATED AT 5726 WEST 130<sup>TH</sup> IN THE U4-A3 ZONE TO OPERATE A PORSCHE AUTOMOTIVE SERVICE/REPAIR SHOP AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
  
  - 3. RESOLUTION NO. 3-2019. TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

**M. INTRODUCTION OF ORDINANCES AND RESOLUTIONS: FIRST READING: CONT.**

4. RESOLUTION NO. 4-2019, AUTHORIZING THE MAYOR TO ADVERTISE A REQUEST FOR QUALIFICATIONS AND PROPOSALS FOR CONSTRUCTION MANAGEMENT SERVICES IN CONNECTION WITH THE SMITH ROAD RESURFACING PROJECT (PID108950) IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

**N. SECOND READING OF ORDINANCES AND RESOLUTIONS:**

1. ORDINANCE NO. 11064-2019, AUTHORIZING THE MAYOR TO ENTER INTO A CHANGE ORDER BETWEEN BREWER-GARRETT COMPANY AND THE CITY OF BROOK PARK TO CHANGE PLANS IN THE COUNCIL CHAMBERS/COURT AREA AND THE TAX DEPARTMENT IN THE JOHN A. POLOYNE COMMUNITY CENTER AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

**O. THIRD READING OF ORDINANCES AND RESOLUTIONS:**

1. ORDINANCE NO. 11063-2019, AUTHORIZING THE CONSULTING ENGINEERS OF BROOK PARK AND MIDDLEBURG HEIGHTS TO PREPARE PLANS AND BID DOCUMENTS AND THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE SHELDON ROAD RESURFACING PROJECT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

**NOTE: EXECUTIVE SESSION - MAYOR GAMMELLA:**

1. NEGOTIATIONS OF BARGAINING SESSIONS WITH PUBLIC EMPLOYEES CONCERNING COMPENSATION.

**P. ADJOURNMENT:**

**SYNOPSIS OF ORDINANCES AND RESOLUTIONS**  
**FOR THE COUNCIL MEETING OF MARCH 19, 2019**

**FIRST READING:**

Res. No. 2-2019

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO GPC MOTORSPORTS LOCATED AT 5726 WEST 130<sup>TH</sup> IN THE U4-A3 ZONE TO OPERATE A PORCHE AUTOMOTIVE SRVICE/REPAIR SHOP, AND DECLARING AN EMERGENCY.

SYNOPSIS: A resolution granting a conditional use permit to GPS Motorsports to operate a Porche automotive service/repair shop at 5726 West 130<sup>th</sup>.

Res. No. 3-2019

A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT, AND DECLARING AN EMERGENCY.

SYNOPSIS. A resolution in which the City of Brook Park approves the Cuyahoga County Solid Waste Plan update.

Res. No. 4-2019

A REESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE A REQUEST FOR QUALIFICATIONS AND PROPOSALS FOR CONSTRUCTION MANAGEMENT SERVICES IN CONNECTION WITH THE SMITH ROAD RESURFACING PROJECT (PID 108950) IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY.

SYNOPSIS: A resolution authorizing the mayor to advertise a request for qualifications and proposals for construction management services including construction contract administration and inspection services in connection with the Smith Road Resurfacing Project.

Ord. No. 11067-2019

AN ORDINANCE AUTHORIZING THE MAYOR TO CONTRACT FOR THE NECESSARY CONSTRUCTION ADMINISTRATION SERVICES, CONSTRUCTION OBSERVATION SERVICES AND CONSTRUCTION TESTING SERVICES FOR THE HOLLAND ROAD RECONSTRUCTION PROJECT AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing the Mayor to enter into a contract with Euthenics, Inc., to provide construction administration services in accordance with the letter proposal dated February 12, 2019 in the estimated amount of \$58,060.00.

Ord. No. 11068-2019

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS, AND ENTER INTO CONTRACT FOR THE SMITH ROAD RESURFACING PROJECT (PID 108950), AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing the Mayor to advertise for bids and to enter into a contract for the resurfacing of Smith Road Resurfacing Project.

**SECOND READING:**

Ord. No. 11064-2019 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CHANGE ORDER BETWEEN BREWER-GARRETT COMPANY AND THE CITY OF BROOK PARK TO CHANGE PLANS IN THE COUNCIL CHAMBERS/COURT AREA AND THE TAX DEPARTMENT IN THE JOHN A. POLONYE COMMUNITY CENTER, AND DECLARING.

SYNOPSIS: An ordinance allowing the mayor to enter into a change order between Brewer-Garrett and the City for changes made for the installation of a wheel chair ramp and removal of a mirrored wall in the council chambers along with a wall between the Tax Department and Reception.

**THIRD READING:**

Ord. 11063-2019 AN ORDINANCE AUTHORIZING THE CONSULTING ENGINEERS OF BROOK PARK AND MIDDLEBURG HEIGHTS TO PREPARE PLANS AND BID DOCUMENTS AND THE MAYOR TO ADVERTISE FOR BIDS, AND ENTER INTO A CONTRACT FOR THE SHELDON ROAD RESURFACING PROJECT AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing the Consulting Engineers to prepare plans and documents for the Sheldon Road Resurfacing Project between the Cities of Brook Park and Middleburg Heights and further authorizing the Mayor to advertise for bids and to enter into a contract for same.

**PREPARED BY THE BROOK PARK LEGAL DEPARTMENT  
March 14, 2019**

CITY OF BROOK PARK, OHIO

P/C 3/5/19  
Caucus 3/12/19  
1<sup>st</sup> R 3/19/19  
2<sup>nd</sup> R  
3<sup>rd</sup> R  
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ORDINANCE NO. 11067-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE  
AUTHORIZING THE MAYOR TO CONTRACT FOR THE  
NECESSARY CONSTRUCTION ADMINISTRATION SERVICES, CONSTRUCTION  
OBSERVATION SERVICES AND  
CONSTRUCTION TESTING SERVICES FOR THE HOLLAND ROAD  
RECONSTRUCTION PROJECT  
AND DECLARING AN EMERGENCY

**WHEREAS**, the City of Brook Park is prepared to commence with the Construction Phase of the Holland Road Reconstruction Project; and

**WHEREAS**, the City of Brook Park applied to the Ohio Public Works Commission (OPCW) and was approved for funding through the State Capital Improvements Program for this Project; and

**WHEREAS**, the Holland Road Reconstruction Project will improve public safety, increase property values and make business development more desirable; and

**NOW, THEREFORE BE IT ORDAINED** by the Council of the City of Brook Park, State of Ohio, that:

**SECTION 1:** The Mayor on behalf of the City of Brook Park is hereby authorized to contract with the Consulting City Engineer (Euthenics, Inc.) to provide Construction Administration Services in accordance with letter proposal dated February 12, 2019, for the estimated amount of \$58,060.00 (project eligible cost).

**SECTION 2:** The Mayor on behalf of the City of Brook Park is hereby authorized to contract for Construction Observation Services and to hire Observer(s). Payments to the Observer(s) shall be made by the City upon receipt of approved statements from the Observer(s). The Observation Services cost is estimated to be \$38,880.00 (project eligible cost).

**SECTION 3:** The Mayor on behalf of the City of Brook Park is hereby authorized to contract for Materials Testing Services. Payments to the Testing Consultant shall be made by the City upon receipt of approved invoices. The Materials Testing Services cost is estimated to be \$7,500.00 (project eligible cost).

**SECTION 4:** The money needed to complete the aforesaid transaction shall be paid from the 2018-2019 Street Improvement Fund, Fund No. 545 theretofore appropriated or to be appropriated for said purpose.

**SECTION 5:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**SECTION 6:** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of said City, and for the further reason that City Council deems it necessary to continue with the Construction Phase of the Holland Road Reconstruction Project; therefore, provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately from and after its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

APPROVED: \_\_\_\_\_  
MAYOR

I HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS

\_\_\_\_\_  
DATE

  
DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

P/C 3/5/19  
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2<sup>nd</sup> R  
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3<sup>rd</sup> R  
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ORDINANCE NO. 11068-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE  
AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS,  
AND ENTER INTO CONTRACT FOR THE  
SMITH ROAD RESURFACING PROJECT (PID 108950)  
AND DECLARING AN EMERGENCY

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Brook Park, State of Ohio, that:

**SECTION 1:** The Mayor is authorized to advertise for bids and enter into contract with the lowest and/or best bidder for the Smith Road Resurfacing Project (PID 108950).

**SECTION 2:** The money needed to complete the aforesaid transaction shall be paid from the 2018-2019 Street Improvement Fund No. 545, theretofore, appropriated or to be appropriated for said purpose.

**SECTION 3:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**SECTION 4:** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of said City, and for the further reason that City Council deems it necessary to proceed with the construction of the Smith Road Resurfacing Project as soon as possible, therefore, provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately from and after its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

APPROVED: \_\_\_\_\_  
MAYOR

I HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS

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DIRECTOR OF LAW

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CITY OF BROOK PARK, OHIO

Resolution No. 2-2019

Introduced By: COUNCIL AS A WHOLE

A RESOLUTION  
GRANTING A CONDITIONAL USE PERMIT TO  
GPC MOTORSPORTS LOCATED AT  
5726 WEST 130<sup>TH</sup> IN THE U4-A3 ZONE  
TO OPERATE A PORCHE AUTOMOTIVE SERVICE/REPAIR SHOP,  
AND DECLARING AN EMERGENCY

WHEREAS, GPC Motorsports has filed an application for a conditional use permit with the Brook Park Planning Commission; and

WHEREAS, the conditional use requested is to permit GPC to operate a Service/Repair Shop in the U4-A3 Zone; and

WHEREAS, the request for a conditional use permit was presented at a public hearing on March 4, 2019, to the Brook Park Planning Commission, which referred this matter to Council with certain conditions for approval and recommended the waiver of requirements set forth in Section 1121.36(c) of the Brook Park Codified Ordinances.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Brook Park, State of Ohio that:

**SECTION 1:** The Council of the City of Brook Park finds that the proposed conditional use permit requested is appropriate in the location for which it is proposed and grants a conditional use permit to operate a Service/Repair Shop in the U4-A3 Zone, with the following contingency:

- Connection of the property to the sanitary sewer along West 130<sup>th</sup> Street (in Parma).

**SECTION 2:** It is found and determined that all formal actions of this Council concerning and relating to this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3:** This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further purpose of granting a conditional use permit to operate a Service/Repair Shop in the U4-A3 Zone; therefore, provided that this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
Clerk of Council

APPROVED: \_\_\_\_\_  
MAYOR

I HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS

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CITY OF BROOK PARK, OHIO

RESOLUTION NO. 3-2019

INTRODUCED BY: COUNCIL AS A WHOLE

A RESOLUTION  
TO ADOPT THE SOLID WASTE MANAGEMENT PLAN  
FOR THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT,  
AND DECLARING AN EMERGENCY

**WHEREAS**, the City of Brook Park is located within the jurisdiction of the Cuyahoga County Solid Waste Management District; and

**WHEREAS**, the Cuyahoga County Solid Waste Management District Policy Committee prepared and adopted a final draft of the Cuyahoga County Solid Waste Management Plan Update in accordance with *Ohio Revised Code Sections 3734.53 3734.54 and 3734.55*; and

**WHEREAS**, the District provided a copy of the Cuyahoga County Solid Waste Management Plan Update (2019-2033) for ratification to each of the legislative authorities of the District; and

**WHEREAS**, the City of Brook Park must decide whether it approves of said Solid Waste Management Plan Update no later than April 11, 2019.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Brook Park, State of Ohio that:

**SECTION 1.** That the Mayor and Council for the City of Brook Park approves the Cuyahoga County Solid Waste Management Plan Update.

**SECTION 2.** The Clerk is hereby directed to send the District a copy of this resolution/ordinance to the attention of Diane T. Bickett, Executive Director, Cuyahoga County Solid Waste Management District, 4750 East 131 Street, Garfield Heights, OH 44105.

**SECTION 3.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of

... this Resolution were deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Sections 121.22 of the Ohio Revised Code.

**SECTION 4:** This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for further reason to adopt the Solid Waste Management Plan for Cuyahoga County Solid Waste Management District; provided that this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law

PASSED: \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
Clerk of Council

APPROVED: \_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE

I HEREBY APPROVE THE WITHIN  
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AND CORRECTNESS

  
DIRECTOR OF LAW



**RATIFICATION OF THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT PLAN UPDATE (2019 – 2033)**  
**A Fact Sheet for Community Officials – *TIME SENSITIVE!***

The development of the solid waste plan is a requirement of Ohio law. Every solid waste management district in Ohio must periodically update their solid waste management plan and submit it to each political subdivision to be ratified. Ratification occurs when city/village councils and township trustees representing 60% of a district's population, including its largest city and the legislative authority of the county, vote to approve the plan. If a district's plan is not ratified, the Ohio EPA will prepare the plan and order it to be implemented. This fact sheet provides general information about Cuyahoga County's solid waste plan which is now out for ratification.

**The Cuyahoga County Solid Waste Management Plan**

The Cuyahoga County Solid Waste Management Plan was first ratified by communities in 1994 and three times since. The Cuyahoga County Solid Waste District (the District) and its Solid Waste Policy Committee are now seeking local approval for the fourth Plan Update. The ratification process takes place from January 11, 2019 through April 11, 2019. This Plan Update complies with an Ohio EPA format and contains 6 chapters and 21 appendices. It describes the waste management methods to be used in the upcoming planning period and details how the nine waste reduction and recycling goals established in the State Solid Waste Management Plan will be achieved. It also describes how the Plan will be implemented by the Cuyahoga County Solid Waste District.

**What's the best way to review the Plan Update?**

The plan chapters provide an executive summary of the plan. The District recommends reading the chapters for an overview of the plan and if additional information is desired, referring to the appendices for more detail. See your council clerk for a printed copy of the plan chapters or for an electronic copy. The complete Cuyahoga County Solid Waste Management Plan Update (2019 – 2033) is also available on the District's web site – CuyahogaRecycles.org and at the Cuyahoga County Solid Waste District's office.

**Who prepared the Plan Update?**

The Plan Update was prepared by the Cuyahoga County Solid Waste District in conjunction with the Cuyahoga County Solid Waste Policy Committee. Various stakeholders were also consulted through the 18-month process. The Policy Committee consists of the Cuyahoga County Planning Commission members and two public members.

**Who implements the Plan Update and how is it funded?**

The District is responsible for implementing the Plan Update which contains a variety of programs and services that support waste reduction and recycling. The District employs six staff and is funded by a "generation fee" which is a fee of \$1.50 levied on each ton of waste produced in Cuyahoga County and landfilled in Ohio. The generation fee is approved by communities each time it ratifies the plan. Cuyahoga County's current fee of \$1.50 per ton is one of the lowest in Ohio and was increased just once since 1994. Under this Plan Update, the generation fee will increase by \$0.50 beginning in 2023. For comparison, the statewide fee average is \$4.50 per ton.

**Programs and services offered through the Plan**

All the existing programs and services offered by the Cuyahoga County Solid Waste District will continue with the ratification of this Plan Update. Some programs will expand slightly while some programs will be modified to reflect the feedback the District received during its strategic planning process. A complete description of the District's action's priorities and programs for this Plan Update can be found in Appendix I.

**For more information**

The following informational meetings will be held for local officials about the Plan and the ratification process. Questions can also be directed to Diane Bickett or Jessica Fenos by calling the District at (216) 443-3749.

- February 6, 2019 - 4:30 p.m. Parma Heights City Hall, 6281 Pearl Rd, Parma Heights, 44130
- February 13, 2019 - 6:30 p.m. Ross DeJohn Community Center, 6306 Marsol Rd, Mayfield Heights, 44124
- February 19, 2019 6:00 p.m. Rocky River Library, 1600 Hampton Rd, Rocky River, OH 44116

CITY OF BROOK PARK, OHIO

P/C 3/5/19 Service :  
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RESOLUTION NO. 4-2019

INTRODUCED BY: MAYOR GAMMELLA

A RESOLUTION

AUTHORIZING THE MAYOR TO ADVERTISE A REQUEST FOR QUALIFICATIONS AND PROPOSALS FOR CONSTRUCTION MANAGEMENT SERVICES IN CONNECTION WITH THE SMITH ROAD RESURFACING PROJECT (PID 108950) IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park is prepared to commence with the Construction Phase of the Smith Road Resurfacing Project.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: The Mayor is hereby authorized to advertise a request for qualifications and proposals for construction management services including construction contract administration and inspection services in connection with the Smith Road Resurfacing Project (PID 108950), in accordance with the documents on file in the office of the Consulting City Engineer.

SECTION 2: That the funds for the purposes of this Resolution shall be paid from the 2018-2019 Street Improvement Fund No. 545, and any other Federal, State or local funds made available for the Project.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of said City, and for the further reason that City Council deems it necessary to proceed with this Project as quickly as possible, provided this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately from and after its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

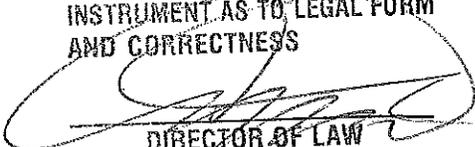
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PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

APPROVED: \_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE

I HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS

  
DIRECTOR OF LAW

P/C 2/19/19 Finance  
Caucus Prior 3/5/19  
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CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11064-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE  
AUTHORIZING THE MAYOR TO ENTER INTO A CHANGE ORDER  
BETWEEN BREWER-GARRETT COMPANY AND THE CITY OF BROOK PARK  
TO CHANGE PLANS IN THE COUNCIL CHAMBERS/COURT AREA  
AND THE TAX DEPARTMENT IN THE  
JOHN A. POLONYE COMMUNITY CENTER,  
AND DECLARING AN EMERGENCY

WHEREAS, a Performance Contract and Service Agreement between the City of Brook Park and Brewer-Garrett Company was entered into on April 6, 2017; and

WHEREAS, said Service Agreement provided that the Brewer-Garrett Company was to perform services for the City of Brook Park; and

WHEREAS, there is a need to amend the Service Agreement with the Brewer Garrett Company to make a change in plans to provide a wall in the Tax Department and build a ramp and wall in the Council Chambers/Court area of the John A. Polonye Community Center; and

NOW THEREFORE BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: The Finance Director is hereby authorized to pay the Brewer-Garrett Company for a change order as listed in Exhibit "A," attachd hereto for the John A. Polonye Community Center.

SECTION 2: The money needed for the aforesaid transaction shall be paid from the capital improvement fund 401 therefore appropriated or to be appropriated for said purpose in the amount of \$12,470.00.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public

in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 4:** This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to enter into a change order for the John A. Polonye Community Center with the Brewer-Garrett Company; provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
Clerk of Council

APPROVED: \_\_\_\_\_  
MAYOR

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AND CORRECTNESS

  
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DIRECTOR OF LAW

\_\_\_\_\_  
DATE



6800 EASTLAND ROAD  
MIDDLEBURG HTS., OH 44130  
440-243-3535

February 1, 2018

Ted Hurst  
City Building Commissioner  
City of Brook Park  
6161 Engle Rd.  
Brook Park, OH 44142

**Re: Brook Park City Council South Wall**

Dear Mr. Hurst:

At the request of the City, The Brewer-Garrett Company has explored the solution and provided the scope and cost required to remove the existing south wall in the new City Council Chambers.

This proposal includes all labor, materials, and equipment to fur out/laminate the existing south wall in the City Council Chambers area. This includes removal of the existing mirrors (to be discarded as they are unsalvageable), installation of hat channel and/or metal studs and drywall on masonry walls and columns, laminating of drywall over existing metal panels at upper areas, and associated taping and finishing.

We have formulated the costs of the above described scope. The scope of work also includes all scheduling, project management, and oversight of work.

Based on implementation of the above scope, Brewer-Garrett will be responsible for all aspects and results of the project.

**Total Cost**

**\$23,780**

Thank you for considering The Brewer-Garrett Company as part of this opportunity. Please contact me with any questions and we look forward to hearing back from you regarding this proposal.

Very Truly Yours,  
The Brewer-Garrett Company

Matthew Joseph  
Project Development Specialist



CITY OF BROOK PARK, OHIO

P/C 1/22/19 Service  
Caucus Prior 2/5/19  
1st R 2/5/19  
2nd R 2/19/19  
3rd R 3/5/19 - amended  
3rd R 3/19/19  
B/C

ORDINANCE NO. 11063-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE  
AUTHORIZING THE CONSULTING ENGINEERS OF BROOK PARK  
AND MIDDLEBURG HEIGHTS TO PREPARE PLANS AND BID  
DOCUMENTS AND THE MAYOR TO ADVERTISE FOR BIDS, AND ENTER  
INTO A CONTRACT FOR THE SHELDON ROAD RESURFACING PROJECT  
AND DECLARING AN EMERGENCY

WHEREAS, the Mayor and all members of City Council agree that the pavement on C.R. 131, Sheldon Road, is in need of repairs/resurfacing and desire to have the Project completed; and

WHEREAS, the Sheldon Road Resurfacing Project will improve public safety, increase property values and make business development more desirable; and

WHEREAS, the Council of Brook Park adopted the Ordinance of Consent in which the Mayor was authorized to execute an Agreement of Cooperation between the County of Cuyahoga, Ohio and the City of Brook Park for the Sheldon Road Resurfacing Project pursuant to Ordinance 11060-2019, passed by the Council of Brook Park on January 22, 2019; and

WHEREAS, the Mayor was authorized to enter into a Cooperative Agreement with the City of Middleburg Heights for the Sheldon Road Resurfacing Project pursuant to Resolution 1-2019, passed by the Council of Brook Park on MARCH 5, 2019; and

WHEREAS, Euthenics, Inc., and Mackay Engineering and Surveying Company submitted a professional engineering services cost proposals for the Sheldon Road Resurfacing Project; and

WHEREAS, the Council and the Mayor of the City of Brook Park desire to enter into a professional services agreements with Euthenics Inc. and Mackay Engineering and Surveying Company, copies of which is attached hereto and marked "Exhibit A" and "Exhibit B".

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: The Consulting Engineers are hereby authorized to prepare plans and documents, and the Mayor is authorized to

advertise for bids and enter into a contract with lowest and best bidder for the Sheldon Road Resurfacing Project.

**SECTION 2:** The Mayor is hereby authorized to enter into a professional engineering service agreement in accordance with the proposal dated December 12, 2018 submitted by Euthenics In., a copy of which is attached hereto and marked 'Exhibit A'.

**SECTION 3:** That Mayor is hereby authorized to enter into a professional engineering service agreement in accordance with the proposal dated December 6, 2018 submitted by Mackay Engineering and Surveying Company, a copy of which is attached hereto and marked 'Exhibit B'.

**SECTION 4:** The money needed to complete the aforesaid transaction shall be paid from the 2018-2019 Street Improvement Fund No. 545, theretofore, appropriated or to be appropriated for said purpose.

**SECTION 5:** That the Mayor is authorized to execute agreements as may be necessary and appropriate for completing this Project.

**SECTION 6:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 7:** This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason of that the City desires to complete this work as soon as possible; therefore, provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
Clerk of Council

APPROVED: \_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE

HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

December 12, 2018

Mayor Michael D. Gammella  
City of Brook Park  
6161 Engle Road  
Brook Park, Ohio 44142

Re: Cities of Brook Park and Middleburg Heights  
Sheldon Road Resurfacing Project  
Final Plans, Bidding and Construction Phase Services

Dear Mayor Gammella:

Euthenics, Inc. is pleased to submit this proposal for providing Engineering and Surveying Services for the development of final plans and specifications for the Sheldon Road Resurfacing Project in the cities of Brook Park and Middleburg Heights. The anticipated work includes the asphalt resurfacing and repair of the roadway on Sheldon Road from 780' east of the Eastland Road intersection to the Engle Road intersection, for an overall length of approximately 4,400 feet. The City of Brook Park has been designated as the lead agency with construction funds being provided by Cuyahoga County (ID #1224) up to \$250,000 and the balance of the Project costs being shared equally with the City of Middleburg Heights.

Our fee for the above work is \$54,372.60 and we expect to complete the survey, the design plans, and complete the bidding documents within two (2) months of the notice to proceed so a construction contract can be advertised in early 2019.

Euthenics welcomes the opportunity to work once again with the City of Brook Park on this project. We will be happy to meet with you and answer any questions or provide additional information upon your request.

Very truly yours,  
EUTHENICS, INC.



Edward R. Piatak, P.E.  
Consulting City Engineer

Encls.

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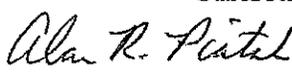
**OFFICERS**

R. S. WASOSKY, PE, PS, CEO, • A. R. PIATAK, PE, PRESIDENT • D. T. BENDER, PE, SECRETARY • J. L. NEVILLE, PE, TREASURER • E. R. PIATAK, PE, VICE PRESIDENT  
**ASSOCIATES**  
R. A. BENDER, PE • M. E. KIMBERLIN, PE, PS • M. M. PILAT, PE • M. R. COSGRIFF, PE • L. A. BAKER, PE • A. J. MALINAK, PE • S. A. HORAN, PS • A. N. CHUCRAY, PE

Exhibit A

**Professional Services Agreement**

<b>Design Professional:</b> Euthenics, Inc. 8235 Mohawk Drive Strongsville, Ohio 44136	<b>Client:</b> City of Brook Park 6161 Engle Road Brook Park, Ohio 44142  City of Middleburg Heights 15700 Bagley Road Middleburg Heights, Ohio 44130
<b>Project No.:</b> Brook Park Contract 1802	<b>Date:</b> December 12, 2018
<b>Project Name:</b> Sheldon Road Resurfacing Project	
<b>Location:</b> Cities of Brook Park & Middleburg Heights, Ohio	
<b>Scope of Services shall be as described below or in Proposal Letter:</b>  See proposal letter dated December 12, 2018	
<b>Fee Arrangement:</b> Final Plans, Bidding Phase & Contract Award = \$46,372.60 (Lump Sum) Construction Phase = \$8,000.00 (Hourly)	
<b>Rates shall be as shown on attached rate sheet:</b> N/A	
<b>Retainer Amounts:</b> N/A	
<b>Special Conditions:</b> N/A	

<b>Offered By:</b>	
	12/12/18
Alan R. Piatak/President	
Signature	Date
Printed Name/Title	

<b>Accepted By: Brook Park</b>		<b>Accepted By:</b>	
Signature	Date	Signature	Date
Michael D. Gammella/Mayor			
Printed Name/Title		Printed Name/Title	

Signature indicates the authority to bind the company/agency to the terms herein

Signature indicates the authority to bind the company/agency to the terms herein

The terms and conditions on the reverse of this form are part of this Agreement.

**Fee:** The total fee, except stated lump sum, shall be understood to be an estimate, based upon Scope of Service, and shall not be exceeded by more than ten percent, without written approval of the Client. Where the fee arrangement is to be on an hourly basis, the rates shall be those that prevail at the time services are rendered. Reimbursable expenses invoiced with a mark-up of no greater than 1.10%.

**Billings/Payments:** Invoices for services and reimbursable expenses shall be submitted, at the Design Professional's option, either upon completion of the services or on a monthly basis. Invoices shall be payable within 30 days after the invoice date. A service charge of 1.5% (or the maximum legal rate) per month will be applied to the unpaid balance after 30 days from the invoice date. Design Professional shall have the right to suspend/terminate services if payment is not received within 60 days after the invoice date and the Design Professional shall have no liability for any resultant delays or damages incurred by Client as a result of such suspension/termination. Retainers shall be credited on the final invoice. The Client agrees to pay all costs of collection, including reasonable attorney's fees.

**Standard of Care:** In providing services under this agreement, the Design Professional will endeavor to perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances. Design Professional will perform its services as expeditiously as is consistent with professional skill and care and the orderly progress of Design Professional's part of the Project. Regardless of any other term or condition of this Agreement, Design Professional makes no express or implied warranty of any sort. All warranties, including warranty of merchantability or warranty of fitness for a particular purpose, are expressly disclaimed.

**Consequential Damages:** Notwithstanding any other provision to the contrary, and to the fullest extent permitted by law, neither the Client nor the Design Professional shall be liable to the other for any incidental, indirect or consequential damages arising out of or connected in any way to the Project or this Agreement. This mutual waiver of consequential damages shall include, but not be limited to, loss of use, loss of profit, loss of business or income or any other consequential damages that either party may have incurred from any cause of action whatsoever.

**Hidden Conditions:** A condition is hidden if concealed by existing finishes or is not capable of investigation by reasonable visual observation. If the Design Professional has reason to believe that such a condition may exist, the Client shall authorize and pay for all costs associated with the investigation of such a condition, if (1) the Client fails to authorize such investigation after such due notification, or (2) the Design Professional has not reason to believe that such a condition exists, the Design Professional shall not be responsible for the existing conditions or any resulting damages or losses resulting therefrom.

**Hazardous Materials/Mold:** The Design Professional shall have no responsibility for the discovery, presence, handling, removal, disposal or exposure of persons to hazardous materials of any form including mold. The existing or constructed building may, as a result of post-construction, use, maintenance, operation or occupation, contain or be caused to contain mold substances which can present health hazards and result in bodily injury, property damage and/or necessary remedial measures and costs for which the Design Professional shall have no responsibility.

**Indemnifications:** The Client agrees, to the fullest extent permitted by law, to indemnify and hold Design Professional and its subconsultants harmless from and against any and all damage, losses or cost (including reasonable attorneys' fees and defense costs) caused in whole or in part by its acts, errors or omissions and those of anyone for whom they are legally liable. The Design Professional further agrees to indemnify the Client for damages arising from its own negligent errors acts or omissions.

**Risk Allocation:** In recognition of the relative risks and benefits of the project to both the Client and the Design Professional, the Client agrees, to the fullest extent permitted by law, to limit the Design Professional's total liability to the Client or anyone making claims through the client, for any and all damages or claim expenses (including attorney's fees) arising out of this Agreement, from any and all clauses, to the total amount of the Design Professional's fee, or another amount agreed upon when added under Special Conditions.

**Termination of Services:** This agreement may be terminated upon 10 days written notice by either party should the other fail to perform their obligations hereunder. In the event of termination, the Client shall pay the Design Professional for all services rendered to the date of termination, all reimbursable expenses, and reasonable termination expenses.

**Ownership of Documents:** All documents produced by the Design Professional under this agreement, including electronic files, shall remain the property of the Design Professional and may not be used by this Client for any other purpose without the written consent of the Design Professional. Any such use or reuse shall be at the sole risk of Client who shall defend, indemnify and hold DESIGN PROFESSIONAL and its subconsultants harmless from any and all claims and/or damages arising therefrom. Electronic files are not contract documents and cannot be relied upon as identical to contract documents because of changes or errors induced by translation, transmission, or alterations while under the control of others. Use of information contained in the electronic files is at the user's sole risk and without liability to Design Professional and its consultants.

**Defects In Service:** The Client shall promptly report to the Design Professional any defects or suspected defects in the Consultant's services. The Client further agrees to impose a similar notification requirement on all contractors in its Client/Contractor contract and shall require all subcontracts at any level to contain a like agreement. Failure by the Client and the Client's contractors or subcontractors to notify the Consultant shall relieve the Consultant of the costs of remedying the defects above the sum such remedy would have cost had prompt notification been given when such defects were first discovered.

**Construction Activities:** The Design Professional shall not be responsible for the acts or omissions of any person performing any of the Work or for instructions given by the Client or its representatives to any one performing any of the Work, nor for means and methods or job-site safety.

**Dispute Resolution:** Any claim or dispute between the Client and the Design Professional shall be submitted to non-binding mediation, subject to the parties agreeing to a mediator(s). If the Parties cannot agree upon a mediator the claim or dispute shall be submitted to the American Arbitration Association (AAA) for mediation in accordance with the Construction Arbitration and Mediation Rules of the AAA then in effect. Unless otherwise specified, the laws of the State of Ohio shall govern this agreement.

**Relationship of the Parties:** All services provided by Design Professional are for the sole use and benefit of the Client. Nothing in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Client or the Design Professional.

**SHELDON ROAD RESURFACING: ENGLE ROAD TO 780' EAST OF EASTLAND ROAD  
 DETAILED ESTIMATED MANHOUR BREAKDOWN**

**FINAL PLAN SUBMITTAL**

<b>Existing Data Collection</b>		=	8 MH
Existing Plans, Contacting OUPS, etc...		=	8 MH
<b>Existing Data Collection</b>		=	<b>8 MH</b>
<b>Survey/Field Work</b>			
Survey/Field Work:	(2 People @ 2 Days)	=	40 MH
Identify Owner & Number of Castings/Mon. boxes to be Adjusted or Reconstructed to Grade			
Field Topo Survey - edge of pavement, drive aprons, utility castings within pavement, drive pipes, etc...			
Field Mark Potential Base Repair Areas			
Catch Basin Condition Survey - Photos/Work Task			
Identify Existing Monuments to be Adjusted to Grade			
Check for Sub-Standard Guardrail at 25' Increment along 2 Guardrail Runs	(2 People @ 0.5 Day)	=	8 MH
Spreadsheet Documenting Offset & Elev.'s at Edge Line, Edge of Pavement, Ground @ Face of Rail and Bottom of Rail		=	6 MH
<b>Survey/Field Work</b>		=	<b>54 MH</b>
<b>Final Plan Drawings</b>			
Title Sheet	1 Sheet(s) @ 10 MH	=	10 MH
Schematic Plan	1 Sheet(s) @ 16 MH	=	16 MH
Typical Sections	1 Sheet(s) @ 16 MH	=	16 MH
Typical Sections Quantity Table	1 Sheet(s) @ 32 MH	=	32 MH
General Notes	8 Sheet(s) @ 8 MH	=	64 MH
General Summary	2 Sheet(s) @ 12 MH	=	24 MH
Maintenance of Traffic Notes	2 Sheet(s) @ 6 MH	=	12 MH
Maintenance of Traffic Details	1 Sheet(s) @ 8 MH	=	8 MH
Pavement Repair Details (Partial Depth/Full Depth)	1 Sheet(s) @ 8 MH	=	8 MH
Miscellaneous Details	1 Sheet(s) @ 8 MH	=	8 MH
Cost Estimates		=	24 MH
Project Manual		=	44 MH
<b>Final Plan Drawings</b>		=	<b>266 MH</b>
<b>Final Plan Compliance Submittal</b>		=	<b>60 MH</b>
<b>Project Coordination</b>			
Final Plan Review Meeting/Coordination with Middleburg Heights		=	12 MH
Public/Private Utility Coordination and Utility Exhibit		=	8 MH
<b>Project Coordination</b>		=	<b>20 MH</b>
<b>Supervision</b>		=	<b>16 MH</b>
<b>Deliverables</b>			
Cuyahoga County and Middleburg Heights		=	8 MH
Correspondence - Private Utilities		=	6 MH
<b>Deliverables</b>		=	<b>14 MH</b>
<b>FINAL PLAN SUBMITTAL</b>		=	<b>438 MH</b>

**SHELDON ROAD RESURFACING: ENGLE ROAD TO 780' EAST OF EASTLAND ROAD  
DETAILED ESTIMATED MANHOUR BREAKDOWN**

**BIDDING PHASE AND CONTRACT AWARD**

**Bidding Phase and Contract Award**

Solicitation and Respond to Pre-Bid Questions	=	12 MH
Prepare and issue Addenda	=	10 MH
Review Bids and Recommendation for Award	=	6 MH
Preparation of Contracts for Execution	=	12 MH
<b>Bidding Phase and Contract Award</b>	=	<b>40 MH</b>

**BIDDING PHASE AND CONTRACT AWARD 40 MH**

**CONSTRUCTION PHASE**

**Construction Phase**

The following hourly rates will be applied to the time worked on the services not included within the tasks listed above, as authorized by the City. These rates will also be applied to the time worked on the following items:

- Pre-Construction Meeting
- Periodic Site Visits and Progress Meetings
- Responding to resident issues and answering construction questions
- Processing Invoices
- Final Inspection and Project Closeout
- Correspondence with Cuyahoga County

- Project Manager = \$130/hr
- Project Engineer = \$105/hr
- Professional Engineer = \$95/hr
- Engineering Intern = \$65/hr
- Designer/Technician = \$82/hr

**MACKAY**  
Engineering & Surveying Company

7017 Pearl Road  
Cleveland, Ohio 44130  
www.mackayeng-surv.com

(440) 886-4500  
Fax (440) 886-4590  
Email: info@mackayeng-surv.com

December 6, 2018

City of Brook Park  
Attn: Randy Garner  
6161 Engle Road  
Brook Park, Ohio 44142

Email to: erpiatak@euthenics-inc.com

Re: Construction Administration  
Sheldon Road Resurfacing  
Middleburg Heights and Brook Park

Dear Mr. Garner:

Mackay Engineering and Surveying Company ("Mackay") is pleased to provide you with the following proposal for construction administration services on the above referenced project. The project is for the resurfacing of Sheldon Road in the Cities of Brook Park and Middleburg Heights from approximately 780 feet east of Eastland Road to Engle Road. We will provide the following construction administration services in connection with this project:

1. Review of bids and recommendation of award.
2. Attendance at and coordination of pre-construction meeting.
3. Coordination and oversight of inspection by inspectors employed by Mackay. (Note: Project inspectors will be employed by Mackay and inspector fees will be paid by the contractor.)
4. Answering construction questions and addressing resident issues.
5. Review of quantities and pay requests and preparation of OPWC pay request forms. Review of pay requests will include confirmation of receipt of certified payroll for the pay period. All other prevailing wage requirements will be handled by the City of Brook Park and/or Euthenics.
6. Creation of punchlist.
7. Contract closeout documentation.

Our estimated not to exceed fee for the above listed construction administration services is \$34,000.00.

The following hourly rates will be applied to the time worked on the services included within this not to exceed fee and also for any hourly rate work authorized by you. Payment for the work will be made each month for the services performed that month. These rates are valid through December 31, 2019 and subject to revision thereafter:

Principal Engineer	\$125.08/Hour
Project Manager	\$113.71/Hour
Engineer	\$105.76/Hour
Surveyor	\$ 71.64/Hour

Exhibit B

Proposal City of Brookpark Sheldon Rd 100218

CAD Designer	\$ 81.88/Hour
Survey Crew (2 Person)	\$141.00/Hour
Survey Crew (3 Person)	\$166.02/Hour
Printing	Cost

(Printing costs are not included in the above estimated fee.)

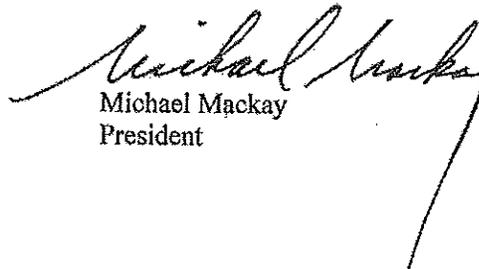
Our fees do not include construction plan design, subsurface or soil investigation, existing pavement coring or analysis, materials testing, laboratory services, environmental design or testing services, traffic engineering studies or services, asbuilts, or construction staking.

Payment for above work shall be made on a monthly basis. Payment for our services actually performed shall be due whether or not the project goes forward so long as our services have been performed in accordance with good engineering practices.

You may indicate your acceptance of this proposal by signing and returning a copy of this letter. This proposal is valid for your acceptance for thirty (30) days from the date hereof. This document shall represent our total agreement and supersedes any prior representations. Any amendment shall be in writing and signed by both parties. This agreement has been made and delivered in the State of Ohio and is to be interpreted and enforced according to the laws of the State of Ohio. Venue is to be in Cuyahoga County, Ohio.

Should you have any questions, please contact me. We look forward to working with you on this project.

Very truly yours,



Michael Mackay  
President

/pmb

Acceptance by City of Brookpark

\_\_\_\_\_  
Signature of Authorization Title

Date: \_\_\_\_\_

\_\_\_\_\_  
Print Name

cc: Jim Herron  
Kim Kerber

**Exhibit B**

Proposal City of Brookpark Sheldon Rd 100218