

**REGULAR CAUCUS MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, JUNE 11, 2019  
7:00 P.M.**

**I. ROLL CALL OF MEMBERS**

**II. PLEDGE OF ALLEGIANCE**

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

1. REGULAR CAUCUS MEETING HELD MAY 14, 2019.

**IV. DISCUSSION:**

1. 2020 TAX BUDGET - PER COUNCIL PRESIDENT VECCHIO.
2. PROPOSED CHARTER AMENDMENTS - PER COUNCIL PRESIDENT VECCHIO. **In attendance: Charter Review Commission Members.**
3. BOXCAST LIVESTREAMING - PER COUNCIL PRESIDENT VECCHIO

**V. LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:**

1. ORDINANCE NO. 11037-2018, PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO ARTICLE IV, SECTION 4.01 AND 4.02 OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Councilmen Salvatore, Orcutt, Scott and Stemm.
2. ORDINANCE NO. 10069-2019, AMENDING CERTAIN SECTIONS OF CHAPTER 153 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'EMPLOYEES GENERALLY,' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

**V. LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI: CONT.**

3. RESOLUTION NO. 30-2019, HONORING ASTRONAUT AND SENATOR, JOHN GLENN, AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer and Council President Astorino.
  
4. AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; PUBLISHING THE ENACTMENT OF SUCH NEW MATTER, REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio.

**VI. PLANNING COMMITTEE - CHAIRMAN, BURGIO:**

1. REQUEST APPROVAL FOR A CONDITIONAL USE PERMIT TO OPERATE A HEAVY EQUIPMENT REPAIR BUSINESS AT 16400 BROOKPARK ROAD 'COMPANY WRENCH' LOCATED IN THE U7-AE DISTRICT.  
**In attendance: Joel Copley and/or representative.**

**VII. SERVICE COMMITTEE - CHAIRMAN, ORCUTT:**

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GREATER CLEVELAND AUTO AUCTION, PUBLIC AUCTIONEERS, FOR THE PURPOSE OF DISPOSING OF OBSOLETE CITY VEHICLES AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
  
2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS FOR PROFESSIONAL CONSTRUCTION MANAGEMENT SERVICES IN CONNECTION WITH THE SMITH ROAD RESURFACING PROJECT (PID 108950) AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
  
3. AN ORDINANCE AUTHORIZING THE MAYOR TO DISPOSE OF OBSOLETE CITY VEHICLES THAT ARE UNSAFE AND NO LONGER ROAD WORTHY AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

**VII. ADJOURNMENT:**

**Posted 6/7/19**

# ALTERNATIVE TAX BUDGET INFORMATION

Political Subdivision/Taxing Unit City of Brook Park

For the Fiscal Year Commencing January 1, 2020

Fiscal Officer Signature \_\_\_\_\_ Date \_\_\_\_\_

## COUNTY OF CUYAHOGA

### Background

Substitute House Bill No. 129 (HB129) effective June 3, 2002, was enacted by the 124th General Assembly in part to allow a county budget commission to waive the requirement that a taxing authority adopt a tax budget for a political subdivision or other taxing unit, pursuant to Ohio Revised Code (ORC) Section 5705.281.

### Ohio Revised Code Section 5705.281

Under the amended version of this section pursuant to HB 129, a county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the tax budget for any subdivision or other taxing unit. However, the commission may require the taxing authority to provide any information needed by the commission to perform its duties, including the division of the tax rates as provided under ORC Section 5705.04.

### County Budget Commission Duties

The county budget commission must still certify tax rates to each subdivision or other taxing unit, by March 1 for school districts and by September 1 for all other taxing authorities under ORC Section 5705.35, even when a tax budget is waived. Also, the commission is still required to issue an official certificate of estimated resources under ORC Section 5705.35 and amended official certificates of estimated resources under ORC Section 5705.36.

Therefore, when a budget commission is setting tax rates based on a taxing unit's need, for purposes of ORC Sections 5705.32, 5705.34, and 5705.341, its determination must be based on that other information the commission asked the taxing authority to provide under ORC Section 5705.281, when the tax budget was waived. Also, an official certificate must be based on that other information the commission asked the taxing authority to provide.

### County Budget Commission Action

On October 11, 2002, during the Cuyahoga County Budget Commission meeting, the commission with an affirmative vote of all members waived the requirement for taxing authorities of subdivisions or other taxing units (Including Schools) to adopt a tax budget as provided under ORC Section 5705.281, but shall require the filing of this Alternative Tax Budget Information document on an annual basis.

### Alternative Tax Budget Information Filing Deadline

For all political subdivisions excluding school districts, the fiscal officer must file one copy of this document with the County Fiscal Officer on or before July 20th. For school districts the fiscal officer must file one copy of this document with the County Fiscal Officer on or before January 20th.

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# GUIDELINES FOR COMPLETING THE ALTERNATIVE TAX BUDGET INFORMATION

## SCHEDULE 1

The general purpose of schedule 1 is to meet the requirement of Ohio Revised Code (ORC) Section 5705.04 which requires the taxing authority of each subdivision to divide the taxes levied into separate levies. For help use the schedule B issued by the budget commission for the current year and add any new levies. This will help to ensure that no levies are missed.

In column 1 list only those individual funds which are requesting general property tax revenue. In column 2 purpose refers to the following terms, inside, current expenses, and special levy for example. In column 4 levy type refers to renewal, additional, and replacement for example. In column 9 identify the amount of general property tax you wish to request.

## NOTE:

The general purpose of column 9 is to demonstrate the need to produce property tax revenues to cover the estimated expenditures for the budget year. ORC Section 5705.341 states in part;

"Nothing in this section or any section of the ORC shall permit or require the levying of any rate of taxation, whether within the 10 mill limitation or whether the levy has been approved by the electors, the political subdivision or the charter of a municipal corporation in excess of such 10 mill limitation, unless such rate of taxation for the ensuing fiscal year is clearly required by a budget properly and lawfully, adopted under this chapter or by other information required per ORC 5705.281."

Property tax revenue includes real estate taxes, personal property taxes, homestead and rollback, and the personal property 10,000 exempt monies.

## SCHEDULE 2

The general purpose of schedule 2 is to produce an Official Certificate of Estimated Resources for all funds.

In column 3, total estimated receipts should include all revenues plus transfers in excluding property taxes and local government revenue. All taxing authority must submit a list of all tax transfers.

## SCHEDULE 3

The general purpose of schedule 3 is to provide inside/charter millage for debt service. The basic security for payment of general obligation debt is the requirement of the levy of ad valorem property taxes within the 10 mill limitation imposed by Ohio law. Ohio law requires a levy and collection of ad valorem property tax to pay debt service on general obligation debt as it becomes due, unless that debt service is paid from other sources.

## SCHEDULE 4

The general purpose of schedule 4 is to provide for the proper amount of millage to cover debt service requirements on voted bond issues. Major capital improvement projects are sometimes financed through the use of voted bonds. The taxing authority seeks voter approval of general obligation bonds and of the levy of property taxes outside the indirect debt limitation in whatever amount is necessary to pay debt service on those bonds.

## SCHEDULE 5

The general purpose of schedule 5 is to properly account for tax anticipation notes. See schedule 5 for more details.

# DIVISION OF TAXES LEVIED

(Levies Inside & Outside 10 Mill Limitation, Inclusive Of Debt Levies)  
 (List All Levies Of The Taxing Authority)

## SCHEDULE 1

I	II	III	IV	V	VI	VII	VIII	IX
Fund	Purpose	Authorized By Voters On MM/DD/YY	Levy Type	Number Of Years Levy To Run	Tax Year Begins/ Ends	Collection Year Begins/ Ends	Maximum Rate Authorized	\$ AMOUNT Requested Of Budget Commission
General Fund	General						3.85	\$1,997,315.00
Police Pension Fund	Police Pension						0.30	\$155,635.00
Fire Pension Fund	Fire Pension						0.30	\$155,635.00
Debt Service Fund	Debt Service						0.00	\$0.00
SWGHS Fund	Southwest Hospital	11/7/2018	Renewal	Five	2019/2023	2020/2024	0.30	\$147,173.00
Totals								\$2,455,758.00

# STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

## SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
General Fund	5,041,084.00	2,372,844.00	20,120,170.00	27,534,098.00	23,170,000.00	4,364,098.00
City Income Tax Fund	800,100.00		20,100,000.00	20,900,100.00	20,900,000.00	100.00
Admissions Tax Fund	830,000.00		196,500.00	1,026,500.00	150,000.00	876,500.00
Hotel, Motel Tax Fund	819,000.00		152,500.00	971,500.00	110,000.00	861,500.00
Street Construction, Maint. & Repair Fund	650,000.00		1,217,000.00	1,867,000.00	1,260,000.00	607,000.00
State Highway Improvement Fund	775,000.00		110,000.00	885,000.00	100,000.00	785,000.00
Permissive Tax Fund	150,000.00		51,000.00	201,000.00	75,000.00	126,000.00
Economic Development Fund	800,000.00		305,000.00	1,105,000.00	350,000.00	755,000.00
Brookpark Road Corridor Fund	57,835.00			57,835.00	25,000.00	32,835.00
CDBG Fund	36,290.00			36,290.00		36,290.00
Special Recreation Fund	450,000.00		118,000.00	568,000.00	380,000.00	188,000.00
Concession Stand Funds	6,600.00		79,000.00	85,600.00	78,500.00	7,100.00
Furtherance of Justice Fund	0.00			0.00		0.00
Law Enforcement Fund	65,000.00		5,000.00	70,000.00	35,000.00	35,000.00
DWI Enforcement & Education Fund	24,000.00		1,000.00	25,000.00	5,000.00	20,000.00
Federal Forfeiture Fund	185,000.00		5,000.00	190,000.00	50,000.00	140,000.00
Community Diversion Program Fund	20,000.00		3,000.00	23,000.00	3,000.00	20,000.00
Continuing Training Program Fund	20,750.00		1,000.00	21,750.00	5,000.00	16,750.00

# STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

## SCHEDULE 2

I	II	III	IV	V	VI	VII
Fund BY Type	Beginning Estimated Unencumbered Fund Balance	Property Taxes and Local Government Revenue	Other Sources Receipts	Total Resources Available for Expenditures	Total Estimated Expenditures & Encumbrances	Ending Estimated Unencumbered Balance
FEMA Fund	54,663.00			54,663.00	10,000.00	44,663.00
Insurance Fund	1,132,500.00		20,000.00	1,152,500.00	45,000.00	1,107,500.00
General Bond Retirement Fund	1,308,685.75		1,095,382.63	2,404,068.38	1,100,382.63	1,303,685.75
Capital Improvement Fund	393,242.04		2,825,000.00	3,218,242.04	3,199,045.04	19,197.00
Construction Funds	875,000.00		1,780,000.00	2,655,000.00	2,655,000.00	0.00
Medical Benefits Fund	3,060,000.00		2,200,000.00	5,260,000.00	2,400,000.00	2,860,000.00
Retiree Accrued Benefits Fund	20,000.00		150,000.00	170,000.00	145,000.00	25,000.00
Police Pension Fund	40,000.00	155,635.00	500,000.00	695,635.00	685,000.00	10,635.00
Fire Pension Fund	25,000.00	155,635.00	630,000.00	810,635.00	800,000.00	10,635.00
Southwest General Hospital Fund	0.00	147,173.00		147,173.00	147,173.00	0.00
Cash Bonds Held Fund	50,000.00		2,500.00	52,500.00	27,500.00	25,000.00
Building Standards Fund	3,500.00		2,750.00	6,250.00	3,250.00	3,000.00
Unclaimed Monies Fund	0.00		0.00	0.00	0.00	0.00
Payroll Account Funds	25,000.00		67,000.00	92,000.00	72,000.00	20,000.00
Special Assessment Bond Retirement Fund	27,000.00		58,400.00	85,400.00	57,250.00	28,150.00





**CITY OF BROOK PARK  
2020 TRANSFERS**

FROM	AMOUNT	TO
100 General Fund	250,000.00	243 Economic Development Fund
	42,000.00	264 Water Park Fund
	226,226.33	310 General Bond Retirement Fund
	120,000.00	546 2020 Street Improvement Fund
	150,000.00	691 Retirees' Accrued Benefit Fund
	500,000.00	711 Police Pension Fund
	630,000.00	712 Fire Pension Fund
SubTotal	1,918,226.33	
210 City Income Tax Fund	16,897,200.00	100 General Fund
	2,802,800.00	401 Capital Improvement Fund
SubTotal	19,700,000.00	
215 Admissions Tax Fund	110,000.00	100 General Fund
220 Hotel, Motel Tax Fund	110,000.00	100 General Fund
401 Capital Improvement Fund	805,803.00	310 General Bond Retirement Fund
	1,250,000.00	546 2020 Street Improvement Fund
SubTotal	2,055,803.00	
Total All Transfers	23,894,029.33	

## PREAMBLE

We, the people of the City of Brook Park, in the County of Cuyahoga and the State of Ohio, grateful for our freedom and aware of our rights and responsibilities as citizens do ordain and establish this Charter in order to secure for ourselves the full benefits of "Home Rule" and to exercise the powers of self-government under the Constitution and laws of the State of Ohio.

## ARTICLE I NAMES AND BOUNDARIES

### Section 1.01 Names and Boundaries

The existing boundaries, within Cuyahoga County and the State of Ohio, shall continue to be a body politic and corporate under the name of the City of Brook Park. The people shall have the power to change the boundaries in the matter authorized by the laws of the State of Ohio.

The corporate existence of this City shall not be terminated or merged, nor shall any territory be detached from or annexed to this City, without the assent of the Council of this City and by vote of the electors of this City at the next regular election. Amended November 6, 2001.

## ARTICLE II MUNICIPAL POWERS

### Section 2.01 Municipal Powers

The City of Brook Park shall have all powers of local self government now and hereafter granted to municipalities by the Constitution and laws of the State of Ohio. All such powers shall be exercised in the manner prescribed by the Charter, **or if not prescribed wherein** by ordinance or resolution of the Council created hereby, or in such manner as prescribed now or hereafter by the Constitution and laws of the State of Ohio.

*The 2019 Brook Park Charter Review Commission was tasked by the city charter and the residents of the city of Brook Park to review, research, and recommend a list of proposed changes. This document is simply our draft of what is being proposed. This document will be presented to city council on Tuesday, June 11th at the caucus meeting at 7:00 PM. If council chooses to take any of our proposed recommendations, the document will be submitted to the Law Director and then follow the procedure to be placed on the ballot.*

*Respectfully submitted,  
Rachel McDonnell  
2019 Brook Park Charter Review Commission ChairPerson*

ARTICLE III  
THE MAYOR

**Section 3.01 Term of Office**

The Mayor shall be the Chief Executive of the City. The Mayor shall be elected at the regular municipal election in the year 1989, and every fourth year thereafter, for a term of four (4) years. **No person elected Mayor shall hold the office for more than three (3) consecutive terms or twelve (12) consecutive years, unless one (1) full term or more has elapsed since that person last held the office of Mayor.** His term shall commence and he shall assume office on the first day of January following such election and shall serve until his successor has been duly elected and qualified. ~~He may be a candidate to succeed himself.~~ Amended November 7, 1989.

**Qualifications**

**He shall have been for at least one (1) year prior to his election or appointment and during his term of office or employment shall continue to be a resident of the City. The Mayor, whether elected or appointed to fill a vacancy, shall serve in a full time-capacity, shall hold no other full time private employment and shall comply with all ethics laws of the State of Ohio. In the case of the Mayor, he shall have attained the age of twenty-five (25) years prior to assuming such office.**

**Section 3.02 Absence**

During any period when the Mayor shall be absent or inaccessible or unable for any cause to perform his duties, **he shall notify the President of Council in writing and the President of Council shall be Acting Mayor and shall also continue as President of Council with all the powers and duties of that position.** Whenever the Mayor shall be out of state, he shall notify the President of Council in writing. In the event the President of Council shall be absent or inaccessible or for any reason, be unable to perform his duties as Acting Mayor, the President Pro Tem of the Council, shall become the Acting Mayor with all the powers and duties of the Mayor, and he shall not thereby cease to be a Member of Council. Whenever the President of Council shall be out of state, he shall notify the President Pro Tem of Council in writing. Amended November 6, 2001.

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Rachel McDonnell  
2019 Brook Park Charter Review Commission ChairPerson

**Section 3.03 Duties and Powers of the Mayor**

(a) EXECUTIVE: The Mayor shall be the chief executive officer of the City. He shall supervise the administration of the City's affairs, and shall exercise control over all offices, departments and divisions. He shall be the chief conservator of the peace within the City and shall see that all laws and ordinances are enforced responsible for the preparation and submission of the annual estimate of receipts and expenditures and appropriation measures, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. He shall recommend to the Council such measures as he deems necessary or expedient. He shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which this City is a party are faithfully kept and performed.

Subject to provisions of the Civil Service regulations and the provisions of this Charter, the Mayor shall have the power to appoint, promote, discipline, transfer, reduce or remove any employee of the City except: (a) those required by this Charter to be elected, and (b) those whose terms of office may be fixed by this Charter, and (c) the Departments of Law and Finance.

The Director of Public Safety, the Director of Public Service and all appointive officers, and members of all Commissions, shall serve at the pleasure of the Mayor with the exception of **the two** Parks and Recreation Commission **members appointed by** City Council per City Charter Section 11.05.

The Mayor shall review annually the wages of all city employees and appointed officers of the City and submit his recommendation to Council. Unless otherwise provided for in this Charter, the Mayor shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness, and all other instruments to which the City is a party. He shall have custody of the seal of the City and may affix it to all of said but the absence of the seal shall not affect the validity of any such instrument. The Mayor shall be recognized as the official and ceremonial head of the City government by the Governor for military purposes and by the courts for the purpose of serving civil processes. The Mayor shall have his office at the City Hall. Amended November 6, 2001.

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Rachel McDonnell  
2019 Brook Park Charter Review Commission ChairPerson*

(b) LEGISLATIVE: The Mayor shall be entitled to a seat in Council but shall have no vote therein. He shall have the right to recommend and introduce legislation and to take part in the discussion of all matters coming before Council. Every ordinance passed or resolution adopted shall be signed by the President of Council or Every other presiding officer and presented promptly to the Mayor by the Clerk of Council. If the Mayor approves such ordinance or resolution he shall sign and return it to the Clerk of Council within ten (10) days after its passage or adoption by Council, but if he does not approve it, he shall deliver it, within ten (10) days together with his written objections thereto, to the Clerk of Council who shall forthwith return it to Council. The Mayor's objections shall be read at the next Council meeting and be entered in full on the journal of Council. The Mayor may approve or disapprove the whole or any section of an ordinance or resolution. When the Mayor disapproves any section of any ordinance or resolution, it will not affect the remaining sections of such ordinance or resolution, but otherwise his approval or disapproval shall be addressed to the entire ordinance or resolution.

If the Mayor does not return an ordinance or resolution within the time limit provided in this section, it shall take effect in the same manner as if he had signed it. When the Mayor disapproves an ordinance or resolution, or any part thereof, and returns it to the Council with his objections, Council shall but not later than its next regular meeting reconsider it and, if such ordinance, resolution or section, upon reconsideration is approved by the vote of at least five (5) of all Members of Council, it shall become effective notwithstanding the veto of the Mayor, shall become effective notwithstanding the veto of the Mayor.

(C) JUDICIAL: The Mayor shall have all the judicial powers granted by the general laws of Ohio to Mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers. Amended November 7, 1995

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Rachel McDonnell  
2019 Brook Park Charter Review Commission ChairPerson*

ARTICLE IV  
THE COUNCIL

**Section 4.01 Composition and Term**

All legislative powers of the City, except as otherwise provided by this Charter and by the Constitution and general laws of the State of Ohio shall be vested in a Council of eight (8) members, four (4) of whom shall be elected for the several wards, three (3) of whom shall be elected at large, and one (1) of whom shall be elected at large as President of Council.

***Each Ward Councilperson shall hold their office for four (4) years, beginning January 1, 2022 of their election in 2021. At Large Council Members and the Council President shall hold their office for four (4) years beginning January 1, 2024 of their election in 2023.***

***No elected Council Person shall hold the office for a period longer than three (3) consecutive terms or more than twelve (12) years, unless one full term or more has elapsed since that person has last held the position of Councilman.*** All members of Council, including the President of Council, shall take office on the first day of January next following their election, and shall continue to serve until their successors have been duly elected and qualified.

~~All Councilmen shall be elected for a term of two (2) years at the regular municipal election in the year 2001, and every two years thereafter. All members of Council, including the President of Council, shall take office on the first day of January next following their election, and shall continue to serve until their successors have been duly elected and qualified. Amended November 7, 2000.~~

**Section 4.02 President of Council**

It shall be the duty of the President of Council to preside at all meetings of Council, appoint various Council Committees, and perform such other duties as may be imposed by Council upon its presiding officer and such other duties as are imposed upon him by this Charter, coordinating the work of the various committees appointed by him. The President of Council shall have the right to vote on all ordinances, resolutions, or motions coming before the Council only in the event of a tie-vote.

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2019 Brook Park Charter Review Commission ChairPerson*

**Section 4.03 Organization of Council**

(a) Within five (5) days after the commencement of their term, at the call of the President of Council, Members of the Council shall meet in the Council Chambers to organize. Amended November 6, 2001.

(b) The Council shall elect, from among its members, a President Pro-Tem, who shall preside at meetings of Council in the absence of the President of Council.

(c) The Council shall appoint a Clerk of Council, and may appoint any other such officers as it may deem necessary, to serve at the pleasure of Council. The Clerk of Council shall not be a Member of Council.

(d) The Clerk of Council shall keep an accurate and complete journal of the proceedings of Council, authenticate by his signature and have custody of and properly file and index all laws, ordinances and resolutions of Council and shall have custody of other official documents, reports papers and communications received by the Council, and have custody and control of all files of Council, and perform such other duties as Council shall require.

(e) The City shall use a codified ordinance system. All ordinances and resolutions shall be codified in a loose leaf binder.

**Section 4.04 Salaries and Bonds**

The Council shall fix compensations, sick leave and annual vacation time for each employee of the City, whether elected, appointed, or chosen and establish bond for the faithful discharge of the duties of the office. Any ordinance or resolution providing for any increase in salary or compensation for any Councilmen, the Mayor, the Law Director, the Finance Director, or any other elective office, of more than three percent (3%) shall not become effective, after passage thereof, until Council submits such ordinance or resolution to the electorate at a regular Municipal or general election occurring more than 60 days after the passage of the ordinance or resolution, and such ordinance or resolution is approved by a majority of the electors voting thereon in the City.

The compensation of all elected officials shall be fixed at least thirty (30) days prior to the filing date of nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in any respect during any such term or any part thereof. The Council may authorize any officer of the City to make such travel as the Council deems to be in the public interest, and may provide that the expense of such travel be paid by the City. Amended November 7, 2000.

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Rachel McDonnell  
2019 Brook Park Charter Review Commission ChairPerson*

**Section 4.05 Meetings**

(a) Regular Meetings: The Council shall meet in the Council Chambers at such times as may be prescribed by its rules, regulations, ordinances or bylaws, except that it shall hold regular meetings at least twice each calendar month, provided, however, that it may recess during the months of July and August, subject to the call of the Mayor. Meetings of the Council whether regular or special, shall be open to the public, with the exception of Executive Sessions, which shall only be permitted in accordance with the provisions set forth in the codified ordinances of the City of Brook Park, or in the laws of the State of Ohio. Amended November 7, 1989 check and balances

(b) Special Meetings: Special meetings of the Council may be called in accordance with and as provided by the rules, regulations, or bylaws adopted by the Council. In the absence of such provisions, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or shall be called by the Clerk of Council upon the written request of the Mayor or President of Council, or three (3) Members of Council. Any such request shall state the time, place and date thereof, and the subject or subjects to be considered at the meeting, and no other subject or subjects shall be considered. Notice in writing of each such special meeting called at the request of the Mayor, President of Council, or three (3) Members of Council, shall be given to each Member of Council and the Mayor, **by serving on each of them personally or leaving a copy thereof at his usual place of residence, or electronically or as otherwise determined by Council Rules**, not less than twenty-four (24) hours preceding the date and hour of such meeting. Service of such notice may be waived in writing.

**Section 4.06 Quorum**

A majority of the Members of Council eligible to vote shall constitute a quorum for the transaction of business at any meeting of the Council but a lesser number may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance or resolution.

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*Respectfully submitted,  
Rachel McDonnell  
2019 Brook Park Charter Review Commission ChairPerson*

**Section 4.07 Rules and Journal of Council**

Council shall adopt its own rules, regulations, or bylaws and shall keep a journal of all of its proceedings. The journal shall be open for public inspection at all reasonable times. The voting upon any ordinance or resolution shall be by roll call, and the vote of each Councilman shall be entered upon the journal.

**Section 4.08 Form of Legislative Action**

All legislative action by Council shall be by ordinance or resolution introduced in written or printed form, except when otherwise required by the Constitution or the laws of the State of Ohio. An affirmative vote of at least a majority of the Members of Council eligible to vote shall be required for passage or enactment of every ordinance or resolution.

The procedures for enacting ordinances or resolutions shall follow the laws of the State of Ohio, any additional stipulations as may be found elsewhere in this Charter, and any provisions adopted by a majority vote of Council, provided, however, that each ordinance or resolution shall be read by title only on three (3) different days unless six (6) of the Members of Council eligible to vote, vote to dispense with the rule to read ordinances or resolutions on three (3) days, and no other provisions of this Charter nor the general laws of Ohio shall impair or limit this rule. It shall be the expressed intent of this section that all ordinances and resolutions shall be read by title only, unless there is necessity to read an ordinance or resolution fully and distinctly at least once at any time before passage, as determined by a majority of Members elected to Council.

In keeping with the aforesaid provision, regarding the reading of ordinances and resolutions by title only, the Clerk of Council shall provide, forty-eight (48) hours (two business days) prior to the Council meeting, the following:

1. Provide in a conspicuous place in or near the Council Chambers, a copy of all ordinances or resolutions to be read by title only, for inspection by the public.
2. Provide in a conspicuous place in or near the Council Chambers, a copy of the Council meeting agenda which shall contain a short synopsis, prepared by the Law Department, of each ordinance and resolution to be read by title only for inspection by the public.

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Nothing in this section shall preclude any Member of Council, the President of Council, or the Mayor of the City from introducing emergency legislation on the floor of the Council meeting. In addition, nothing shall preclude such an ordinance or resolution from being passed at said Council meeting; provided, however, that it shall be fully and distinctly read once and the rule of three readings shall have been dispensed with by a vote of six (6) Members of the Council eligible to vote.

No ordinance or resolution shall contain more than one subject, which subject shall be clearly expressed in its title; and no ordinance or resolution shall be revised or amended unless the ordinance or resolution superseding it contain the entire ordinance or resolution so revised or amended or the section or sections so revised or amended, and the original ordinance, resolution, or section or sections shall be expressly repealed.

All ordinances, resolutions, statements, orders, proclamations, and reports required by law or by this Charter or by ordinance to be published or posted, shall be posted for a period of not less than fifteen (15) days prior to the taking effect thereof. Any emergency ordinance or resolution shall also be published or posted as aforesaid, but this requirement shall not postpone the immediate taking effect thereof as provided in Section 4.09 of this Article. Council shall provide for not less than five (5) public posting boards, at least one (1) of which shall be at the City Hall. Amended November 7, 1995.

#### **Section 4.09 Effective Date of Ordinances and Resolutions**

Each ordinance or resolution providing for the appropriation of money or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the front footage of property to be benefited and specially assessed therefore, and any emergency ordinance or resolution necessary for the immediate preservation of public peace, health or safety, shall take effect, unless a later date be specified therein, upon its approval by the Mayor, or upon its passage after veto by the Mayor, as the case may be.

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No other ordinance or resolution shall become effective until thirty (30) days after its approval by the Mayor or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor as the case may be. Each emergency measure shall contain a statement of the necessity for such emergency action, and shall require the affirmative vote of five (5) of the Members of Council eligible to vote for its enactment. No action of its powers, or in granting any franchise, or re-zoning ordinance, or amendment or repeal of any zoning ordinance, shall be designated an emergency measure or enacted under a suspension of the rules. Amended November 7, 1995.

**Section 4.10 Assessments, Advertising of Contracts and Sale of Municipal Property**

The Council shall make provisions by ordinance for:

- (a) The procedure for making public improvements and levying assessments, including the procedure for combining two (2) or more public improvements, and the levying of assessments therefore in one (1) proceeding if the Council finds that it will be economical and practical to undertake such improvements jointly;
- (b) The advertising and awarding of contracts and alterations or modifications of contracts;
- (c) The sale or disposal of municipal property;
- (d) Such other general regulations as the Council may deem necessary. Amended November 2, 1976.

**ARTICLE V  
ADMINISTRATIVE OFFICERS AND DEPARTMENTS  
GENERAL PROVISIONS**

**Section 5.01 General Provisions**

A Department of Law, a Department of Finance, an Office of Public Safety, and a Department of Public Service, a Department of Administrative Services and a Department of Parks and Recreation are hereby established. The Council shall by ordinance determine the organization and duties of each office, department, division, board and commission, and the duties of each officer and employee, except as otherwise provided by this Charter. The Council by ordinance may create, change or abolish

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offices, departments, divisions, boards, commissions or agencies established by this Charter, but the Council shall not discontinue or assign to any other office, department, division, board, commission or agency, any function or duty assigned by this Charter to a particular office, department division, board, commission or agency. Amended November 6, 2001.

**Section 5.02 Directors of Offices, Departments and Division Heads**

The head of each Office or Department shall be a Director. The head of each office, department and division shall, unless otherwise provided for in Charter, be appointed by the Mayor, with the concurrence of a majority of the Members of the Council, and, unless otherwise provided for in this Charter, shall serve at the pleasure of the Mayor. Amended November 6, 2001.

**ARTICLE VI  
DEPARTMENT OF LAW**

**Section 6.01 Director - Election**

The Director of Law shall be elected at the regular municipal election in the year 1987, and every fourth year thereafter for a term of four (4) years. He shall assume office on the first day of January next following his election, and shall continue to serve until his successor has been duly elected (or appointed) and qualified.

In the event that no person is elected to the office of Law Director, the Mayor with the concurrence of a majority vote of Council, shall appoint the Law Director, and such appointee shall serve at a salary previously set for the term to which he is appointed, and the salary shall not thereafter be changed in any respect during such term or part thereof.

The Director of Law, whether elected or appointed, shall be an attorney at law duly admitted to the practice of law in the State of Ohio **and shall have engaged in the active full-time practice of law, as defined by The Supreme Court of Ohio's Rules for the government board of Ohio, continuously for a period of not less than five (5) years preceding his appointment.** If the Mayor fails to appoint a Law Director within thirty (30) days, Council shall then appoint.

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**Section 6.02 Duties**

The Director of Law shall serve the Mayor, the Council, the administrative officers and departments, and the commissions and boards of the City as legal counsel, and shall represent the City in all proceedings in court or before any administrative body. He shall act as the prosecuting attorney for the City. He shall perform all other duties now or hereafter imposed upon city solicitors by the general laws of Ohio, unless otherwise provided by ordinance or resolution of the Council, and he shall perform such other duties as may be required by this Charter and/or as the Council or the Mayor may impose upon him consistent with his office.

The Director of Law may appoint such assistant director or directors of law, as he may deem necessary. Such assistant directors of law shall serve at the pleasure of the Director of Law. The assistant director or directors of law must be duly admitted to the practice of law in the State of Ohio. The Director of Law shall appoint all new employees in the Law Department and all such employees shall serve at the pleasure of the Law Director. Amended November 7, 2000.

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**ARTICLE VII  
DEPARTMENT OF FINANCE**

**Section 7.01 Director of Finance – Election**

The Department of Finance shall be directed by the Director of Finance who shall be elected at the regular municipal election in the year 1969, and every fourth year thereafter, for a term of four (4) years. He shall assume office on the first day of January next following his election and shall serve until his successor has been duly elected and qualified.

Qualifications - A certified public accountant (CPA) who is licensed and registered as such in the State of Ohio, and who will maintain such license and registration while employed as Finance Director, or a Bachelor's Degree (four year degree) in Accounting, or Business or Finance from an accredited college or university, shall be required for this position. These qualifications shall not take effect until January 1, 1996. If a dispute arises before or after the election as to whether a candidate meets these qualifications, the Board of Elections and/or the Secretary of State shall be the arbiter(s) of such dispute. Amended November 7, 1995.

**Section 7.02 Director of Finance/Taxation - Duties**

The Director of Finance/Taxation shall have charge of the administration of the financial affairs of the City and to that end he shall have authority to and be required to:

- (a) Compile estimates of revenues and expenditures for the budget of the Mayor.
- (b) 1. Maintain a general accounting system for the City government and each of its offices, departments and agencies
- 2. Supervise the bookkeeping for an exercise financial budgetary control over each office, departments, and agency.
- 3. Keep separate accounts for the items of appropriation contained in the appropriation ordinance of Council, each of which accounts shall show the amount appropriated, the amounts paid therefrom, the unpaid obligations against it, and the against it, and the unencumbered balance.
- 4. Require reports of receipts and disbursements from each receiving and spending agency of their City government to be made daily or at such intervals as he may deem expedient.

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- (c) Submit to the Council and to the Mayor at the second regular meeting of Council each month a financial statement showing the receipts, expenditures and balances in each of the funds and accounts of the City for the preceding month, and an appropriation report showing each appropriation, the amount expended against the appropriation for the preceding month the accumulated total expended for the year to date, and the balance remaining in each appropriation. These reports shall be permanent public records and shall be posted on the City's public posting boards.
- (d) At the end of each fiscal year, examine and audit the accounts of all offices and departments of the City and prepare a complete financial statement and report.
- (e) Supervise and be responsible for the assessment of all property within the corporate limits of the City for taxation, and make all special assessments for the City government.
- (f) Keep an accurate account of all taxes and assessments, of all monies due to, and all receipts and disbursements by, the City, and of all appropriations made by the Council.
- (g) Supervise and be responsible for the preparation of all payrolls, and the payment of all bills and other claims against the City and he shall issue no warrant unless he shall find that the claim is in proper form, correctly computed, and duly approved; that is due and payable, and that appropriation has been made therefore.
- (h) Supervise and be responsible for the procedure used in the purchase, storage, and distribution of all supplies, materials, equipment, and other articles used by any office of the City.
- (i) Prescribe the forms of receipts, vouchers, bills, or claims to be used by all the offices, departments, and agencies of the City government.
- (j) Upon death, resignation, removal or expiration of the term of any officer, audit the accounts of such officer. If such officer is found to be indebted in the City, the Finance Director shall immediately give notice thereof to the Council and the Director of Law, and the latter shall forthwith proceed to collect such indebtedness.
- (k) Collect all taxes, special assessments, license fees, and other revenues of the City of whose collection the City is responsible, and receive all money accruing to the City from the State, County, or Federal government, or from any office, department or agency of the City.
- (l) Have custody of all public funds belonging to or under control of the City government, and deposit all funds in accordance with Section 7.04(f) of this Charter.

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- (m) Have custody of all investments and invested funds of the City government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the City and the receipt of delivery of city bonds and notes for transfer, registration or exchange.
- (n) Disburse public funds on the order of any person authorized by ordinance of the Council or by the general laws of the State of Ohio to issue orders therefore.
- (o) Prepare a quarterly report and annual account of the funds in his custody for submission to the Council.
- (p) Perform such other duties consistent with his office as may be required by this Charter, by ordinance of the Council or by the general laws of the State of Ohio. Amended November 5, 2013.

**Section 7.03 - Assistant Director of Finance**

There is hereby established the position of Assistant Director of Finance, who shall be appointed by the Director of Finance. The Assistant Director of Finance shall perform such duties as are assigned by the Director of Finance in carrying out the provisions of this Charter, and shall serve at the pleasure of the Director of Finance.

In the absence of the Director of Finance the Assistant Director of Finance shall perform the duties of the Director. Amended November 6, 2001.

A Bachelor's Degree in Accounting, Business or Finance from an accredited college or university and a minimum of two (2) years experience in governmental, public or corporate accounting shall be required for this position. Amended November 6, 2007.

**Section 7.04 Finances**

**(a) General Provisions**

The general laws of the State of Ohio relating generally to budgets, appropriations, deposits, expenditures, debts, bonds, contracts and other fiscal matters of municipalities shall be applicable to the City, except as modified by or inconsistent with the provisions of this Charter.

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(b) Annual Estimate

The fiscal year of this City shall, unless Council by proper action adopts a different date, be the same as that established from time to time for cities by the general laws of the State of Ohio.

The Mayor with the assistance of the Director of Finance shall prepare and submit to the Council an estimate of the revenues and expenditures of the municipality for the next succeeding fiscal year. This estimate shall be compiled from information which shall be furnished by the head of each department, division, board or commission in such form and detail as the Mayor may reasonably require. Amended November 6, 2007.

The estimate shall give the following information:

1. An estimate of the anticipated revenue from each source during the next succeeding fiscal year, with a comparative statement of the amount received from such source during the preceding two (2) years and the current year, plus an estimate of such amounts for the remainder of the current year, which estimates he shall receive from the Director of Finance.
2. An estimate of the expense of conducting each department and activity of the City for the next succeeding fiscal year, together with comparative statements as provided in the next preceding paragraph, with reasons for increases and decreases.
3. The amount of the total and net debt of the City, together with a schedule of maturities of outstanding bonds and notes which he shall receive from the Finance Director.
4. An estimate of the value of supplies and materials on hand at the date of preparation of the estimate.
5. A statement of the unencumbered balance in each bond and improvement fund, which he shall receive from the Director of Finance.

(c) Appropriation Ordinance

The Director of Finance shall furnish to the Council an appropriation ordinance, making appropriations for the expenditures of the City during the year covered by the aforementioned annual estimate. The Council shall adopt such ordinance in its original form, or with such revision as it may find proper, within such times as is fixed by the

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*2019 Brook Park Charter Review Commission ChairPerson*

general laws of the State of Ohio, or in case no such time is fixed, within ninety (90) days after the beginning of the fiscal year covered by such ordinance.

Such appropriation ordinance shall be in such form and detail as may be required by the general laws of the State of Ohio, and may be amended or supplemented by the Council after its passage, but appropriations shall not be made in excess of the estimated revenues of the City.

The Council may make preliminary appropriations for current expenses sufficient in amount to meet the current needs until the annual appropriation ordinance has been enacted and is in effect. The passage of any ordinance authorizing the issue or sale of bonds or notes of the City shall constitute an appropriation of the proceeds thereof to the purpose for which said bonds and notes are issued.

**(d) Transfers and Balances**

The Council may transfer any part of an unencumbered balance of an appropriation of any fund, to any purpose of object for which the appropriation for the current year has proved insufficient, or may authorize a transfer of monies to be made between items appropriated to the same office or department, except as follows:

1. No transfer shall be made from any bond or note fund, except that the unexpended balance of such fund no longer needed for the purpose for which said fund was created shall be transferred to the fund from which said bonds or notes are to be paid.
2. No transfer shall be made of monies raised or appropriated for the payment of any bond or note of the City, until all indebtedness interest and other obligations which can lawfully be paid for such monies have been paid.

At the close of each fiscal year the unencumbered balance of each appropriation, except appropriations to bond or note funds or any trust fund or special fund which the Council by law or this Charter shall be authorized to create, shall revert to the fund from which it was appropriated, and shall be subject to future appropriation.

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(e) Payment of Claims

No money shall be drawn from the treasury nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the Council. No warrant for the payment of any claim shall be issued until such claim shall have been approved in writing by the head of the Department, Commission, or Board for which the obligation was incurred. Each head of a Department and his surety shall be liable to the City for all loss and damage sustained by the City by reason of the unfaithful approval of any claim against the City in his Department. The Director of Finance shall have power to require evidence that the amount of the claim is justly due and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent or employee of any department of this City, and examine him upon oath or affirmation relative thereto.

(f) Custody and Deposit of Funds

The Council shall by ordinance provide for the depositories of the City. All funds received on behalf of the City by any officer, employee or agent thereof, shall be promptly paid over to the Director of Finance and by him promptly placed in a depository bank, but the Council may authorize such sums as it deems proper to be kept in cash for the daily operation of any department or office.

The Director of Finance, with the approval of a majority of the Members of Council eligible to vote thereon, shall invest monies of the City in bonds or notes of this City, or any other investment permitted by the general laws of the State of Ohio, in such manner as is now or hereafter after authorized by such general laws of the State of Ohio.

(g) Certification of Funds

No contract, agreement, or other obligation involving the expenditure of money shall be entered into; nor shall any ordinance, resolution or order for the expenditure of money be passed or issued by the Council or be authorized by any officer of the City unless the Director of Finance shall have first certified in writing to the Council, or to the proper office, as the case may be, that the money required for such contract, agreement, obligation or expenditure, is to be drawn, and not appropriated for any other purpose. Such certificate shall be filed and immediately recorded by the Director of Finance. The sum so certified shall not thereafter be considered unappropriated until the City is discharged from the contract, agreement or obligation. The provisions of this section

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shall not be construed to prevent the making of contracts for a period extending beyond a single fiscal year when such contracts are otherwise authorized by this Charter, by ordinance of Council or by the general laws of the State of Ohio.

All monies actually in the treasury to the credit of the fund from which they are to be drawn, and all monies applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation, from taxes, assessments, license fees, or from sales of service, products, or by products of any municipal undertaking, and monies to be derived from lawfully authorized bonds, shall, for the purpose of such certificate, be deemed to be in the treasury to the credit of the appropriate fund, and shall be subject to such certification.

(h) Public Bidding

The Council may authorize, in specific cases, expenditures of funds of the City an amount exceeding the amount permitted by State Statutes without public bidding, for acquisition or the discharge of non contractual claims against the City, for personal services, for the joint use of facilities or exercise of powers with other political subdivisions, or for the product or services of expenditures exceeding the amount permitted by State Statutes shall be made except pursuant to contract made with the lowest and best bidder after public advertising and receipt of bids in the manner provided by law.

(i) Public Improvement

Public improvements of all kinds may be made by the appropriate department either by the direct employment of the necessary labor and purchase of supplies and materials in the manner herein provided with a separate account as to each improvement so made, or by contract let as provided in the next preceding paragraph either for a closed price or upon a unit base.

(1) Taxation

The power of Council to levy taxes shall be subject to the limitations now or hereafter provided by the constitution and the general laws of the State of Ohio, and nothing contained in this Charter shall be construed as authorizing a levy any taxes in excess of such limitations without a vote of the people.

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**Section 7.05 Finance Clerks in the Department of Finance**

All finance clerks, established by ordinance and budgeted by the City Council, shall be appointed by the Director of Finance, and shall serve at the pleasure of the Director of Finance. Amended November 7, 2000.

**ARTICLE VIII**

**OFFICE OF PUBLIC SAFETY**

**Section 8.01 Office of Public Safety**

The Director of Public Safety shall be the head of the Office of Public Safety, and shall be appointed by the Mayor with the concurrence of a majority of the Members elected to the Council, and shall serve at the pleasure of the Mayor. Amended November 6, 2001.

**Section 8.02 Duties and Qualifications of the Director**

- a. The Director of Public Safety shall make all necessary rules and regulations for the government of the Office and the Departments thereof. He shall be charged with the duty of enforcing all police, fire, safety, building, zoning, health, and sanitary regulations that may be prescribed by ordinances or resolutions of the City, or, when applicable, the Constitution and the general laws of the United States and the State of Ohio. The Director of Public Safety shall consistent with his office, as may be required by this Charter, by ordinance of the Council, or as directed by the Mayor. Amended November 6, 2001.
- b. ***The Director of Public Safety shall have a Bachelor's Degree or Equivalent from an accredited college or university with major course work in political science, criminal justice, police science, fire science, behavioral science, business or public administration, or a related field and at least seven years experience within listed fields.***

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**Section 8.03 Departments and Divisions Established**

Within the Office of Public Safety there is hereby established a Department of Fire, a Department of Police, and a Division of Building, a Department of Pub may be established by Council. Such Department, if established, shall be charged with the enforcement of the air pollution ordinance of the City. Amended November 6, 2001.

**Section 8.04 Department of Fire**

The Department of Fire shall be in active charge of a Chief. The Chief of the Department of Fire shall be selected by competitive examination. Eligibility list for the Chief's examination shall be determined by the Civil Service Commission. There shall be established a Bureau of Fire Protection and Investigation within the Department of Fire. Any other bureau deemed necessary to increase efficiency, and/or protection may be established within the Department of Fire. The operation of such bureau or bureaus shall be by personnel of the Department of Fire The Fire Chief shall be responsible for their organization and supervision. Amended November 6, 2001.

**Section 8.05 Department of Police**

The Department of Police shall be in active charge of a Chief. The Chief of the Department of Police shall be selected by competitive examination. Eligibility list for the Chief's examination shall be determined by the Civil Service Commission. There shall be established a Detective Bureau and a Juvenile Bureau within the Department of Police. Any other bureau deemed necessary to increase efficiency, and/or protection may be established within the Department of Police. The operation of such bureau or bureaus shall be by personnel of the Department of Police. The Chief of Police shall be responsible for their organization and supervision. Amended November 6, 2001.

**Section 8.06 Division of Building**

**1. Establishment and Duties**

There is hereby established a Division of Building for the City to be organized as set forth herein, with the duty of enforcing the building and zoning regulations of the City and such other duties consistent with building in the City as may be prescribed by ordinance or by the Mayor

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*Respectfully submitted,  
Rachel McDonnell  
2019 Brook Park Charter Review Commission ChairPerson*

2. Building Commissioner

There is hereby created the office of Building Commissioner for the City. Appointment to such position shall be made by the Mayor with the concurrence of Council and said Building Commissioner shall serve at the pleasure of the Mayor.

(a) Duties

It shall be the duty of the Building Commissioner:

1. To administer and enforce all the Ohio laws and City ordinances relating to building and zoning.
2. To approve or disapprove all blueprints submitted for new construction and issue all licenses, permits, with regard to original construction, remodeling and repair of all buildings, fences, signs, billboards and other structures within the City, and approve all insurance policies and bonds of general contractors, as well as sub trades operating in the City.
3. To supervise the Building Inspector, Electrical Inspector, and Plumbing Inspector.
4. To issue all Certificates of Occupancy and Re-Occupancy.
5. To make rules and regulations for the administration of the affairs under his supervision.
6. To administrate and direct the issuance of all building, plumbing, heating and electrical permits as required by the building and zoning regulations of the city.

(b) Qualifications

~~The Building Commissioner shall have at least five (5) years experience in the building trades or related occupations. Amended November 5, 2013.~~ **The building Commissioner shall hold a valid and current "Chief Building Official" certification issued by the State of Ohio Board of Building Standards or The International Code Council and shall have at least five (5) years experience in the building trades or related occupations.**

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### **Section 8.07 Disciplinary Authority**

The Director of Public Safety shall have exclusive right to demote, suspend or remove any officer in charge of a Department or Division within the Office of Public Safety and any employee within said Department or Division except that the Chief of the Department of Fire, Chief of the Department of Police, and the Building Commissioner of the Division of Building, shall have exclusive right to suspend any employee within their respective Departments or Divisions.

The grounds of demotion, suspension or dismissal by the Director of Public Safety or for suspension by the Chief of the Department of Police, Chief of the Department of Fire, or Building Commissioner of the division of Building, shall be incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given them by the proper authority, or for any other reasonable or good cause. If any employee is suspended by the Chief of the Department of Police, the Chief of the ment of Fire, from within their departments, then the Chief of the Department of Police, the Chief of the Department of Fire, or the Building Commissioner of the Division of Building, as the case may be, shall forthwith certify such fact in writing, together with the cause for such suspension, to the Director of Public Safety, who, within five (5) days from receipt thereof, shall proceed to inquire into the cause of such suspension and render judgment thereon. Such judgment, if the charge is sustained, may be suspension, reduction in rank, or dismissal from the department.

In all cases of removal, demotion or suspension, the Director of Public Safety shall furnish such employee with a copy of the order of removal, demotion or suspension, together with an explanation of the employee's right of appeal. Such order with the explanation shall be filed with the Civil Service Commission. Any such employee so removed, demoted or suspended may appeal from the order of the Director of Public Safety to the Civil Service Commission within ten (10) days after the date of such suspension, demotion or removal, in which event, the Commission shall forthwith notify the Director of Public Safety and shall hear such appeal within thirty (30) days from and after its filing with the Commission, and it may affirm, disaffirm, or modify the judgment of the Director of Public Safety. The employee or officer so suspended, denoted or removed may appeal on questions of law and fact from the decision of the Civil Service Commission to the Court of Common Pleas. Such appeal shall be taken within ten (10) days from the finding of the Commission, Amended November 6, 2001.

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Rachel McDonnell*

*2019 Brook Park Charter Review Commission ChairPerson*

**ARTICLE IX  
DEPARTMENT OF PUBLIC SERVICE**

**Section 9.01 Director of Public Service**

The Director of Public Service shall be the head of the Department of Public Service and shall be appointed by the Mayor with the concurrence of a majority of the Members elected to Council, and shall serve at the pleasure of the Mayor.

**Section 9.02 Duties of the Director**

The Director shall make all necessary rules and regulations for the government of the Department and the Divisions thereof. He shall have charge of all engineering, construction, and inspections. He shall also be responsible for maintenance, repair, and cleaning of all public improvements and properties. He shall be responsible for the issuance of permits, the collection of fees and deposits and the proper releasing of same, and the inspection of:

1. Cuts into pavements and curbs, and the repairing of same.
2. The use of fire hydrants.
3. Any other permits, fees, deposits, inspections and release from liability which may be required for any work done in the public right of way. He shall have charge of making and preserving all surveys, maps, plans, specifications, drawings, estimates and contracts for all public improvements and properties. He shall perform such other duties, consistent with his office, as may be required by this Charter, by ordinance of the Council, or as directed by the Mayor. He shall present an annual report of the operations of his department and office to the Mayor and such other reports as directed by the Mayor, Amended November 7, 1989.

**Section 9.03 Divisions Established:**

The Department of Public Service shall consist of the following divisions:

- (a) Division of Engineering
- (b) Division of Public Properties, including Parks, Public Grounds, Sewage Treatment and Public Buildings.
- (c) Division of Refuse Collection and Disposal.

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- (d) Division of Utilities, including any franchise and privately owned utilities and including any municipally owned utility which is established pursuant to and will operate under the constitution and laws of the State of Ohio and this Charter. Amended November 5, 1991.
- (e) Division of Streets, including sidewalks and public right-of-way. Amended November 7, 1989.

**Section 9.04 Appointment of Division Heads**

The Director of Public Service shall appoint the heads of the Divisions established in Section 9.03 of this charter, except the Division of Engineering, which Division head shall be appointed by the Mayor, **and shall have the qualifications as may be set forth in the city ordinances.** Such appointees shall serve at the pleasure of the appointing authorities.

**ARTICLE X  
DEPARTMENT OF PARKS AND RECREATION**

**Section 10.01 Director of Recreation**

The Director of Recreation shall be the head of the Department of Recreation and shall be appointed by the Mayor with the concurrence of a majority of the Members elected to Council, and shall serve at the pleasure of the Mayor. The Director shall have education or experience in Parks and Recreation, Physical Education, Coaching or Sports Administration. Amended November 7, 1995.

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**Section 10.02 Duties of the Director**

It shall be the function and duty of the Recreation Director to supervise and exercise administrative control over all equipment and operations and to maintain parks, playgrounds, playfields, gymnasiums, swimming pools, and recreation centers, and to exercise such other powers and duties as the Council may by ordinance provide. The Director may also employ play leaders, supervisors, or any other officials or employees deemed to be necessary and they shall serve at the pleasure of the Director.

The Council shall appropriate to the Parks and Recreation Commission an amount necessary and sufficient for the performance of functions and duties. All such funds, and all gifts donated to the City for recreational purposes, shall be administered by the Parks and Recreation Commission.

He shall perform such other duties, consistent with his office, as may be required by this Charter, by ordinance of the Council, or as directed by the Parks and Recreation Commission. He shall present an annual report of the operation of his Department and office to the Parks and Recreation Commission, and such other reports as directed by the Parks and Recreation Commission, Amended November 6, 2001.

**ARTICLE XI  
BOARDS AND COMMISSIONS**

**Section 11.01 General Rules for all Boards and Commissions**

Unless otherwise provided for in this Charter:

- (a) An appointee to be eligible to serve as a Member of a Board or Commission of the City shall be and remain a qualified elector of the City.
- (b) A vacancy occurring during the term of any Member of a Board or Commission shall be filled for the unexpired term in the manner authorized for an original appointment.
- (c) The Mayor may remove any Member of any Board or Commission for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office, incapacity **or** incompetency, provided, however, that such removal shall not be effective without the

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concurrence of not less than the majority of the Members of the Council, and/or until such Commissioner or Board Member shall have been notified in writing of the charge or charges against him at least ten (10) days in advance of any hearing upon such charge or charges, and he or his representative has been given an opportunity to be heard, present evidence or examine any witness appearing in support of such charge or charges.

(d) Each Board and Commission shall keep a journal of its proceedings. The voting shall be taken by name in the form of yeas and nays and entered in the journal, and the vote of a majority of all of the Members shall be necessary to adopt any question, motion, or order.

(e) Meetings of the Boards and Commissions shall be open to the public with the exception of Executive Sessions which shall only be permitted in accordance with the provisions set forth in the Codified Ordinances of the City of Brook Park, or in the laws of the State of Ohio.

(f) All Members of all Boards and Commissions shall serve without compensation unless otherwise provided by Council.

(g) In addition to the duties and functions specifically enumerated in this Charter, all Boards and Commissions shall perform such other duties and functions as may be imposed upon them by ordinance or resolution of the Council or general laws of the State of Ohio. Amended November 7, 1989.

(h) All Boards and Commission Members shall choose a Chairperson and Vice Chairperson from the body to preside over the Board or Commission meetings at their first meeting in January. The Chairperson and Vice Chairperson shall serve a one-year, non consecutive term. All Board and Commission Members shall continue to serve until their respective terms of office have expired. Amended November 6, 2001.

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2019 Brook Park Charter Review Commission ChairPerson*

**Section 11.02 Civil Service Commission**

(a) Membership

The Civil Service Commission shall consist of three (3) members appointed by the Mayor, with concurrence of a majority of the Members elected to Council, for terms of six (6) years each. The members of the present Civil Service Commission shall continue to serve until their respective terms of office have expired. At the time of any appointment, not more than two (2) of the Commissioners shall be members of the same political party. Amended November 8, 1983.

(b) Officers

The Civil Service Commission shall designate one of its members as Chairman, thereof, and may appoint a Secretary who need not be a member of the Civil Service Commission.

(c) Duties

The Commission shall provide by rule for ascertainment of merit and fitness as the basis for appointment and promotion in the classified service of the City, as provided by the Constitution of the State of Ohio, and for appeals from the action of the Mayor and/or of any director in any case of transfer, reduction or removal. The action of the Commission on any such appeal shall be final except as otherwise provided by the general laws of the State of Ohio.....Public notice shall be given to the City thirty (30) days prior to the filing date on any vacancy in the classified service. The Civil Service Commission shall keep a record of its proceedings and examinations, which record shall be open to public inspection, and the Commission shall in all matters not in conflict with this Charter conduct its affairs in accordance with the provisions of the general laws of the State of Ohio.

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(d) Classification of Service

The Civil Service of the City is hereby divided into classified and unclassified service.

1. The unclassified service shall include the following positions and such other positions as may now or hereafter be included in the unclassified service by the general laws of the State of Ohio.

(i.) All officers elected by popular vote or persons appointed to fill vacancies in such offices.

(ii) The members of all Boards and Commissions, and heads of Departments, Divisions, Boards, and Commissions, and all employees of the Division of Building, appointed by the Mayor or by and with his consent and/or by the Council.

(iii) Employees of the Council.

(iv) The deputies and/or assistants of elective or principal executive officers authorized to act for and in the place of their principals, or holding a fiduciary relation to such principals.

(v) One personal secretary to the Mayor and one personal secretary to each elective or appointive Department Head.

(vi) Assistants to the Director of Law.

(vii) All persons who in accordance with the rules established by the Civil Service Commission constitute temporary employees.

(viii) All firemen, policemen, and Members of the Civil Defense Corps who serve on a volunteer basis or who serve without compensation.

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2019 Brook Park Charter Review Commission ChairPerson*

(ix) Any position, the applicants for which must possess unusual or peculiar qualifications such that the Commission finds it impractical to determine their fitness by competitive examination.

(x) All compensated adult school patrol guards.

2. The classified service shall include but not be limited to the following positions:

- (i) Regular Members of the Divisions of Police and Fire in the Department of Public Safety.
- (ii) All foremen, truck drivers and laborers employed in the Department of Public Service.
- (iii) All clerks working with the Divisions of Police and Fire.

(e) Qualifications

Every member of the classified Civil Service, within six months (6) of successful completion of probation, must reside within Cuyahoga County or any county adjacent to Cuyahoga County. Amended November 4, 2008.

### **Section 11.03 Planning Commission**

(a) Organization

The City Planning Commission shall consist of seven (7) Members, to-wit: the Mayor, who shall also be the Chairman of the Commission, a Member of City Council, who shall be appointed by the President of Council, and five (5) Members appointed by the Mayor, subject to approval of a majority of the Members of Council.

At the time of any appointment, not more than three (3) of the appointed Commissioners shall be members of the same political party. The Building Commissioner, Service Director and City Engineer shall furnish technical advice and services as required by the Planning Commission.

The term of the Members appointed by the Mayor shall be five (5) years each. The Members of the present Planning Commission shall continue to serve until their respective terms of office have expired.

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(b) Powers and Duties

It shall be the function and duty of the Planning Commission to act as the platting commissioners of the City, and as such it shall have control of planning and shall provide regulations with respect to the platting of all lands within the City so as to secure their harmonious development; provide for the coordination of streets with spaces for traffic, utilities, access of fire fighting apparatus, recreation, light and air, and for the avoidance of congestion of population.

It shall make such regulations as it deems necessary as to the manner in which streets and other public ways shall be graded and improved and the manner in which and the extent to which water, sewers and other utility mains, piping or other facilities shall be installed, and in addition may establish any other conditions precedent, to the approval of a proposed plat. The Departments of Public Safety and Public Service shall furnish to the Commission the necessary technical advice and services.

The Commission shall make plans and maps of the whole or any portion of the City and of any land outside of the City, which, in the opinion of the Commission, bears a relation to the planning of the City, and make changes in, addition to, and estimates of such plans or maps when it deems the same advisable. A comprehensive general plan to be known as the Master Plan shall be prepared. This Master Plan shall provide for the overall development of the entire City. It shall be reviewed periodically and revised as necessary, giving due consideration to those areas requiring redevelopment or urban renewal.

Consistent with the Master Plan it may prepare a mapped streets plan together with necessary maps or plats showing the surveyed lines of all proposed improvements. The Commission shall have such powers as may be conferred upon it by ordinance of the Council concerning the plan, design, location, removal, relocation, and alteration of any public building or structure or those located on public streets or property, the location, relocation, widening, extension and vacation of street, parkways, playgrounds, and other public places, the zoning and rezoning of the City for any lawful purpose, and such other powers as may now or hereafter be conferred upon it by ordinance of the Council or by the general laws of the State of Ohio to the extent not inconsistent with this Charter or such ordinances.

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All plans, recommendations and regulations made by the Planning Commission referring to public property, shall be submitted to the Council for approval before the same shall become effective. Prior to approval, copies of said plans shall have been reviewed by the Building Department and the Fire Department with comments, and/or approval, and/or disapproval noted.

All private commercial and industrial building, structures, and including land improvements, to be constructed within the City of Brook Park, must have submitted to the City three (3) complete sets of plans and specifications, for either new or renovation construction, at least forty-five (45) days prior to proposed construction (1-Fire Department, 1-City Building Department, and 1-Planning Commission). The Planning Commission must review said plans within that allotted period of time and make recommendations for changes as required by the Building Codes of the City and State of Ohio. This requirement is deemed necessary for the preservation of the public peace, health, safety and welfare of the residents of the City of Brook Park. Amended November 8, 1983.

(c) Mandatory Referral

No public building or structure, street, boulevard, parkway, park, playground, public ground, bridge, viaduct tunnel, or other public way, ground works or utility, whether publicly or privately owned, or a part thereof shall be constructed or authorized to be constructed in the City nor shall any public street, avenue, parkway, boulevard or alley be opened for any purpose whatsoever, nor shall any street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, vacated, or its use changed, or any ordinance referring to zoning or other regulations controlling the use or development of land be passed, unless and until the matter shall have been submitted to the Planning Commission for report and recommendation. Any matter so referred to the Planning Commission shall be acted upon by it within forty-five (45) days from the date of referral unless a longer time be allowed by Council. If the Planning Commission shall fail to act within the time allotted, it shall be deemed to have approved the matter. If any provision of such ordinance, resolution or order is disapproved by formal action of the Planning Commission, the adoption of such ordinance, resolution or order shall require five (5) affirmative votes of all Members of the Council for passage. Amended November 7,

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2019 Brook Park Charter Review Commission ChairPerson*

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**Section 11.04 Board of Zoning and Building Appeals**

(a) Organization

The Board of Zoning and Building Appeals shall consist of a Member of City Council six (6) appointed Members who shall not be Members of the Planning Commission, **subject to approval of a majority of the Members of Council.** The terms of the Members appointed by the Mayor shall be five (5) years each. Amended November 6, 2001.

(b) Powers and Duties

The powers and duties of the Board of Zoning and Building Appeals shall be as follows:

1. To hear and decide appeals made for exceptions to and variations in the application of ordinances governing zoning in the City in conformity with the purpose and intent thereof and to hear and decide all appeals made for exceptions to and variations in the application of ordinances, or orders, or regulations of administrative officials or agencies.
2. To approve or disapprove materials, types of construction, appliances, devices or appurtenances proposed for use pursuant to the Building Code of the City.
3. To hear and decide appeals from, and to review upon motion of any Member of the board, any order, requirement, decision or determination of the Building Inspector or of any administrative official or agency of the City, relating to the location, design, materials, construction, alteration, repair, equipment use or occupancy, maintenance, removal or demolition of any building or other structure, or any appurtenance connected or attached to such building or other structures, regulated by the Building Code of the City, and any rule or regulation or amendment or repeal thereof made by said officials or agencies under the authority conferred upon them by the Building Code of the City, by reversing or affirming the whole or in part, or modifying such order, requirement, decision or determination or rule, regulation, amendment or repeals thereof as in its opinion ought to be made in the premises.
4. To exercise with respect to buildings situated in the City the same powers as are

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exercised by the Board of Building Standards under the laws of the State of Ohio to the extent that it is competent for this Charter so to authorize the Board.

5. To formulate and submit to the Council, changes in and amendments to the Building Code which the Board determines as desirable for the proper regulations of building and structures and the equipment thereof and appurtenances thereto.

### **Section 11.05 Parks and Recreation Commission**

#### **(a) Memberships**

The Advisory Parks and Recreation Commission shall consist of five (5) Members appointed to five-year terms. Three (3) Members shall be appointed by the Mayor, of which, one (1) appointment shall be made upon the recommendation of the local Board of Education. The Member recommended by the Board of Education must have an interest in Brook Park Recreation activities. Two (2) members shall be appointed by a vote of the majority of the Members elected to City Council. Appointment to the Advisory Recreation Commission shall alternate with the Mayor making the first appointment, followed next by a Council appointment. The Members of the Commission shall continue to serve until their respective terms have expired. Within fifteen (15) days prior to the expiration of a Commissioner's term, the appointing authority shall inform said Commissioner in writing whether or not they will be re appointed to another term and the reason for this decision.

#### **(b) Term of Office and Compensation**

The term of all members shall be five (5) years each. The members of the present commission shall continue to serve until their respective terms of office have expired.

#### **(c) Powers and Duties**

It shall be the function and duty of the Advisory Parks and Recreation Commission to act in an advisory capacity only, and in that capacity shall direct any recommendation to the Administration and to the City Council. The Commission shall also act as an appeal board for resident grievances regarding policies and procedures of the Recreation Department, although the Recreation Director shall have the final decision in all matters. The Advisory Parks and Recreation Commission will not have control of hiring direction

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or supervision of any employee. Additionally, no monies may be under control of the Commission.

(d) Joint Operation

The Advisory Parks and Recreation Commission, upon approval by ordinance of Council, may jointly with the Berea School District, Cuyahoga County, or any contiguous municipality, acquire property for, supervise, equip, operate and maintain parks, playgrounds, playfields, gymnasiums, swimming pools, and recreation centers. Amended November 6, 2007.

**ARTICLE XII  
NOMINATIONS AND ELECTIONS**

**Section 12.01 Primary Elections**

On the second Tuesday of September in each odd numbered year prior to the general municipal election, primary elections shall be held for the purpose of nominating persons as candidates ~~of political parties~~ for election to offices provided for by this Charter to be voted for at the next succeeding regular municipal election.

Candidates for all offices to be voted for at any municipal elections under the provisions of this Charter shall be nominated at a non-partisan primary election to be held in odd numbered years on the second Tuesday in September and at a time and place provided for by the County Board of Elections.

**Section 12.02 Municipal Elections**

A general municipal election for the purpose of the election of officers provided for in this Charter shall be held on the first Tuesday after the first Monday in November in each odd numbered year, Elections so held shall be known as Regular Municipal Elections. All other elections held under the provisions of this Charter or as required by law shall be known as Special Municipal Elections.

**Section 12.03 Declaration of Candidacy**

Each person desiring to become a candidate for a party nomination to be voted

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for at a primary election shall not later than 4:00 p.m, of the ninetieth (90<sup>th</sup>) day before the day of such primary election, file with the Board of Elections of Cuyahoga County, Ohio, a declaration of candidacy and a nominating petition, which petition shall require signatures of registered electors of the same political party as the candidate, not less than twenty-five (25) for Ward Councilman, not less than one hundred (100) for Councilman-at-large, and not less than one hundred (100) for the City offices-at-large. Amended November 5, 2013.

#### **Section 12.04 Designation of Candidates**

~~Candidates for party nominations to municipal offices shall have their names printed on the official primary ballot, by filing a declaration of candidacy together with the required number of valid signatures and paying the required filing fee. If the number of persons filing such declaration for one political party does not exceed the number of offices available for nomination, then no primary election shall be held for such office and the persons so filing shall be declared nominated. The appropriate certificates of nomination, certifying their names to the proper election officials shall be issued in order that their names may be printed on the official ballots provided for use in the next succeeding regular municipal election.~~

***The number of candidates for the office of Mayor, President of Council, Director of Finance, Director of Law, and Council-By-Ward at any regular municipal election in the City shall be the two (2) candidates on the primary election ballot receiving the highest number of votes at the primary. The number of candidates for the office of Council- At-Large at any regular municipal election in the City shall equal the number of candidates filing a valid petition for the nomination of a candidate for the Office of Council-At-Large, and such person shall appear at the Regular Municipal Election. The filing deadline for such petition for nomination of a candidate for the Office Of Council-At-Large shall be the ninetieth (90) day before the primary election date as established in Charter.***

***In case there shall be more than two (2) persons who shall have filed petitions for the office of Mayor, President of Council, Director of Finance, Director of Law, and Council-by-Ward, as provided for in this Charter, then said persons shall be the candidates at the regular municipal election and the primary election for the office not exceeding two (2) person shall not be held. All persons who have filed petitions for the office of Council-at Large as provided for in the***

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*Respectfully submitted,*

*Rachel McDonnell*

*2019 Brook Park Charter Review Commission ChairPerson*

***Charter shall be the candidates at the regular municipal election.***

***Anyone who has not properly filed a petition for the appropriate primary election as provided by this Charter, shall be ineligible as a designated candidate in the regular municipal election.*** The appropriate certificates of nomination, certifying their names to the proper election officials shall be issued in order that their names may be printed on the official ballots provided for use in the next succeeding regular municipal election.

### **Section 12.05 Independent Candidates**

~~Any person desiring to become an independent candidate for election to any office to be voted for at the next succeeding regular municipal election shall, not later than 4:00 p.m. of the ninetieth (90<sup>th</sup>) day before primary election day, file a nominating petition. Such petition shall require signatures of registered electors and shall be accompanied by the written acceptance of the nominees. The petition for offices of council at large and all other city offices at large shall be signed by that number of electors equal to at least four (4) percent in number of the electors voting at the next preceding regular municipal election. The petition for office of ward councilman shall be signed by that number of the electors equal to at least four (4) percent in number of the electors voting in the next preceding regular municipal election for councilman in that ward. Names of independent candidates will not appear on the primary ballot, but will appear on the ballot of the next regular municipal election. Amended November 5, 2013.~~

***Write-in votes for a municipal candidate in the City of Brook Park shall not be permitted at a primary or general election unless no person files for a particular municipal office and no person is duly nominated at a municipal primary. The procedures for filing as a write-in when permitted under this section shall be determined by the laws of the State of Ohio and the Cuyahoga County Board of Elections.***

***The ballots used in the primary and general municipal election shall be without party mark or designation. The names of all candidates shall be placed upon the same ballot and should be rotated in a manner provided by the laws of Ohio.***

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Rachel McDonnell  
2019 Brook Park Charter Review Commission Chair/Person*

### **Section 12.06 Qualified Electors**

Every citizen of the United States who is of the age of eighteen (18) years or over, who possesses the qualifications herein required, shall be entitled to vote at a special primary, or regular municipal election.

No person shall be permitted to vote at any election unless he has been a resident of the State of Ohio for thirty (30) days, of the County of Cuyahoga for thirty (30) days, and the voting precinct thirty (30) days, next preceding the election at which he desires to vote, except as otherwise herein provided.

A qualified elector who has resided in the State and in the County the length of time required herein and who moves from one precinct to another within the City of Brook Park shall have the right to vote in such precinct provided the precinct shall have corrected his registration as required by law. No person residing in any registration precinct shall be entitled to vote at any election or shall sign any nominating, initiative, referendum or recall petition unless he is duly registered as an elector in the manner provided by law. The term "qualified elector" as used throughout this Charter shall be construed to mean an elector who has complied with the forgoing requirements.  
Amended November 8, 1983.

### **Section 12.07 General Provisions**

Except as otherwise provided in this Charter, all elections shall be held and conducted and the results thereof ascertained and certified as provided by the general laws of the State of Ohio and by the election authorities therein provided for. The election results shall be posted outside each polling place as required by law for a period of not less than twenty-four (24) hours.

## **ARTICLE XIII INITIATIVE, REFERENDUM AND RECALL**

### **Section 13.01 Initiative**

The electors of the City shall have the power to propose any ordinance or

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resolution, except an ordinance for the appropriations of money or authorization for a tax levy, and to adopt or reject the same at the polls, such power being known as the Initiative. An Initiative petition shall be submitted to the Clerk of Council by petition signed by the registered electors of the City not less in number than ten (10) percent of the number voting at the last preceding general election.

When so submitted, the Clerk shall forthwith determine the sufficiency of the petition. If found insufficient the electors proposing the petition shall have ten (10) days after notification to correct the insufficiency. If found sufficient the Council shall at once have the proposed ordinance or resolution read and referred to an appropriate committee which may be a committee of the whole.

Provisions shall be made for public hearing on the proposed ordinance or resolution not later than twenty (20) days after the date on which such ordinance or resolution was submitted to the Clerk, The Council shall, within sixty (60) days after such ordinance was submitted, take final action thereon, either enacting, amending, or rejecting the proposed ordinance or resolution.

If the Council fails or refuses to pass such proposed ordinance or resolution or passes it in some form different from that set forth in the petition therefore, the petitioners may require that it be submitted to a vote of the electors either in its original form or in the amended form by filing with the Clerk, within ten (10) days after final action on such ordinance or resolution by Council, a supplemental petition signed by that number of additional registered electors which, when taken together with those who signed the original petition, total not less in number than twenty (20) percent of the electors of the City voting at the last preceding general election, and if said supplemental petition is signed by such number of additional registered electors, the date of the election may be fixed therein, not less than ninety (90) days from the time of filing such supplemental petition. The Council shall thereupon provide for submitting such ordinance or resolution to the vote of the electors at the date so fixed, or at the next general election in any year occurring more than ~~sixty (60)~~ **ninty (90)** days from the filing of such supplemental petition, if no date be so fixed therein.

No measure initiated by the people and adopted by popular vote shall be repealed by the Council, or so amended by it as to destroy the effectiveness thereof, within one (1) year after it takes effect. Amended November 5, 2013.

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2019 Brook Park Charter Review Commission ChairPerson*

**Section 13.02 Referendum**

The electors of the City shall have the power to approve or reject at the polls any ordinance or resolution passed by the Council except as hereinafter provided, such power being known as the Referendum.

Within thirty (30) days after the final passage by Council of an ordinance or resolution, a petition signed by registered electors of the City not less in number than ten (10) percent of the number voting at the last preceding general election, may be filed with the Clerk of Council, requesting that such ordinance or resolution be either repealed or submitted to a vote of the electors. If said petition is signed by that number of the electors of the City which equals twenty (20) percent or more of such electors, the date of the election may be fixed therein, which shall not be less than ninety (90) days from the time of filing thereof. When said petition is filed, the Clerk shall first ascertain the sufficiency of the petition. If found insufficient, the electors proposing the petition shall have ten (10) days after notification to correct the insufficiency. If found sufficient, the Council shall thereupon, within thirty (30) days after the filing of such petition, reconsider such ordinance or resolution.

If, upon such reconsideration, the ordinance or resolution is not repealed, the Council shall submit it to a vote of the electors, on the date fixed in the petition, or if no date be so fixed, at the first general election in any year occurring more than ninety (90) days after the filing of such petition. No such ordinance or resolution shall go into effect until approved by a majority of those voting thereon.

Whenever the Council is by law or provisions of general ordinance required to pass more than one (1) ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the revisions of this section shall apply only to the first ordinance or other measure required to be passed and not to any subsequent ordinances or other measures relating thereto.

Ordinances providing for a tax levy, or for improvements petitioned for by the owners of a majority of the front feet of the property benefited and to be specially assessed therefore, and appropriation ordinances limited to the subject of appropriations shall not be subject to Referendum.

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Whenever the electors shall have authorized the issuance of bonds, subsequent ordinances or other measures relating to the issuance of such bonds shall not be subject to the provisions of this Section.

Emergency ordinances shall be subject to Referendum, except that emergency ordinances shall go into effect at the time indicated therein. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder, but such measure shall be deemed sufficient authority for payment, in accordance with the ordinance, or any expense incurred previous to the Referendum vote thereon.

Ordinances submitted to the Council by Initiative Petition and passed by the Council either with or without change but not submitted to a vote of the electors shall be subject to Referendum in the same manner as other ordinances.

No measure which has been defeated by the electors of the City at a referendum election shall be reintroduced and passed by the Council of the City for a period of one (1) year.

### **Section 13.03 Recall**

The electors shall have the power to remove from office by a Recall election any elected officer of the City. If an elected officer shall have served six (6) months of his term, a petition demanding his removal may be filed with the Clerk of the Council who shall note thereon the name and address of the person filing the petition and the date of such filing.

Such petition shall be signed by registered electors of the City not less in number than twenty-five (25) percent of those voting in the last preceding general election. However, the petition for Recall of a Councilman elected from a ward shall be signed by at least that number of electors of the councilman's ward equal to twenty-five (25) percent in number of such electors voting in that ward in the last preceding general election.

Within ten (10) days after the filing of such petition, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective,

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deliver a copy of his certificate to the person who filed the petition with him and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient.

If the Clerk shall find the petition sufficient, he shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer fails to resign within five (5) days after such delivery, the Council shall thereupon fix a day for holding a Recall election, and not less than ninety (90) nor more than one hundred twenty (120) days after the date of such delivery, Amended November 5, 2013.

At such recall election the question "Shall (naming the officer) be allowed to continue as (naming the office)?" shall be placed on the ballot, with provision on the ballot for voting negatively on such question. The officer removed by such Recall election shall not be eligible for appointment to the vacancy thereby created and such vacancy shall otherwise be filled as provided in this Charter.

#### **Section 13.04 Petitions**

An Initiative, Referendum or Recall petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain, in the case of the Initiative or Referendum, a full and correct copy of the title and text of the proposed or referred ordinance or resolution, and in the case of the Recall, the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal. The manner of signing, the method of circulating, the form and requirements as to the affidavit, and the other requirements of the Constitution and the general laws of the State of Ohio regulating Initiative, Referendum, and Recall petitions, shall apply in the cases of Initiative, Referendum and Recall in the City, except as otherwise provided in this Charter.

#### **Section 13.05 Results of Elections**

In the case of approval of conflicting ordinances by Referendum vote, the ordinance receiving the greatest affirmative vote shall prevail in so far as the conflict is concerned.

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**ARTICLE XIV  
FRANCHISE**

**Section 14.01 Franchise**

The Council may by ordinance grant a non-exclusive franchise to any person, firm or corporation to construct or operate a public utility on, across, under, over or above any public street or real estate within the City, for a period not in the excess of twenty-five (25) years; and it may prescribe in the ordinance the kinds of quality of service or product to be furnished, the rate or rates to be charged therefore, and such other terms as Council shall deem conducive to the public interest. Such franchise may be amended or renewed in the manner and subject to the provisions established by this Charter for original grants. No consent of the owner of property abutting on any public street or real estate shall be necessary to the effectiveness of any such grant, amendment or renewal.

All such grants, amendments and renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for the operations of such utilities with reference to such streets and public real estate, including the right to require such reconstruction, relocation, alteration, or removal of structures and equipment used in such streets or public realty as shall, in the opinion of the Council, be necessary in the public interest.

**ARTICLE XV  
MISCELLANEOUS**

**Section 15.01 General Qualifications and Restrictions of Employees, Councilmen, and Other Elected or Appointed Officials**

(a) With the exception of the head of the Division of Engineering and other appointive position specifically exempted by this Charter or by the Council, every Councilman or other officer or employee in the unclassified service of the City, shall have been for at least one (1) year prior to his election or appointment and during his term of office or employment shall continue to be a resident of the City, and with respect to elected officials shall be qualified electors thereof. In the case of the Mayor and Council, they

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shall have attained the age of twenty-five (25) years prior to assuming such office.

In addition to the foregoing, no person shall be eligible to be a Ward Councilman unless he shall have been a resident and qualified elector of such ward for one (1) year immediately prior to his election or appointment and must remain a resident of said ward during his term of office. Amended November 6, 2001.

In the event, however that through redistricting of the City, a person, without changing his residence, becomes an elector of a new ward, he shall be considered to have met the resident qualifications of the new ward, if he would otherwise have been qualified in his former ward except for the redistricting.

(b) No elected or appointed public official or employee of the City shall be directly interested in any profit or emolument from or on account of any contract, job, work or service with or for the City, and any such contract in which such person is or may become interested in shall be void.

(c) No Councilman or other elected officials or appointed officials shall hold any other public office with the City of Brook Park, or be employed by the City of Brook Park; provided however that nothing herein shall preclude public officials or employees from serving on Boards and Commissions of the City, where such service is prescribed by the terms of this Charter, Amended November 8, 1983.

(d) No person shall have been convicted of a felony or a crime involving moral turpitude shall be eligible to hold elective public office in the City.

(e) A corporation, firm or individual(s) contracting to furnish professional service of any kind to the City shall furnish to the City an affidavit to the effect that they are in no way interested in any income paid by private funds that could be construed as a conflict of interest as defined by Ohio Revised Code, Section 2921.42 and all subsequent sections. Amended November 8, 1977.

### **Section 15.02 Removal of Councilmen or other Elected Officials**

(a) Any Councilman or other elected official who shall cease to possess any of the qualifications herein required, or who shall be convicted of a felony or other crime involving moral turpitude, or who shall be declared legally incompetent shall forthwith forfeit his office and such office shall be declared vacant by the Council.

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(b) The Council may by ~~at least five (5)~~ **Super Majority** votes of all the Members of Council eligible to vote thereon remove any Member of Council including the President of Council, or any other elected official for gross misconduct, malfeasance, nonfeasance, misfeasance in or disqualification for office; for violation of his oath of office, for persistent failure to abide by the Rules of Council, or, in the case of Councilmen, for absence without justifiable excuse from three (3) consecutive regular meetings.

Prior to any such action by Council, the accused person shall be notified in writing of the charge or charges against him at least fifteen (15) days in advance of any hearing upon such charge and he and his counsel shall be given an opportunity to be heard, present evidence or examine under oath any witness appearing in support of such charge or charges. Amended November 7, 1995.

### **Section 15.03 Vacancies in Elective Offices**

(a) Whenever the office of Director of Finance, Director of Law or any Councilman, other than the President of Council, shall become vacant, the vacancy shall be filled for the unexpired term by a majority vote of the Members of the Council eligible to vote thereon, except that if such vacancy occurs more than one hundred twenty (120) days prior to a Primary Election date for the election of Municipal Offices, and the unexpired portion of the term exceeds one (1) year, then the vacancy shall be filled by a Special Election to fill such vacancy for the balance of the unexpired term. If the Council does not fill such vacancy as provided within thirty (30) days, the Mayor shall fill it by an appointment. Amended November 5, 2013.

(b) **Vacancy: If the office of the Mayor becomes vacant by the reason of: death, disqualification, recall, removal or resignation,** the **Director of Finance** shall thereupon become Mayor, and he shall serve as Mayor for the unexpired term, except that if such vacancy occurs more than one hundred twenty (120) days prior to a Primary Election date for the election of Municipal Offices, and the unexpired portion of the term exceeds eighteen (18) months, then the vacancy shall be filled by a Special Municipal Election to fill such vacancy for the balance of the unexpired term. A **Director of Finance** who thus succeeds to the office of Mayor shall have, and continue to have all the qualifications

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and duties as an elected Mayor. Amended November 5, 2013.

~~(b) In the event of a vacancy in the office of Mayor, the President of Council shall thereupon become Mayor, his office as President of Council shall become vacant, and he shall serve as Mayor for the unexpired term, except that if such vacancy occurs more than one hundred twenty days (120) prior to a Primary Election date for the election of Municipal Offices, and the unexpired portion of the term exceeds eighteen (18) months, then the vacancy shall be filled by a Special Municipal Election to fill such vacancy for the balance of the unexpired term. A President of Council who thus succeeds to the office of Mayor shall have, and continue to have all the qualifications and duties as an elected Mayor. Amended November 5, 2013.~~

(c) In the event of a vacancy in the Office of President of Council, the President Pro-Tem of Council shall become the President of Council and shall serve as President of Council for the unexpired term, and the Council shall immediately elect from among its members a person to act as President Pro-Tem.

## ARTICLE XVI AMENDMENTS TO CHARTER

### Section 16.01 Methods and Procedures

Council may, by the affirmative vote of not less than five (5) of its members, submit to the electors at the next regular general election any proposed amendment or amendments to this Charter; or upon filing at any time up to December 31, 1967, of a petition signed by electors of the City numbering not less than twenty (20) percent of the total vote cast in the City at last preceding general election, or after December 31, 1967, upon the filing of a petition signed by electors of the City numbering not less than ten (10) percent of the total vote cast in the City at the last preceding general election, setting forth any proposed amendment or amendments to this Charter, the Council shall forthwith submit such proposed amendment or amendments to the electors in accordance, in each instance, with the provisions of the Constitution and general laws of the State of Ohio now or hereafter in effect. The aforesaid petition shall be filed with the Clerk of Council who shall present it to the Council at its next regular meeting. Amended November 7, 1995.

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2019 Brook Park Charter Review Commission ChairPerson*

**Section 16.02 Charter Review Commission**

**(a)**In the year 1988 and each sixth (6") year thereafter, the Council shall provide for the non-partisan election of seven (7) electors from the City to constitute a Charter Review Commission. No employee, elected official or appointed official, including any member of any Board or Commission of the City, shall be eligible to serve on the Charter Review Commission. Such election shall be held at the regular general election in November of such year. Within the first five (5) days of the month of January following the election, the Mayor shall call to order an organizational meeting of the Charter Review Commission, at which meeting they shall elect a Chairman and other officers. On or before July 5th of that year, the Charter Review Commission shall review this Charter and frame and recommend **submit** to the Council any amendments deemed by the Commission to be desirable. Amended November 5, 2013.

**(b)**The Council may **shall** provide for submission of such proposed amendments to the electors of the City at the next general election in November in the manner provided by law. Not less than thirty (30) days prior to such election the Clerk of Council shall mail a copy of each proposed amendment to each elector whose name appears upon the poll or registration books of the last general election held in the City.

**(c) In the event of vacancy during the course of the Commission's term, such seat can remain unfilled and the remaining elected Commission members would continue to function as a valid Commission.**

**(d)** Each such Charter Review Commission shall cease to function on the day of the next general election in November following its election. Amended November 8, 1983.

**Section 16.03 Adoption**

If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter, except that if two (2) or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one (1) of such amendments receiving the highest number of affirmative votes, not less than a majority, shall become a part of this Charter.

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**ARTICLE XVII  
GENERAL PROVISIONS**

**Section 17.01 Effective Date of Charter**

This Charter shall be in full force and effect from and after January 1, 1967. The officers elected in November, 1965, shall continue in office for the duration of their respective elected terms of office.

**Section 17.02 Effect of the Charter upon Existing Laws and Rights**

The adoption of this Charter shall not affect any pre existing right of the City, or any right or liability or pending suit or prosecution, either on behalf of or against the city or any officer thereof, nor any franchise granted by the City, nor pending proceedings for the authorization of public improvements or the levy of assessments therefore. Except as contrary intent appears herein, all acts of the Council shall continue in effect until lawfully amended or repealed.

**Section 17.03 Savings Clause**

If a Section or any part of a Section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other Section, or part of a Section of this Charter, unless it clearly appears that such other Section, or part of a Section, is wholly and necessarily dependent for its operation upon the Section or part of a Section so held invalid or unconstitutional.

**Section 17.04 Interpretation**

The Article and Section headings herein have been inserted for convenient reference and are not intended to define or limit the scope of, or otherwise affect any provision of this Charter. Whenever in this Charter the male gender is used, it is hereby understood that it shall include the female gender. Whenever in this Charter the following terms are used, it is hereby understood that they shall be defined as follows: majority is four (4), 2/3 is five (5), and 3/4 is six (6). Amended November 7, 1995.

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**Section 17.05 Oath of Office**

Every officer of the City shall, before entering upon the duties of his office, take and subscribe to an oath, affirmation that he will in all respects faithfully discharge the duties of his office, that he will be loyal to the Constitution of the United States of America, to the Constitution of the State of Ohio, and that he will uphold this Charter and all of the laws of this City. This oath or affirmation is to be filed and kept in the office of the Clerk of Council.

**Section 17.06 Investigations**

The Mayor, or Council by majority vote, may cause the affairs of any Department or the conduct of any officer or employee of the City to be examined. The Mayor or the Council shall have the power to compel the attendance of witnesses, the production of books, papers and other evidence, and to cause witness to be punished for contempt, as in conferred by law.

**Section 17.07 Mandatory Redistricting**

The Council of the City must after each recurring Federal Census, and within (6) six months after the issuance of a proclamation of population by the Secretary of State of the State of Ohio, redivide the existing wards of the City into as nearly equally populated wards as practicable using existing corporate lines. Immediately after the taking effect of this Charter, the Council shall proceed to have the City divided into four (4) wards as nearly equal in population as practicable.

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CITY OF BROOK PARK, OHIO

P/C 8/21/18 Legislative  
Caucus Prior to 8/21/18  
1st R 8/28/18 substitution  
2nd R 8/30/18 Sp. Council  
3rd R ~~8/31/18 Sp. Council~~  
B/C ~~8/30/18 Sp. Council~~  
Caucus Prior to 8/28/18  
*CAUCUS 6-11-19*

ORDINANCE NO: 11037-2018

INTRODUCED BY: COUNCILMEN SALVATORE, ORCUTT, SCOTT AND STEM

AN ORDINANCE  
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE  
OF AMENDMENTS TO ARTICLE IV,  
SECTION 4.01 AND SECTION 4.02;  
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO,  
AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, with not less than five of its members concurring that:

SECTION 1: That pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article XVI, Section 16.01 of the Charter of the City of Brook Park, this Council hereby authorizes and directs the submission to the electors of the City of Brook Park, at a regular November election to be held at the usual places of voting in said City on Tuesday, November 6, 2018, the following proposal of the Brook Park City Charter to read as follows:

"SECTION 4.01 Composition and Term."

All legislative powers of the City, except as otherwise provided by this Charter and by the Constitution and general laws of the State of Ohio, shall be vested in a Council of eight ~~(8)~~ seven (7) members, four (4) of whom shall be elected from the several wards, ~~three (3)~~ two (2) of whom shall be elected at large, and one (1) of whom shall be elected at large as President of the Council.

All Councilmen shall be elected for a term of two (2) years at the regular municipal election in the year ~~2001~~ 2019 and every two (2) years thereafter. All members of Council, including the President of Council, shall take office on the first day of January next following their election, and shall continue to serve until their successors have been duly elected and qualified. (~~Amended November 7, 2000~~) (Amended November 6, 2018)

SECTION 2: The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article IV, Section 4.01, be amended to provide that there shall be seven (7) members of Council; one (1) for each ward, two (2) for at large and one (1) for Council President."

To the left of said words, in boxes, with the appropriate places for the marking, shall appear the words "Yes" and "No" and each voter shall indicate his or her vote by placing an "X" in the place so provided.

**SECTION 3:** That pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article XVI, Section 16.01 of the Charter of the City of Brook Park, this Council hereby authorizes and directs the submission to the electors of the City of Brook Park, at a regular November election to be held at the usual places of voting in said City on Tuesday, November 6, 2018, the following proposal to amend the Charter of the City of Brook Park:

**"SECTION 4.02 President of Council."**

It shall be the duty of the President of Council to preside at all meetings of the Council, appoint various Council Committees and perform such other duties as may be imposed by Council upon its presiding officer and such other duties as are imposed upon him by this Charter, coordinating the work of the various committees appointed by him. The President of Council shall have the right to vote on all ordinances, resolutions, motions coming before the Council ~~only in the event of a tie vote.~~

**SECTION 4:** The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article IV, Section 4.02, be amended to provide that the President of Council shall have the right to vote on all ordinances, resolutions or motions coming before Council?"

To the left of said words, in boxes, with the appropriate places for the marking, shall appear the words "Yes" and "No" and each voter shall indicate his or her vote by placing an "X" in the place so provided.

**SECTION 5:** Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

**SECTION 6:** The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last

regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

**SECTION 7:** To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

**SECTION 8:** 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 9:** 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 that there is an immediate need to submit this Ordinance to the Cuyahoga Board of Elections for it to be placed on the November 6, 2018, ballot; therefore, provided this Ordinance receives the affirmative vote of at least (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: \_\_\_\_\_

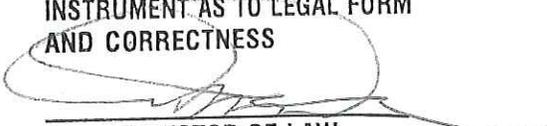
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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

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

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

\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
DIRECTOR OF LAW

P/C 12/20/16 Legislative  
 Cau 2/14/17  
 1<sup>st</sup> R 2/21/17  
 2<sup>nd</sup> R 3/7/17  
 Cau 3/14/17  
 B/C 3/14/17  
 Cau 9/26/17  
 B/C 9/26/17  
 Cau 12/12/17  
 B/C 12/12/17  
 Cau 2/13/18  
 B/C 2/13/18  
 Cau 10/9/18  
 B/C 10/9/18

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10069-2017

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE  
 AMENDING CERTAIN SECTIONS OF CHAPTER 153  
 OF THE BROOK PARK CODIFIED ORDINANCES  
 ENTITLED 'EMPLOYEES GENERALLY,'  
 AND DECLARING AN EMERGENCY

*CAUCUS 6/11/19*

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

**SECTION 1:** Section 153.01(a)(3) of the Brook Park Codified Ordinances, as enacted by Ordinance No. 8311-1997 passed February 4, 1997, and reading as follows:

153.01 (a) (3)

(3) Each full-time employee shall be entitled to vacation as follows:

<i>Years Of Service Completed During A Calendar Year</i>	<i>Vacation Days (per month)</i>	<i>Vacation Days (per year)</i>
Upon initial eligibility	.833	10
5 through 10	1.250	15
More than 10	1.667	20
More than 18	2.083	25

is hereby amended to read:

153.01 (a) (3)

(3) Each full-time employee shall be entitled to vacation as follows:

<i>Years Of Service Completed During A Calendar Year</i>	<i>Vacation Days (per month)</i>	<i>Vacation Days (per year)</i>
Upon initial eligibility	.833	10
5 through 10	1.250	15
More than 10	1.667	20
More than 15	2.083	25
More than 20	2.50	30

**SECTION 2:** Former Section 153.01(a)(3) of the Brook Park Codified Ordinances as enacted by Ordinance No. 8311-1997 passed February 4, 1997, is hereby expressly repealed

**SECTION 3** Section 153.021 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 8224-1996, passed June 18, 1996, Ordinance No. 8855-2001, passed December 26, 2001 and Ordinance No. 9531-2008, passed December 16, 2008 and reading as follows:

**153.021**

(a) A full-time employee of the City who is not a member of a bargaining unit represented by a union or employee organization may elect, at the time of retirement from active service with the City and with ten or more years of service with the City, to be paid in cash for four-eighths of the value of his accrued but unused sick leave credit. Such payment shall be made in the employee's final paycheck, and shall be based on the employee's rate of pay at the time of retirement. Payment for sick leave on this basis shall be considered to eliminate all sick leave credit accrued by the employee at that time. Such payment shall be made only once to any employee. The payment which may be made under this subsection shall not exceed an amount representing four-eighths of a maximum of 1,248 hours.

(b) The calculation of sick leave credit shall exclude longevity differentials, annual differentials, shift differentials, in-service differentials, all premium payments, regularly scheduled overtime and all other forms of additional or supplemental compensation.

(c) The receipt of severance pay of any other type shall eliminate and forever cancel all future claims to all sick leave credit from the City.

(d) Notwithstanding any other provision contained in this section, an employee who receives sick leave compensation upon retirement pursuant to subsection (a) hereof shall also be entitled to a sick leave bonus payment equal to four-eighths of the value of all, if any, of his hours of credit for accrued but unused sick leave in excess of 1,248 hours at the time of retirement. Such sick leave bonus shall be based on the employee's rate of pay at the time of retirement, and shall be paid at the time of retirement. An employee whose sick leave credit at time of retirement is equal to or less than 1,248 hours shall not receive a sick leave bonus. Any employee entitled to receive a sick leave bonus pursuant to this subsection who dies prior to the receipt thereof shall have the amount of such bonus paid to his estate.

(e) For the purposes of this section, the term "retirement" shall mean either a service or disability retirement under any retirement system.

is hereby amended to read:

**153.021**

(a) A full-time employee of the City who is not a member of a bargaining unit represented by a union or employee organization may elect, at the time of retirement from active service with the City and with ten or more years of service with the City, to be paid in cash for one-half of the value of his accrued but unused sick leave credit. Such payment shall be made in the employee's final paycheck, and shall be based on the employee's rate of pay at the time of retirement. Payment for sick leave on this basis shall be considered to eliminate all sick leave credit accrued by the employee at that time. Such payment shall be made only once to any employee. The payment which may be made under this subsection shall not exceed an amount representing one-half of a maximum of 1,248 hours.

(b) The calculation of sick leave credit shall exclude longevity differentials, annual differentials, shift differentials, in-service differentials, all premium payments, regularly scheduled overtime and all other forms of additional or supplemental compensation.

(c) The receipt of severance pay of any other type shall eliminate and forever cancel all future claims to all sick leave credit from the City.

(d) Notwithstanding any other provision contained in this section, an employee who receives sick leave compensation upon retirement pursuant to subsection (a) hereof shall also be entitled to a sick leave bonus payment equal to one-half of the value of all, if any, of his hours of credit for accrued but unused sick leave in excess of 1,248 hours at the time of retirement. Such sick leave bonus shall be based on the employee's rate of pay at the time of retirement, and shall be paid at the time of retirement. An employee whose sick leave credit at time of retirement is equal to or less than 1,248 hours shall not receive a sick leave bonus. Any employee entitled to receive a sick leave bonus pursuant to this subsection who dies prior to the receipt thereof shall have the amount of such bonus paid to his estate.

(e) For the purposes of this section, the term "retirement" shall mean either a service or disability retirement under any retirement system.

**SECTION 4:** Former Section 153.021 of the Brook Park Codified Ordinances as enacted by Ordinance No. 8224-1996, passed June 18, 1996, Ordinance No. 8855-2001, passed December 26, 2001, Ordinance No. 9059-2003, passed December 16, 2003 and Ordinance No. 9531-2008, passed December 16, 2008 is hereby expressly repealed.

**SECTION 5:** Section 153.12 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 8609-1999, passed November 16, 1999, and reading as follows:

**153.12 HOLIDAYS.**

Commencing January 1, 1999, and thereafter until duly changed, where not provided for under specific sections of the Codified Ordinances, each full-time employee of the City shall be entitled to the following paid holidays:

New Year's Day	Independence Day
President's Day	Veterans Day
Memorial Day	Labor Day
Thanksgiving Day	Christmas
Employee's Birthday	Eight personal hours
Martin Luther King, Jr. Day	

is hereby amended to read:

**153.12 HOLIDAYS.**

Commencing January 1, 1999, and thereafter until duly changed, where not provided for under specific sections of the Codified Ordinances, each full-time employee of the City shall be entitled to the following paid holidays:

New Year's Day	Independence Day
President's Day	Veterans Day
Memorial Day	Labor Day
Thanksgiving Day	Christmas
Sixteen personal hours	Martin Luther King, Jr. Day

**SECTION 6:** Former Section 153.12 of the Brook Park Codified Ordinances as enacted by Ordinance No. 8609-1999, passed November 16, 1999 is hereby expressly repealed.

**SECTION 7:** Section 153.145 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 8227-1996 passed June 18, 1996, Ordinance No. 8772-2001, passed March 6, 2001, Ordinance No. 9550-2009, passed January 6, 2009 and Ordinance No. 9651-2010, passed June 15, 2010, and reading as follows:

**153.145 OVERTIME.**

(a) Except as provided in subsections (b), (c) and (d) hereof, employees who are required by an authorized administrative authority to work more than forty hours in any calendar week shall receive overtime at the rate of one and one-half hours for each hour of overtime worked.

(b) Overtime for all members of the classified civil service shall be governed by their respective union contracts.

(c) Employees occupying the positions set forth below, as well as similar administrative positions which may be established hereafter, shall be ineligible for the benefits provided in subsection (a) hereof:

- All elected officials
- Assistant Finance Director
- Director of Taxation
- Economic Development Commissioner
- Building Commissioner

Assistant Building Commissioner  
Building and Property Maintenance Inspector  
Assistant Director of Law - Prosecutor  
Executive Assistant to the Mayor  
All Assistant Law Directors  
Director of Public Safety  
Director of Public Service  
Assistant Service Director  
Deputy Assistant Service Director  
Human Resource Commissioner  
Recreation Director  
Deputy Directors of Recreation  
Community Center Supervisor  
Superintendent of Parks and Playgrounds  
Clerk of Council  
Supervisor of Public Properties  
Police Chief  
Police Captain  
Fire Chief  
Assistant Fire Chief  
Assistant Clerk of Council  
Administrative Assistant to the Law Director  
Clerk of Courts  
Assistant Deputy Finance Director.

- (d) All employees classified as part-time, temporary and seasonal, or who are not otherwise employed to work forty hours per week, are ineligible for the benefits provided in subsection (a) hereof.

is hereby amended to read:

**153.145 OVERTIME.**

(a) Except as provided in subsections (b), (c) and (d) hereof, employees who are required by an authorized administrative authority to work more than forty hours in any calendar week shall receive overtime at the rate of one and one-half hours for each hour of overtime worked.

(b) Overtime for all members of the classified civil service shall be governed by their respective union contracts.

(c) Employees occupying the positions set forth below, as well as similar administrative positions which may be established hereafter, shall be ineligible for the benefits provided in subsection (a) hereof:

All elected officials  
Assistant Finance Director  
Director of Taxation  
Economic Development Commissioner  
Building Commissioner  
Assistant Building Commissioner  
Building and Property Maintenance Inspector  
Assistant Director of Law - Prosecutor  
Executive Assistant to the Mayor  
All Assistant Law Directors  
Director of Public Safety

Director of Public Service  
Assistant Service Director  
Human Resource Commissioner  
Recreation Director  
Community Center Supervisor  
Clerk of Council  
Police Chief  
Police Captain  
Fire Chief  
Assistant Fire Chief  
Assistant Clerk of Council  
Administrative Assistant to the Law Director  
Clerk of Courts

(d) All employees classified as part-time, temporary and seasonal, or who are not otherwise employed to work forty hours per week, are ineligible for the benefits provided in subsection (a) hereof.

**SECTION 8:** Former Section 153.145 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 8227-1996 passed June 18, 1996, Ordinance No. 8772-2001, passed March 6, 2001, Ordinance No. 9550-2009, passed January 6, 2009 and Ordinance No. 9651-2010, passed June 15, 2010, is hereby expressly repealed.

**SECTION 9:** Section 153.18 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 6907-1977, passed September 2, 1986, and reading as follows:

**153.18 WAGE, SALARY, BENEFIT AND CONTRACT REVIEW COMMITTEE.**

(a) There is hereby created a Wage, Salary, Benefit and Contract Review Committee.

(b) The Committee shall consist of the Mayor, who shall serve as Chairman, the President of Council, the Auditor and all members of Council.

(c) The Committee shall establish economic guidelines and goals prior to the commencement of negotiations.

(d) All Committee meetings shall be held in executive sessions.

(e) At the call of the Mayor, the Committee shall meet with the City's legal advisor for negotiations along with the department heads of the various City departments to review and discuss wages, salary and benefits for all City employees. Relative to those employees under the contract, the meeting shall be called not less than sixty days prior to the expiration of the agreement. Compensation and benefits for noncontractual employees may be reviewed annually.

(f) The Mayor shall provide the Committee with all formal proposals and counter proposals during the negotiation process. The Mayor shall keep the Committee informed of the progress of negotiations.

**SECTION 10.** Former Section 153.18 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 6907-1986 is hereby repealed in its entirety.

**SECTION 11:** 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 12:** 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 amending certain sections of Chapter 153 of the Brook Park Codified Ordinances; therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

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

\_\_\_\_\_  
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

*[Faint, illegible text or stamp in the bottom right corner]*

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 30-2017

P/C 11/21/17 Legislative  
Caucus 11/28/17  
1<sup>st</sup> R 12/5/17 CAUCUS  
2<sup>nd</sup> R 1/2/18  
3<sup>rd</sup> R 1/2/18  
B/C 1/2/18  
Caucus 2/13/18  
B/C 2/13/18  
Caucus 10/9/18  
B/C 10/9/18

INTRODUCED BY: COUNCILMAN TROYER & Council President Astorino

A RESOLUTION  
HONORING ASTRONAUT AND SENATOR, JOHN GLENN,  
AND DECLARING AN EMERGENCY

**WHEREAS**, Senator, John Glenn was a distinguished fighter pilot in both World War II and Korea, with six Distinguished Flying Crosses and 18 clusters to the Air Medal; and

**WHEREAS**, Senator John Glenn was the first American to orbit The Earth when he piloted 'Friendship 7' around the globe Three times in 1962; and

**WHEREAS**, American's young and old are deeply indebted for Senator Glenn's passion for exploration and for his many military and public-service accomplishments; and

**WHEREAS**, Glenn resigned from NASA in 1964, and was elected to the U.S. Senate in 1974, representing Ohio for 25 years; and

**WHEREAS**, Upon John Glenn's retirement from the United States Senate and return from space, John and his wife Annie Glenn founded the John Glenn Institute for Public Service at the Ohio State University. Through its programs, they sought to improve the Quality of public service and to encourage young people to pursue careers in government;

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

**SECTION 1.** The Mayor and Council will miss our outer space Explorer, NASA Astronaut, American aviator and engineer, forever a Hero, United States Senator John Glenn for his love of life, his commitment to public service and his desire to make the world a better place.

**SECTION 2:** The Clerk of Council is hereby directed to forward a certified copy of this Resolution to NASA and the United States Senate.

**SECTION 3:** 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 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 honoring Senator John Glenn for his many years of space exploration, military and public service accomplishments; therefore, this Resolution shall take effect and be in force immediately from and after its passage and approval by the Mayor.

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

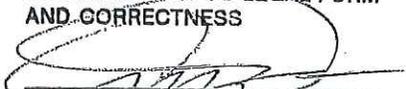
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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

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

\_\_\_\_\_  
DATE

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

  
\_\_\_\_\_  
DIRECTOR OF LAW

RECEIVED  
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BROOK PARK CITY COUNCIL

5-21-19 legislative  
 CA 6-11-19  
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 2nd R \_\_\_\_\_  
 3rd R \_\_\_\_\_

CITY OF BROOK PARK, OHIO

ORDINANCE NO. \_\_\_\_\_

INTRODUCED BY: COUNCIL PRESIDENT VECCHIO

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; PUBLISHING THE ENACTMENT OF SUCH NEW MATTER; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing has completed its annual updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances and a resolution of a general and permanent nature that have been passed by Council since the date of the last updating and revision of the Codified Ordinances (December 31, 2017) have been included in the Codified Ordinances of the City; and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State law;

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

SECTION 1. The editing, arrangement and numbering or renumbering of the following ordinances or resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

Ord. No.	Date	C.O.	Section
11012-2018	1-23-18	1803.02,	1803.16, 1803.22,
		1803.25,	1803.45, 1805.01,
		1807.01,	1809.01, 1810.01
Res.			
7-2018	2-20-18	1108.01	
11016-2018	3-6-18	715.03,	715.06
11022-2018	5-15-18	331.45	
11025-2018	6-19-18	1122.01 -	1122.06
11036-2018	7-26-18	1358.01 -	1358.21
11038-2018	9-18-18	101.08	
11045-2018	10-16-18	533.25	
11057-2018	12-18-18	153.241	

**SECTION 2.** The following sections are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

301.515, 303.06, 303.99, 313.01, 313.09, 331.01, 331.02, 331.03, 331.04, 331.05, 331.06, 331.07, 331.08, 331.09, 331.10, 331.12, 331.13, 331.14, 331.15, 331.16, 331.17, 331.18, 331.19, 331.215, 331.22, 331.23, 331.24, 331.26, 331.27, 331.28, 331.29, 331.30, 331.31, 331.33, 331.37, 331.40, 331.46, 333.03, 333.035, 333.04, 333.05, 337.16, 371.01, 371.02, 371.07, 377.08, 513.01, 513.02, 513.025, 513.03, 513.05, 513.08, 513.13, 545.08, 545.10, 549.04, 549.15

**SECTION 3.** All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance, except as follows:

- (a) The enactment of the 2019 Replacement Pages for the Codified Ordinances shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to December 31, 2018.

**SECTION 4.** 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 actions were in meetings open to the public, in compliance with all legal requirements, including Ohio R.C. 121.22.

**SECTION 5.** Pursuant to Ohio R.C. 731.23 and 731.25 and Section 123.01 of the Codified Ordinances, the Clerk of Council shall post a notice of the enactment of this ordinance, containing the title of this ordinance, together with a summary of the new matter contained in the 2019 Replacement Pages hereby approved, adopted and enacted, a copy of which Summary is attached hereto as Exhibit A, for a period of not less than

fifteen days in the six public places provided in Section 123.01.

**SECTION 6.** This ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is immediately necessary to have an up-to-date codification of the laws of the City, one which is consistent with current State law, where and as required by Article XVIII, Section 3, of the Ohio Constitution, with which to administer the affairs of the City, ensure law and order and avoid practical and legal entanglements; 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: \_\_\_\_\_

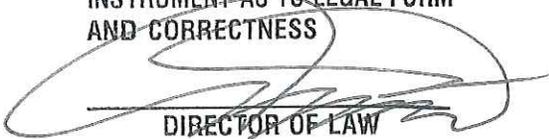
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PRESIDENT OF COUNCIL

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

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

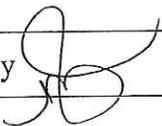
\_\_\_\_\_  
DATE

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

  
\_\_\_\_\_  
DIRECTOR OF LAW



# MEMO

To:	Michelle Blazak, Clerk of Council
Cc:	Kate Schmidt, Law Dept. File
From:	Katie Anzalone, BZA/PC Secretary 
Date:	06/04/19
Re:	Planning Commission Approval

The request below was approved at the Monday – June 3, 2019 Planning Commission meeting, and should be forwarded to City Council for approval:

1. Request approval for a Conditional Use Permit to operate a heavy equipment repair business at 16400 Brookpark Road “Company Wrench”, located in the U7-AE District

Agent/Contact Person:

Joel Copley c/o Janotta & Herner  
 309 Monroe Street  
 Monroeville, Ohio 44847  
 419-465-4611  
 joel@janottaherner.com

'19 JUN 5 PM 1:49:37

*\*\*\*Attachments Included*

110 6-4-19 SERVICE  
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2nd R \_\_\_\_\_  
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CITY OF BROOK PARK, OHIO

ORDINANCE NO: \_\_\_\_\_

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH  
GREATER CLEVELAND AUTO AUCTION, PUBLIC AUCTIONEERS,  
FOR THE PURPOSE OF DISPOSING OF OBSOLETE CITY VEHICLES  
AND DECLARING AN EMERGENCY

WHEREAS, Greater Cleveland Auto Auction will provide the City of Brook Park with Auction services for the disposal of obsolete city vehicles; and

WHEREAS, Greater Cleveland Auto Auction will charge the City of Brook Park a selling fee of \$75.00 per auctioned vehicle; and

WHEREAS, it is in the best interest of the City of Brook Park that said agreement be entered into;

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 and directed to enter into an agreement with Greater Cleveland Auto Auction, for the purpose of disposing of obsolete city vehicles a list of which is attached hereto and incorporated herein as Exhibit "A" at a public sale.

SECTION 2: The money needed for the aforesaid transaction shall be paid from the Capital Improvement Fund 401, theretofore 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 immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to provide for an agreement between Greater Cleveland Auto Auction and the City of Brook Park; 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.

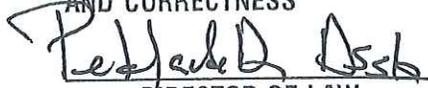
PASSED: \_\_\_\_\_

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

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

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

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

  
\_\_\_\_\_  
DIRECTOR OF LAW  


\_\_\_\_\_  
DATE

1995 Ford Van E250 Vin# 1FTHHE24Y0THA22411 (ELECTRICIANS VAN #804 BUSTED OUT)  
2008 Ford Crown Vic Vin3 2FAFP71V18X150114 (OLD cop CAR, WORN OUT)  
2005 Ford Taurus Vin# 1FAFP53Z5A202206 (DETECTIVE CAR 219. RUSTED OUT)  
2002 Ford F150 Vin# 1FTRF18W82NB06112 ( SERVICE #815 ,RUSTED OUT)  
2002 Ford F150 Vin# 1FTRF18W82NB06111 ( SERVICE # 816 ,RUSTED OUT)  
2002 Ford F150 Vin# 1FTRF18W62NB67277 ( SERVICE #817 \*RUSTED OUT)  
1988 Ford E150 Vin# 1FTEE14YCJHA94526 (OLD FIRE DEPT VAN,RUSTED OUT)  
2006 Ford Mustang Vin# 1ZVFT80N165252909 (UNDER COVER POLICE,RUSTED)  
2001 Ford E350 van Vin# 1FTSS34S91HB66391 (SWAT VAN POLICE, RUSTED OUT)  
1998 Ford Ranger Vin# 1FTYR1OC6XTA06340 (UNDER COVER POLICE,RUSTED OUT)  
2004 Chevrolet Impala Vin #2G1WF52E149455121 (FORFELTED VEHICLE, EXCESSIVE MILEAGE)  
2002 Chevy Avalanche Vin# 3GNEC1383G194289 (DARE CAR RUSTEDF OUT, BAD TRANSMISSION)  
2001 Ford Expedition Vin# 1FMRV16W01LB09311 (OLD FIRE DEPT. CAR)



PIC 6-4-19 Service  
CA \_\_\_\_\_  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

ORDINANCE NO: \_\_\_\_\_

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE AUTHORIZING THE MAYOR TO  
DISPOSE OF OBSOLETE CITY VEHICLES THAT ARE UNSAFE  
AND NO LONGER ROAD WORTHY,  
AND DECLARING AN EMERGENCY

**WHEREAS**, the City of Brook Park has certain vehicles that are no longer road worthy, in disrepair, and are unsafe to operate; and

**WHEREAS**, the Service Director has set up an account with McMahan's Scrapping that will offer a fair market value based upon daily metal pricing; and

**WHEREAS**, McMahan Scrapping will provide the towing service and deduct the towing cost from the gross proceeds; and

**WHEREAS**, it is in the best interest of the City of Brook Park to dispose of said vehicles and receive the value for same;

**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 and directed to dispose of obsolete city vehicles that are unsafe and no longer road worthy by delivering them with McMahan Scrapping as listed in the attached Exhibit "A."

**SECTION 2:** 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 3:** 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 dispose of obsolete city vehicles; 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.

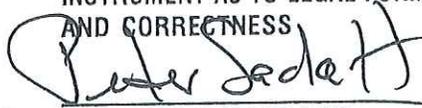
PASSED: \_\_\_\_\_

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

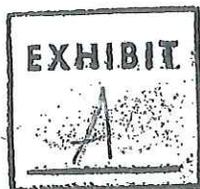
ATTEST: \_\_\_\_\_  
Clerk of Council

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

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

  
\_\_\_\_\_  
Asst. DIRECTOR OF LAW

1982 L8000 Ford Truck # 472 Vin # 1FDYK80U0DVA06Z23 (Broken Frame)  
1986 L8000 Ford Old Berea Truck Donated to us Vin # 1FDXR80U4GVA29516 ( Bad Body)  
1985 Crane Carrier Garbage Truck #544 Vin # 1CYCCC289GT034986 ( Blown Engine)  
1989 L8000 Ford truck # 483 Vin# 1FDYU82A5LVA12854 ( Cracked Frame , Bad Body)



CITY OF BROOK PARK, OHIO

P/C 6-4-19 SERVICE  
CA \_\_\_\_\_  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
E/C \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE  
AUTHORIZING THE MAYOR TO ENTER INTO  
AGREEMENTS FOR PROFESSIONAL CONSTRUCTION  
MANAGEMENT SERVICES IN CONNECTION WITH THE  
SMITH ROAD RESURFACING PROJECT (PID 108950)  
AND DECLARING AN EMERGENCY

WHEREAS, by and through Resolution No. 4-2019, passed March 19, 2019, the Mayor advertised a Request for Qualifications and Proposals for Construction Management Services, including Construction Contract Administration, Inspection Services and Materials Testing for the construction of the Smith Road Resurfacing Project (PID 108950) in the City of Brook Park; and

WHEREAS, the City has entered into a LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation (ODOT) to fund a portion of the Project; and

WHEREAS, the City has entered into an Agreement of Cooperation with the County of Cuyahoga to fund a portion of the Project, and

WHEREAS, in accordance with ODOT Specifications for Administration of Contracts for Professional Services and Ohio Revised Code Section 9.332, a selection committee has evaluated the submitted Qualifications received for Construction Management Services, and has ranked no fewer than three firms which it considers to be most qualified to provide the required Professional Construction Management Services; and

WHEREAS, the City has negotiated a contract with Hill International, Inc., the firm ranked most qualified to perform the required services in accordance with law and subject to approval by Council; and

WHEREAS, the City is desirous of proceeding to award and enter into a contract for such services.

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

**SECTION 1:** That this Council hereby finds and determines that the proposal submitted by Hill International, Inc. for professional construction management and related services in connection with the Smith Road Resurfacing Project (PID 108950), to resurface Smith Road from Snow Road to Elm Avenue, is in compliance with the applicable requirements for proposals and contracts established by the laws of the City and the State of Ohio, as well as those requirements set forth in the City's request for Qualifications and Proposals; that said firm is the most qualified firm to perform the construction management services in connection with the Project; that after negotiations, the compensation being requested is deemed to be fair and reasonable; and that the criteria set forth in Ohio Revised Code Sections 9.331 through 9.333 for the selection of professional construction management services and negotiation of a contract have been met. All other Qualifications and Proposals for this contract are hereby rejected; and any informalities or minor defects in the process are hereby waived.

**SECTION 2:** That, therefore, the Mayor be and is hereby authorized and directed to enter into a contract with Hill International, Inc. to provide construction management and related services in connection with the Smith Road Resurfacing Project, in accordance with the terms and conditions set forth in the firm's proposal on file with Euthenics, Inc. Consulting City Engineer and the contract attached hereto as Exhibit A and incorporated herein by reference, which in all respects is hereby approved, and in an amount not to exceed \$139,459.22.

**SECTION 3:** That, therefore, the Mayor be and is hereby authorized and directed to enter into a contract with Euthenics, Inc. to coordinate the process and provide support services in accordance with the terms and conditions set forth in the letter attached hereto as Exhibit B and incorporated herein by reference, which in all respects is hereby approved, and in an amount not to exceed \$20,250.00.

**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:** 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 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

\_\_\_\_\_  
DATE

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

  
\_\_\_\_\_  
Dost DIRECTOR OF LAW

**HILL**  
**Hill International**

Hill International, Inc.  
9100 South Hills Blvd, Suite 230  
Broadview Heights, OH 44147  
Tel: 440-550-4500  
Fax: 440-526-6680  
www.hillintl.com

May 28, 2019

City of Brook Park  
6161 Engle Road  
Brook Park, OH 44142

**Attention:** Randy Garner  
Service Director

**Subject:** CUY-Smith Road PID No. 108950  
Formal Scope of Services/with Revised Price Proposal

Letter No. 002

Dear Mr. Garner,

Attached are the Scope of Services from the RFP along with a revised Price Proposal showing the breakdown for our team's services. The total cost for Hill's CA/CI services on this project are estimated to be \$139,459.22. Please feel free to contact Matt Pawlak on his cell at 216-645-6308 or by email at [matthewpawlak@hillintl.com](mailto:matthewpawlak@hillintl.com) with any questions.

Sincerely,  
HILL INTERNATIONAL, INC.



Todd Cooper, PE, LEED AP, CCM  
Senior Vice President

EXHIBIT A

**CONSTRUCTION ADMINISTRATION, INSPECTION, AND MATERIALS MANAGEMENT  
SCOPE OF SERVICES  
Project Specific Services**

Project Name	CUY – Smith Road (C.R. 64) Resurfacing
PID	108950
Project Description	This project generally includes resurfacing approximately a 0.77 mile section of Smith Road between Snow Road and Elm Avenue in the City of Brook Park. Work includes repair and asphalt resurfacing type construction. Project elements include milling if the existing asphalt, new asphalt overlays, utility casting adjustments, partial depth repairs, full depth repairs, curbs repairs, concrete sidewalk repairs, construction of ADA compliant curb ramps and pavement markings.
Work Description	The consultant shall provide an experienced licensed professional engineer as Construction Project Engineer (CPE) to perform construction management and oversee Inspection Services. The CPE shall serve as the City's liaison with the Contractor working through the Contractor's superintendent and assist him/her in understanding the detailed scope of intent of the contract documents.
Scope of Services Meeting Date	TBD

**I. GENERAL REQUIREMENTS**

Provide services in accordance with ODOT's Construction Administration Manual of Procedures, 2017 or latest revision.

**II. SCOPE OF WORK**

Provide a project team including personnel that meet the following prequalification categories:

ODOT Prequalification Category	Approximate Number Required	Notes
Project Inspector	1	Full Time – As Needed
Structures Inspector		
Coatings Inspector		
Traffic & Electrical Inspector	1	Part Time – As Needed
Soils & Aggregate Inspector		
Construction Engineer Level 1		
Construction Engineer Level 2	1	Part Time – As Needed
Non-Prequalified Personnel	Approximate Number Required	Notes

Documentation Clerk	1	Part Time – As Needed
Other		

The services may include:

A. Construction Contract Administration Duties

The performance of engineering and supervisory duties, administration, inspection and materials management required in the administration of a Federal Aid construction contract, as defined in the Ohio Department of Transportation (ODOT) Construction Inspection Manual of Procedures, and in accordance with the Construction and Materials Specifications (CMS), and construction contract specific requirements.

The table below includes the specific services required for this agreement.

PRIMARY TASK	ODOT Oversight	Responsibility		NOTES
		LPA	CONSULTANT	
<i>POST AWARD</i>				
Preconstruction Conference	X	X	X	Consultant to prepare agenda record minutes
<i>ACTIVE PROJECT ADMINISTRATION</i>				
Daily Field Engineering and Inspection	X		X	
<i>MATERIALS MANAGEMENT, TESTING AND CERTIFICATION</i>				
Asphalt, Concrete & Aggregate Producer/Supplier Monitoring	X		X	
Asphalt, Concrete & Aggregate Field Testing			X	
Field Inspection of Materials from ODOT Certified Sources			X	
Monitoring and Documentation of Materials Management Process	X		X	
<i>PROJECT DOCUMENTATION</i>				
Daily Diaries			X	
Documentation of Quantities, Completed & Accepted			X	
Monitoring of Project Documentation	X		X	

Progress Meetings	X	X	X	Consultant to record minutes at weekly field/monthly progress meetings
Schedule Tracking and Updates	X		X	
<b>PAYMENT &amp; REIMBURSEMENTS</b>				
Contractor Payment		X	X	City to sign documents & process payments
Summary of Progressive Payment		X		
Invoice and Reimbursement Preparation		X		
Review and Approval of Reimbursement Request	X	X	X	Consultant to prepare documents
<b>CONTRACT CHANGES</b>				
Negotiation and Preparation of Change Orders		X	X	Consultant to assist city with reviewing/processing change orders
Concurrence on significant Change Orders for Reimbursement	X	X	X	City authorization required
<b>CLAIMS MANAGEMENT</b>				
Claims Negotiation and Approval of Resolution		X	X	City authorization required
Approval of Funding for Resolution	X	X		
Monitoring and Documentation of Claims Management Process	X	X	X	
<b>PREVAILING WAGE COMPLIANCE</b>				
Wage Interviews, Payroll Reviews			X	
Resolution of Underpaid Wages			X	
Monitoring and Documentation of Prevailing Wage Compliance Process	X		X	Consultant to coordinate with the City
<b>EEO AND DBE CONTRACT COMPLIANCE</b>				
EEO/DBE Contract Requirements			X	
Bulletin Board Monitoring			X	
Review and Approval of Contractor DBE Waivers	X		X	

Commercially Useful Function Reviews		X	X	Consultant to be point of reference for City CUF Monitoring
Monitoring and Documentation of LPA's EEO and DBE Compliance Process	X	X	X	Consultant to be point of reference for City
<b>PROJECT FINALIZATION</b>				
Final Inspection and Acceptance	X	X	X	Consultant to conduct final inspection with city and maintain punch list
Resolution of Punch List Items		X	X	Consultant to verify completion & coordinate with city project manager
Agreement of Final Quantities, Payment		X	X	City approval required
Final Payment to Contractor, Release of Responsibility		X	X	City to sign documents & process payment
Preparation of Project Closeout Documents		X	X	Consultant to prepare for city approval
Review and Approval of Finalization Documents	X	X		
Completion of LPA Contract Administration Evaluation	X	X		

B. Inspection/Testing Equipment as listed below:

Inspection/Testing Equipment	Approximate Number Required	Notes
Nuclear Density Gauge and related tools.	1	As needed
Concrete Control Kit to perform tests ASTM C-231, ASTM C-173, ASTM C-138 and ASTM C-143.	1	As needed
Paint Inspection Kit in accordance with CMS 514.05.		
The type and number of vehicles, either cars or trucks, for use on-site.	1	As needed

C. If included above or requested in writing, provide a documentation clerk as follows:

1. Job Duties

Performs specialized clerical tasks (e.g. searches records, gathers & organizes data, information & summarizes in preliminary reports; checks accuracy, clarifies discrepancies & certifies final data, possesses Microsoft Word and spreadsheet skills to produce basic reports and basic data entry). Performs general clerical tasks (e.g. maintains files; sorts and routes mail; answers phones, greets visitors; orders & stocks supplies; maintains calendar; makes copies; prepares materials for mailing; schedules meetings). Prepares and maintains construction project records and reports by entering information into SiteManager (e.g.

prepares daily construction diaries by compiling information from the inspectors reports, prepares monthly project status reports, compiles data from records for accurate submission of contract information. Performs other miscellaneous duties as assigned by the Project Engineer.

2. Qualifications

- a. High school diploma or GED.
- b. Formal education in arithmetic that includes addition, subtraction, multiplication, division, fractions, percentages & decimals, reading, writing and speaking common English vocabulary.
- c. Two (2) years training and/or experience in office practices and procedures, including use of Microsoft Word and spreadsheets.

D. General Scope of Services Description

The primary tasks of the Consultant firm will be to assist the City with schedule and cost controls and to provide quality control. The Scope of Services shall include, but not be limited to, the following:

1. The consultant shall provide an experienced licensed professional engineer as Construction Project Engineer (CPE) to perform construction management and oversee inspection services. The CPE shall serve as the City's liaison with the Contractor working through the Contractor's superintendent and assist him/her in understanding the detailed scope of intent of the contract documents.
2. The services of the CPE shall consist of coordinating all aspects of the construction of the project for the City of Brook Park project manager, in accordance with the plans and specifications and the LPA Federal Local Let Project Agreement. Further, the CPE complies with all directives issued by the ODOT District 12 Construction Monitor (CM) and the City of Brook Park. The City's project manager has authority over all decisions regarding design issues. The Construction Management Phase will commence with a written "Notice to Proceed" to the Contractor when directed by the City. The CPE will be the City's authorized representative during the construction phase to coordinate, monitor and administer the work of the Contractor and shall advise and consult with the City regarding all aspects of the Project. The CPE will have the authority to act on behalf of the City consistent with the terms and conditions set forth in the Agreement. The City of Brook Park project manager will be the contact for the ODOT District 12 CM and the CPE.
3. Qualified consultants will provide a full time construction inspector for as needed inspection of the Contractor's work to include documentation of work performed, verification that construction work is in compliance contract documents and assistance with review of quantities for pay requests.
4. Primary construction activities include concrete sidewalks, curbs, asphalt pavement, ADA ramp installation, coordination of Maintenance of Traffic, landscaping and signage.

5. Electronic daily project reports are to be furnished to the City project manager as required for progress of the work, documentation of non-conformance work, public complaints and tests performed. Additionally, daily project reports shall be maintained noting contractor's equipment, manpower, construction activities, locations of work and pay quantities providing calculations, as needed. Each reference shall be documented in a separate file and all measurements, visual inspections, accepted load tickets, and any other method of quantity verification will be included. Diaries and inspection reports shall also note weather conditions, any project or vehicular accidents and visitors. Although not responsible for the Contractor's safety procedures, it is expected that the Inspector will notify the City of unsafe activities.
6. Submittals and shop drawings will be reviewed by the Consultant's CPE. Submittal review comments will be provided to the City prior to distribution to the Contractor.
7. All quality control field-testing to be conducted by a third party firm employed by the Contractor will be brought to the attention of the City's project manager.
8. The CPE and Inspector will be required to review Contractor's pay request with the City's project manager. The Consultant shall maintain a log of all quantities for pay items to determine potential overruns based on work completed and their understanding of work remaining. Based on this forecasting, concerns about pay item quantities are to be immediately brought to the attention of the City's project manager. It will be the Consultant's responsibility to delineate and track ODOT eligible items and those items that are to be paid 100% by the City during review of pay applications.
9. The Consultant will be responsible for reviewing certified payrolls. Additionally, the Consultant will track the Contractor's Small and Disadvantage Business Enterprise (S&DBE) goals, conducted and document S&DBE interviews as specified in ODOT's Local Let Policy and Procedures Manual.
10. The Consultant will assist the City's project manager with review of the Contractor's monthly progress schedule and provide guidance on achieving scheduled milestones.
11. The Inspector will conduct the final inspection with the City's project manager and the Contractor; the Inspector shall maintain a list of non-performed work to be completed after final inspection. Verification that all items on above-said list have been completed in accordance with the Contract Documents will be required by the Inspector.
12. The Inspector will be required to attend the Pre-Construction Meeting; minutes will be prepared by the Consultant and provided to the City. The Inspector should anticipate attending weekly field and monthly progress meetings with the Contractor and the City; minutes shall be recorded by the Consultant and provided to the City for review prior to distribution.
13. The Inspector shall record all deviations and changed-conditions from the contract documents on a set of 11-inch x 17-inch plans provided by the City. A

redlined copy of plans will be provided to the City at the project closeout in paper and electronic format.

14. The selected consultant is required to follow the policy and procedure of the latest edition of the Local Let Policy and Procedures Manual on file with ODOT. Consultant must also make itself familiar with the LPA Agreement between the City of Brook Park and ODOT and meet the requirements of this document.
15. The selected consultant shall provide a complete and continuous on-site competent and qualified full-time field organization to assure that the construction is performed according to the requirements of the contract documents.

### III. COMPENSATION

- A. The City of Brook Park shall make payment based on actual hours worked by the Consultant's employees, excluding sick leave, personal leave, and vacation. Payment for holidays will not be made unless the Consultant is required to work; in such case, the holiday will be considered a regular work day and will be paid at the regular hourly rate, unless the forty (40) hour work week requirement has been met as described in the following Paragraph (B). **Work in excess of forty (40) hour work week must be approved by the City of Brook Park prior to being incurred.**
- B. If applicable, overtime will be paid for all hours worked over a total of forty (40) on a weekly basis, including core working hours and eligible driving time. Payment for eligible overtime shall be commensurate with the Consultant's personnel policies. Specifically, companies that treat overtime premium as a direct cost may bill directly for overtime plus any applicable premium rate (e.g., time and a half for each hour of overtime worked). Conversely, companies that treat overtime premium as an indirect cost (overhead) must bill/invoice overtime hours at the straight-time pay rate.

### IV. INVOICING

The Consultant shall submit an invoice each month. ODOT's standard invoice form shall be used.

### V. CONSULTANT STAFF REQUIREMENTS

The Consultant shall assign only qualified personnel to the project. The Consultant shall remove any employee who, in the determination of the City of Brook Park, does not perform the work in accordance with the Manual of Procedures, the Construction and Materials Specifications (CMS), and construction contract specific requirements.

Should the Consultant fail to remove the employee or employees as required, or fail to furnish suitable and sufficient personnel for proper performance of the work, the City of Brook Park may withhold payment of invoices submitted by the Consultant until corrective measures are taken. If the Consultant fails to comply, the City of Brook Park may make a finding to that effect and so notify the Consultant in writing that the Agreement is terminated in accordance with Section 2.41 of the "Specifications for Consulting Services, 2016 Edition."

### VI. REPORT-IN LOCATIONS AND TRAVEL REGULATIONS

The report-in location for Consultant personnel shall be the project field office or a location at the project site designated by the City of Brook Park. No compensation will be provided for commuting to and from the report-in location.

Consultants that provide leased or company owned vehicles for use on site shall be compensated on a daily rate basis. If company owned vehicles are provided, the Consultant's indirect cost pool shall be credited for the daily rate reimbursement.

#### VII. SERVICES BY THE CITY OF BROOK PARK

- A. The City of Brook Park will make available to the Consultant the necessary plans, specifications, copy of the proposal and other documents as required.
- B. The City of Brook Park will provide the Consultant with documentation requirements including inspection report forms needed for computation, reporting, record keeping and field testing.

#### VIII. GENERAL PROVISIONS

1. PROTECTION OF PERSONS AND PROPERTY - The firm shall take all reasonable precaution for the safety and protection to prevent damage, injury, or loss to all of its employees and the public.
2. TERMINATION OF CONTRACT - The City of Brook Park reserves the right to terminate the contract for cause or convenience. Settlement payment will be based on successful delivery prior to termination. The city will pay the aggregate price of delivered service computed in accordance with the prices specified in the contract. Failure to meet deadlines will result in liquidated damages, which will be negotiated in the contract.
3. LETTER OF INTEREST ACCEPTANCE, WITHDRAWAL AND REJECTION - Each letter of interest shall constitute an offer to the city to enter into a contract with the city pursuant to the terms of the letter of interest to the extent such terms are not inconsistent with the request for letters of interest. Said offer shall not be revoked for a period of sixty (60) days from the letter of interest due date. If the withdrawal is made prior to the letter of interest deadline, sealed letters of interest may be withdrawn by the firm or its authorized representative by signing a receipt for the letter of interest. Letters of interest may be submitted again prior to the proposal deadline. The City of Brook Park reserves the right to contract for all or part of the scope of services described herein and to reject any and all letters of interest.
4. QUESTIONS AND ADDENDA – Prior to letter of interest opening, any addenda to this proposal shall be made available to all known proposers via email. In addition, any addenda shall be posted to the city's bid webpage. The city shall not be responsible for oral instructions. All questions shall be directed to Edward Piatak, Brook Park Consulting City Engineer by email to the following address: [erpiatak@euthenics-inc.com](mailto:erpiatak@euthenics-inc.com). No questions shall be answered after the deadline referenced in this request.

5. USE OF TERM - The personal pronoun "he" shall be understood to include persons of both sexes and other legal entities.
6. LAWS AND REGULATIONS - The proposer shall keep fully informed and comply with all federal and state laws, city ordinances, codes, rules and regulations which affect these services.
7. CITY INCOME TAX - The successful proposer shall be responsible for complying with all laws, ordinances, regulations and policies relative to the city's income tax. For specific questions regarding the city income tax, please call (216) 433-1300.
8. LIABILITY INSURANCE - Before starting any work under the contract, the successful proposer shall, except as otherwise approved by the city, take out and maintain at his own cost and expense, the following insurance until the work is completed and accepted by the city. Such insurance shall be with companies and with limits satisfactory to the city and not less than required by law.
  - WORKERS' COMPENSATION - The Proposer agrees to furnish an official certificate or receipt of the Ohio Bureau of Workers' Compensation showing payment of necessary premiums into the state insurance fund when such certificates are required in the request for proposal.
  - COMMERCIAL GENERAL LIABILITY (to include) - Contractual Liability and Personal Injury and Property. Bodily Injury, including Personal Injury, and Property Damage \$1,000,000 Combined Single Limit.
  - COMPREHENSIVE AUTOMOBILE LIABILITY - Including non-ownership and hired car coverage as well as owned vehicles. Bodily Injury and Property Damage: \$1,000,000 Combined Single Limit.
  - PROFESSIONAL LIABILITY INSURANCE - Consultant shall include, in their proposal, a description of arrangements which they have regarding professional liability insurance coverage (errors and omissions). A minimum of \$2,000,000 coverage may be required.

Certificates of insurance acceptable to the City's Director of Law shall be filed with the city with the contract for this project and prior to commencement of any work. These certificates shall contain a provision that coverage afforded under the policies will not be canceled unless a thirty (30) day (minimum) prior written notice has been given to the city. Proposers shall indicate if they have professional liability errors and omissions insurance and the amount of coverage. Should any insurance described in any certificate expire or be terminated during the period when the same is required under this contract, the city shall be notified immediately and such expired or terminated insurance must be replaced with new insurance certificates prior to date of such expiration or termination.

#### IX. CITY OF BROOK PARK STANDARD TERMS AND CONDITIONS

The City of Brook Park's standard terms and conditions shall be applicable to this request for proposal and any subsequent contract between the city and the consultant. These standard terms and conditions are included below:

City of Brook Park

### Standard Terms and Conditions

1. BILLING: All goods or services must be billed to the City of Brook Park and at prices not exceeding those stated on the purchase order. If prices or terms do not agree with your quotation, you must notify the Finance Department within three business days or your disagreement is waived.
2. INVOICE: Prepayment payments are not permitted unless prior authorization is obtained from the Finance Department. All invoices are to be mailed to the Consulting City Engineer and shall reference the City's purchase order number or contract number. Failure to include the purchase order number or contract number may prevent timely payment.
3. CASH DISCOUNTS: ~~All cash discount terms will be effective from date of actual receipt and acceptance of the items purchased, or receipt of correct and acceptable invoice, whichever is later.~~
4. FREIGHT: ~~NO COLLECTION FREIGHT SHIPMENTS WILL BE ACCEPTED. All quotations are solicited on a "delivered price" basis. When, in rare instances, the City accepts a quotation not including all shipping charges, your claim for reimbursement, must be itemized on the invoice and supported with a copy of the original freight bill.~~
5. TAXES: The City of Brook Park is exempt from payment of Federal excise taxes and State retail sales taxes. You are responsible for all Social Security taxes and Workers' Compensation contributions for yourself or any of your employees.
6. DELIVERIES: All deliveries on this order must be in full accordance with specifications, properly identified with the purchase order number or contact number and must not exceed the quantities specified.
7. CANCELLATION: The City of Brook Park reserves the right to cancel this order by written notice if you do not fulfill your contractual obligations with respect to timeliness, quality and/or any other reason.
8. DEFAULT PROVISIONS: In case of your default (defined as notified in writing by the City of Brook Park you are in default and you have failed to cure the default within the time specified), the City of Brook Park may procure the items from other sources and hold you responsible for any excess costs incurred thereby and any other damages permitted by law.
9. NO VERBAL AGREEMENTS: The City of Brook Park will be bound only by the terms and conditions of this order, and will not be responsible for verbal agreements made by any officer or employee of the City of Brook Park.
10. PATENT AND COPYRIGHT INFRINGEMENT: It is hereby understood (and by acceptance of this order) you agree to defend, indemnify and hold harmless the City of Brook Park, Ohio, its officers, agents and employees from any and all loss, costs or expense on account of any claim, suit or judgment as a result of, caused by, or incident to any patent, copyright or trademark infringement and/or royalty, actual or claimed, because of the use or disposition by said City of any article enumerated on this order and sold to said City pursuant to this order.

11. INSPECTION: The City of Brook Park may inspect the items ordered hereunder during their manufacture, construction and/or preparation at reasonable times and shall have the right to inspect such items at the time of their delivery and/or completion. Items furnished hereunder may at any time be rejected for defects revealed by inspection, analysis, or by manufacturing operations or use after delivery even though such items may have previously been inspected and accepted. Such rejected items may be returned to you for full refund to City of Brook Park including shipping and transportation charges.
12. WARRANTY: You warrant that the items and their production or completion shall not violate any federal, state or local laws, regulations or orders. You warrant all items delivered hereunder to be free from defects of material or workmanship to be good quality, and to conform strictly to any specifications, drawings or samples which may have been specified or furnished by the City of Brook Park, and you further warrant that you have good title to the items free and clear of all liens and encumbrances and will transfer such title to the City of Brook Park. Said warranties shall not negate nor limit any implied warranties of merchantability or fitness. This warranty shall survive any inspection, delivery, acceptance or payment by the City of Brook Park.
13. RISK OF LOSS: Title and risk of loss to and with respect to the items shall remain with you until the items in a complete state have been delivered to and accepted by the City of Brook Park or to an agent or consignee duly designated by the City of Brook Park at the location specified on the face hereof, items which are to be shipped shall be shipped F.O.B. destination unless otherwise specified by the City of Brook Park. A packing slip must accompany each such shipment and if a shipment is to be a consignee or an agent of the City of Brook Park, a copy of the packing slip shall be forwarded concurrently to the City of Brook Park. If no such packing slip is sent, the count or weight by the City of Brook Park or its agent or consignee is agreed to be final and binding on you with respect to such shipment.
14. HOLD HARMLESS: You shall indemnify and hold the City of Brook Park, its agents, consignees, employees, and representatives harmless from and against all expenses, damages, claims, suit, or liabilities (including attorney's fees of the City of Brook Park) of every kind whatsoever by reason of, arising out of, or in any way connected with, accidents, occurrences, injuries or losses to or any person or property which may occur before or after acceptance of the completed items by the City of Brook Park upon or about in any way due to resulting from, in whole or in part, the preparation, manufacture, construction, completion, and/or delivery of the items, including such as are caused by your subcontractors and excluding only such as are caused by the negligence of the City of Brook Park other than where the City of Brook Park's negligence consists of its failure to discover a condition caused or permitted to exist by you or any subcontractor of yours.
15. INSURANCE: If requested by the City of Brook Park, you shall maintain policies of liability insurance such types and such amounts and with such companies as may be designated by the City of Brook Park, which policies shall be written so as to protect the City of Brook Park and you from the risks enumerated in Section 14. Such policies of insurance shall not be cancelable except upon thirty (30) days written notice to the City of Brook Park and proof of such insurance shall be furnished by you to the City of Brook Park. In addition, such policies shall protect all your subcontractors. You agree

to make prompt written report to the insurance company involved of all accidents, occurrences, injuries or losses which may occur and of any and all claims made against the persons insured under said policies of insurance and to send copies of such reports to the City of Brook Park within twenty-four (24) hours of the time that you obtained knowledge of the occurrence thereof.

16. SPECIFICATIONS CONFIDENTIAL: Any specifications, drawings, notes, instructions, engineering notices or technical data referred to in this purchase order shall be deemed to be incorporated herein by reference the same as if fully set forth herein. The City of Brook Park shall at all times retain title to all such documents and you shall not disclose such to any party (other than the City of Brook Park or a party duly authorized by the City of Brook Park). Upon the City of Brook Park's request or upon completion and delivery of the items purchased, you shall promptly return all such documents to the City of Brook Park.
17. EXAMINATION OF PREMISES: If work is to be performed hereunder on the premises of the City of Brook Park, you represent that you have examined the premises and any specifications or other documents furnished in connection with the items and that you have satisfied yourself as to the condition of the premises and site and agrees that no allowance shall be made in respect of any error as to such on your part.
18. CLEANING OF PREMISES: If work is to be performed hereunder on the premises of the City of Brook Park, you shall at all times keep the premises free from accumulation of waste material or rubbish. At the completion of the items you shall leave the premises and the items broom-clean.
19. EQUAL EMPLOYMENT OPPORTUNITY:
  - (a) You agree that you will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, age, military status, ancestry, or genetic information with respect to employment, upgrading promotion, or transfer, recruitment or recruitment advertising, lay-off determination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
  - (b) It is expressly agreed and understood by you that Section 19 (a) constitutes a material condition of this contract as fully as specifically rewritten herein, also that failure to comply therewith shall constitute a breach thereof entitling the City to terminate the contract at its option.
20. AGREEMENT TO BE EXCLUSIVE: This purchase order contains the entire agreement between the parties and supersedes all other oral agreements only when there is no executed contract between the parties. The parties acknowledge and agree that neither of them has made any representation with respect to the subject matter of this purchase order or any representation inducing the execution and delivery of this purchase order, except such representations as are specifically set forth here, and each party acknowledges that it has relied on these representations in connection with its dealings with the other.

21. GOVERNING LAW: This purchase order, the performance under it, and all suits and special proceedings under it shall be construed in accordance with the laws of the State of Ohio. In any action, special proceeding or other proceeding that may be brought arising out of, in connection with, or by reason of this agreement, the laws of the State of Ohio shall be applicable and shall govern to the exclusion of the laws of any other forum, without regard to the jurisdiction in which the action or special proceeding may be instituted.
22. ADDITIONAL RIGHTS: Any rights or remedies granted to the City of Brook Park in any part of this purchase order shall not be exclusive of, but shall be in addition to, any other rights or remedies granted in another part of this purchase order and any other rights or remedies that the City of Brook Park may have at law or in equity in any such instance. Any litigation arising from disputes herein shall be instituted only in Cuyahoga County, Ohio.
23. GOVERNING DOCUMENT: Should there be any conflict between the terms of the executed contract and this purchase order, the terms of the contract govern.
24. INDEPENDENT CONTRACTOR: The contractor; his assigns, heirs, successors, employees and any and all subcontractors are independent contractors and are not agents and/or employees of the City of Brook Park.

Total Cost for CA/CI Services: \$ 139,459.22 Hill International, Inc. 5/28/2019

Position	Name	Actual Hourly Rate	Multipliers				Preconstruction		*Construction @ 18wks		Closeout		Total Cost
			2.22	3.19	Straight Bill Rate	OT Bill Rate	Straight Hours	OT Hours	Straight Hours	OT Hours	Straight Hours	OT Hours	
Project Manager/CE2	Ron Strauser/Hill	\$ 63.70	\$ 141.41	\$ 141.41	\$ 141.41	10	0	100	0	20	0	\$ 18,383.82	
Assistant Project Manager/CE2	Matt Pawlak/Hill	\$ 61.30	\$ 136.09	\$ 136.09	\$ 136.09	20	0	116	0	20	0	\$ 21,229.42	
Project Inspector	Patrick Murray/Hill	\$ 35.20	\$ 78.14	\$ 78.14	\$ 112.29	4	0	720	70	20	0	\$ 65,999.30	
Traffic Signal & Lighting Inspector	Paul Hinckley/Hill	\$ 33.52	\$ 74.41	\$ 74.41	\$ 106.93	0	0	16	0	0	0	\$ 1,190.63	
Soils & Aggregate Inspector	Dan Hudson/PSI	\$ 25.80	\$ 57.28	\$ 57.28	\$ 82.30	0	0	220	8	0	0	\$ 13,259.14	
Documentation Clerk	Ruth Yates/Hill	\$ 22.54	\$ 50.04	\$ 50.04	\$ 71.90	8	0	144	0	20	0	\$ 8,606.67	
* 18 weeks assumes no landscaping work in spring of 2020													
											\$ 128,668.97		

Non-Salary Direct Costs

Item	Number	Days	Unit Price	Total Cost	Firm
Vehicle for Project Manager/CE2	1	15	\$49.00	\$ 735.00	Hill
Vehicle for Project Inspector	1	102	\$49.00	\$ 4,985.75	Hill
Vehicle for Traffic Signal & Lighting Inspector	1	2	\$49.00	\$ 98.00	Hill
Vehicle for Soils & Aggregate Inspector	1	29	\$49.00	\$ 1,396.50	PSI
Concrete Testing Kits	1	30	\$15.00	\$ 450.00	PSI
Nuclear Gauges	1	8	\$45.00	\$ 360.00	PSI
Proctor Tests	2	N/A	\$130.00	\$ 260.00	PSI
Concrete Cylinder Breaks	72	N/A	\$45.00	\$ 3,240.00	PSI
				\$ 10,790.25	



May 29, 2019

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

RE: Smith Road Resurfacing Project (PID 108950)

Dear Mayor Gammella:

It is expected that Hill International (Hill) will be providing construction administration and inspection for the Smith Road Resurfacing Project in accordance with their proposal of May 28, 2019.

Euthenics who served as the Design Engineer will serve as the City's representative on the project and also will provide engineering support services to Hill.

The included attachment outlines our scope of services and estimated upset maximum fee of \$20,250.00. Services will be billed hourly and includes direct labor, overhead and profit. Direct expenses will be billed at cost.

If there are any questions, please contact my office at (440) 260-1555.

Very Truly Yours,  
**EUTHENICS, INC.**

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

F:\Jobs\187\1801 - Smith Resurfacing\Documents\Const Admin Doc\CA Services Letter.docx

## EXHIBIT B

### OFFICERS

A. R. PIATAK, PE, PRESIDENT ▪ D. T. BENDER, PE, SECRETARY ▪ J. L. NEVILLE, PE, TREASURER ▪ E. R. PIATAK, PE, VICE PRESIDENT  
ASSOCIATES

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