

NOTICE  
SPECIAL MEETING OF COUNCIL

Clerk's Office, Brook Park, Ohio

JULY 24, 2023

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

YOU ARE HEREBY NOTIFIED THAT A SPECIAL MEETING OF COUNCIL  
HAS BEEN CALLED FOR THE PURPOSE OF:

\_\_\_\_\_ COUNCIL MEETING

\_\_\_\_\_ XXX CAUCUS MEETING

\_\_\_\_\_ EXECUTIVE SESSION

\_\_\_\_\_ OTHER (Specify)

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

**ROLL CALL OF MEMBERS:**

**PLEDGE OF ALLEGIANCE:**

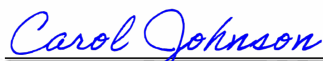
**DISCUSSION:**

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

**ADJOURNMENT**



MAYOR



CLERK OF COUNCIL

CITY OF BROOK PARK, OHIO

RESOLUTION NO: \_\_\_\_\_

INTRODUCED BY: MAYOR ORCUTT

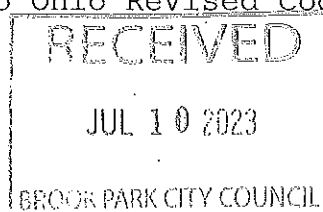
A RESOLUTION REQUESTING THAT THE COUNTY FISCAL OFFICER CERTIFY  
CERTAIN INFORMATION TO THE CITY OF BROOK PARK, AND DECLARING AN  
EMERGENCY

WHEREAS, Ohio Revised Code Section 5705.03 provides that then a taxing authority determines that it is necessary to levy a tax outside of the ten mill limitation for any purpose authorized by the Revised Code, prior to the certification to the proper county board of electors of the subdivision, the taxing authority shall certify a resolution to the County Fiscal Officer requesting that the County Fiscal Officer certify to the taxing authority the total current tax valuation of the subdivision, and the dollar amount of revenue that would be generated by a specified number of mills.

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

SECTION 1. That the amount of taxes which may be raised within the ten (10) mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the City of Brook Park.

SECTION 2. The renewal levy rate shall be .30 mills for each one dollar (\$1.00) of taxable value, same as the current rate. Said renewal levy rate shall be levied upon the entire territory of the City, which is located in the County of Cuyahoga, for a period of five years, commencing in tax year 2024 first collection in calendar year 2025. The question of the renewal of said levy shall appear on the ballot of the November 7, 2023 election. The ballot measure shall be submitted to the entire territory of the City, and held at the regular place of voting in said City established by the Cuyahoga County Board of Elections or otherwise, within the time provided by law and shall be conducted, canvassed and certified in the manner provided by law. That the purpose of this levy is for making appropriations for hospitalization in and support of Southwest General Health Center, said renewal tax levy being authorized pursuant to Ohio Revised Code Section 5705.191.



**SECTION 3.** That the question of such renewal tax levy shall be submitted to the electors of said City at the general election to be held on Tuesday, November 7, 2023.

**SECTION 4.** That this Council hereby requests that the County Fiscal Officer certify to the City of Brook Park the total current tax valuation of the City of Brook Park and the dollar amount that will be generated by the three-tenths (.30) of a mill renewal tax levy.

**SECTION 5.** That the Clerk of this Council be and is hereby authorized and directed to certify this resolution to the County Fiscal Officer of Cuyahoga County, Ohio, requesting that the County Fiscal Officer certify to the City of Brook Park the total current tax valuation of the City of Brook Park and the dollar amount of the revenue that will be generated by the three-tenths (.30) of a mill renewal tax levy.

**SECTION 6.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**SECTION 7.** That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the further reason that a certified copy must be submitted to the Cuyahoga County, Ohio Fiscal Officer and information requested from said Fiscal Officer must be received prior to submission of the ballot language to the Cuyahoga County, Ohio Board of Elections on or before August 9, 2023; therefore provided this Resolution receives the affirmative vote of at least five (5) members elected to Council it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

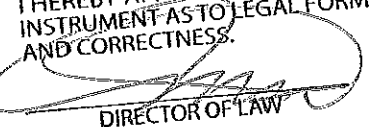
PASSED: \_\_\_\_\_

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

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

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

\_\_\_\_\_  
DATE

I HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS.  
  
DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: MAYOR ORCUTT

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

WHEREAS, the Wedo Park Storm Water Basin has been identified as a Project to help manage storm water runoff within the City of Brook Park;

WHEREAS, pursuant to Ordinance No. 11341-2023 passed on May 16, 2023, the Mayor publicly advertised for Bids for the Wedo Park Storm Water Basin Project (CT 202211);

WHEREAS, five (5) Contractors submitted Bids, which were opened and read aloud on June 15, 2023;

WHEREAS, the Bid submitted by Independence Excavating, Inc., has been determined to be the lowest and best;

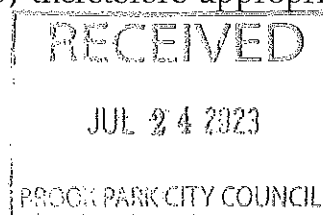
WHEREAS, the City of Brook Park is prepared to commence with the construction of the Project.

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

SECTION 1: The Mayor is authorized to enter into a construction contract with Independence Excavating, Inc., for the Wedo Park Storm Water Basin Project (CT 202211).

SECTION 2: The Consulting City Engineer (Euthenics, Inc.) is hereby authorized to provide the necessary bidding, administration, observation, and testing services for the Project. Payment for the aforementioned services shall be in accordance with the Exhibit "A" attached hereto.

SECTION 3: The money needed to complete the aforesaid transaction shall be paid from the Sewer Improvements Fund No. 459, theretofore appropriated or to be appropriated for said purpose.



**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 action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 5:** 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 Phase of the Wedo Park Storm Water Basin 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

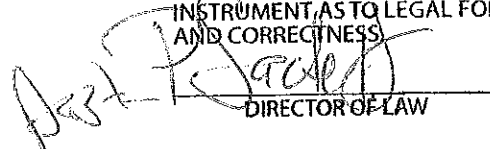
ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

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

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE

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

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

City of Brook Park  
Wedo Park Storm Water Basin Project  
Contract 202211  
Bidding, Administration, Observation, & Testing Services - Manhour Estimate

SCOPE OF SERVICES	Principal	Project Manager	Project Engineer	Project Observer	Clerical Misc.	Total Hours
<i><b>Bidding Phase</b></i>						
Bidding - Contractor Questions and Issue Addendum	4	16	12	0	0	32
Bid Opening, Tally, Analysis and Recommendation	0	4	4	0	2	10
Bidding Phase Hours	4	20	16	0	2	42
<i><b>Construction Phase</b></i>						
Preconstruction Meeting	2	4	6	4	2	18
Shop Drawing Review	0	16	20	4	2	42
Construction Progress Meetings	0	12	28	0	20	60
Daily Project Administration	8	12	120	0	24	164
Daily Project Observation	0	0	0	640	32	672
Post Construction Meeting and Final Inspection	2	4	4	4	2	16
Interpret & Provide Clarifications to Contract Documents	0	18	18	0	0	36
As-Built Drawings, As Required	0	0	2	0	0	2
Process Payment Requests/Review Change Orders	4	18	36	12	8	78
Material Management, Testing & Certification	0	6	8	8	4	26
Construction Phase Hours	16	90	242	672	94	1114

Overhead Rate = 146%  
Net Fee Rate = 10%

**Bidding Phase**  
Estimated Labor Costs \$5,531.06  
Estimated Direct Expenses \$0.00  
Bidding Phase Total = \$5,531.06

**Construction Phase Administration**  
Estimated Labor Costs \$48,026.09  
Estimated Direct Expenses \$100.00  
Sub-Total = \$48,126.09

**Construction Phase Observation**  
Estimated Labor Costs \$52,734.53  
Estimated Direct Expenses \$250.00  
Sub-Total = \$52,984.53

**Construction Phase Testing**  
Estimated Material Testing \$7,500.00  
Sub-Total = \$7,500.00

Bidding Phase and Construction Phase Estimated Total = \$114,141.68

Exhibit "A"

## ORDINANCE NO.

INTRODUCED BY Mayor Orcutt

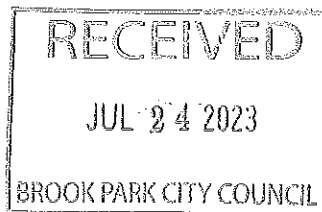
AN ORDINANCE AMENDING ORDINANCE NO. 11318-2023, THE  
APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK, AND DECLARING  
AN EMERGENCY.

WHEREAS, the amounts appropriated for certain items of expense for 2023 are proving to be  
insufficient while surpluses are developing in certain other appropriations.

NOW, THEREFORE, be it ordained by the Council of the City of Brook Park, Ohio:

SECTION 1: That Ordinance No. 11318-2023, passed March 21, 2023, the Appropriation  
Ordinance for the City of Brook Park, be amended to reflect the following adjustments:

FUND	DEPARTMENT	TRANS- ACTION	DESCRIPTION	PRESENT APPROPRIATION	ADJUSTED AMOUNT	ADJUSTED APPROPRIATION
100 GENERAL FUND						
	210 Mayor's Court	521	Communications	3,133.72	4,436.28	7,570.00
		526	Office Supplies	613.72	600.00	1,213.72
		529	Contracts	7,684.44	950.00	8,634.44
	325 Community Development	511	Regular Salaries	88,709.59	3,000.00	91,709.59
		519	Fringe Benefits	34,938.91	420.00	35,358.91
	330 Civic Service Commission	527	Miscellaneous Expenses	677.38	2,136.19	2,813.57
	342 Parks & Playgrounds	527	Miscellaneous Expenses	29,727.00	4,000.00	33,727.00
	400 Mayor's Office	511	Regular Salaries	283,743.53	50,365.00	334,108.53
		512	Overtime	500.00	175.42	675.42
		519	Fringe Benefits	94,735.28	15,055.95	109,801.23
	405 Correctional Facility	527	Miscellaneous Expenses	9,859.99	300.00	10,159.99
	409 Mechanics	525	Travel & Education	3,135.45	185.00	3,320.45
	411 Safety Building	524	Repair & Maintenance	7,834.65	2,000.00	9,834.65
		529	Contracts	724,641.90	49,360.00	774,001.90
	412 Police Department	527	Miscellaneous Expenses	152,231.29	5,000.00	157,231.29
	413 Fire Department	522	Equipment Rental	4,737.53	1,620.00	6,357.53
		523	Professional Services	13,920.00	5,800.00	19,720.00
	415 Building Department	511	Regular Salaries	415,016.88	(18,000.00)	397,016.88
		519	Fringe Benefits	134,298.64	(10,041.00)	124,257.64
		521	Communications	15,220.24	1,800.00	17,020.24
	423 Sanitation	524	Repair & Maintenance	87,387.23	10,000.00	97,387.23
	427 Trees & Tree Lawns	527	Miscellaneous Expenses	7,892.30	1,500.00	9,392.30
	428 Public Properties	511	Regular Salaries	160,560.93	35,000.00	195,560.93
		519	Fringe Benefits	62,451.96	5,407.50	67,859.46
	429 Sewers, Drain, Pump Stations	511	Regular Salaries	583,170.24	(35,000.00)	548,170.24
		519	Fringe Benefits	195,708.42	(5,407.50)	190,300.92
	610 Finance Department	511	Regular Salaries	373,604.64	(20,000.00)	353,604.64
		519	Fringe Benefits	117,994.27	(3,090.00)	114,904.27
	700 General Gov't. Lands & Bldgs.	524	Repair & Maintenance	14,159.25	6,000.00	20,159.25
	880 Transfers & Refunds	571	Transfers	2,566,832.37	50,000.00	2,616,832.37
		572	Advances	-	398,160.19	398,160.19
GENERAL FUND				6,195,121.75	561,743.03	6,756,864.78





FUND	DEPARTMENT	TRANS- ACTION	DESCRIPTION	PRESENT APPROPRIATION	ADJUSTED AMOUNT	ADJUSTED APPROPRIATION
210 CITY INCOME TAX FUND						
	440 Tax Department	511	Regular Salaries	185,788.47	25,000.00	210,788.47
	440 Tax Department	519	Fringe Benefits	75,120.05	3,862.50	78,982.55
	440 Refunds	574	Refunds	2,500,000.00	(28,862.50)	2,471,137.50
				2,760,908.52	0.00	2,760,908.52
250 SPECIAL RECREATION FUND						
	343 Public Recreation	522	Equipment	21,770.59	2,000.00	23,770.59
	343 Public Recreation	574	Refunds	1,000.00	600.00	1,600.00
				22,770.59	2,600.00	25,370.59
264 WATER PARK FUND						
		527	Miscellaneous Expenses	16,129.26	3,000.00	19,129.26
				16,129.26	3,000.00	19,129.26
272 FEDERAL FORFEITURE FUND						
		552	Equipment	-	5,146.00	5,146.00
				-	5,146.00	5,146.00
401 CAPITAL IMPROVEMENT FUND						
	210 Mayor's Court	552	Equipment	8,000.00	(1,300.00)	6,700.00
	415 Building	552	Equipment	36,000.00	1,300.00	37,300.00
	341 Recreation Center	551	Building Improvement	8,500.00	5,956.00	14,456.00
	342 Parks Playgrounds	552	Equipment	43,692.10	49,830.21	93,522.31
	700 General Gov't. Lands & Bldgs.	523	Professional Services	0.00	4,000.00	4,000.00
	880 Transfers	571	Transfers	1,963,491.35	353,591.14	2,317,082.49
		572	Advance	0.00	601,839.81	601,839.81
				2,059,693.45	1,015,217.16	3,074,900.61
459 DITCH CLEANING PROGRAM FUND						
	429 Sewers & Drains	523	Professional Services	73,292.80	114,141.68	187,434.48
		527	Miscellaneous Expenses	52.32	1,331.20	1,383.52
		529	Contracts	1,670.48	200.00	1,870.48
		553	Construction Contracts	177,300.00	1,935,716.76	2,113,016.76
				252,315.60	2,051,389.64	2,303,705.24
517 SOUND INSULATION FUND						
	325 Community Development	523	Professional Services	30,000.00	168,732.55	198,732.55
				30,000.00	168,732.55	198,732.55
545 2018 STREET IMPROVEMENT FUND						
	425 Street Improvement Fund	571	Transfers	0.00	1,625,988.69	1,625,988.69
				0.00	1,625,988.69	1,625,988.69
548 SHELDON ROAD WATER MAIN FUND						
	429 Sewers & Drains	553	Construction Contracts	773,780.00	204,402.50	978,182.50
550 SHELDON RD. BRIDGE IMPROVEMENT PROJECT						
	429 Sewers & Drains	523	Professional Services	0.00	1,174,547.24	1,174,547.24
		527	Miscellaneous Expenses	0.00	1,397.76	1,397.76
				0.00	1,175,945.00	1,175,945.00
Total Changes					<u>6,814,164.57</u>	

SECTION 2: Those portions of Ordinance No. 11318-2023, passed March 21, 2023, which are inconsistent with the provisions adopted herein, are hereby expressly repealed.

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 any of its committees that resulted in formal action were 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 the municipality and the inhabitants thereof. Such emergency existing for the further reason that funds must be immediately appropriated to the designated accounts to meet existing financial obligations of the City. 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: \_\_\_\_\_