

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, AUGUST 19, 2025
7:00 P.M.**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III. DISCUSSION:

1. AN ORDINANCE AMENDING ORDINANCE 11453-2025 TO INCLUDE ADDITIONAL ROADWAY REPAIRS IN THE 2025 GENERAL PAVEMENT SERVICES PROGRAM, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. – PER COUNCIL PRESIDENT SALVATORE.

2. AN ORDINANCE TO AMENDING ORDINANCE NO. 11453-2025 AND 11472-2025, THE APPROPRIATION ORDINANCES FOR THE CITY OF BROOK PARK, STATE OF OHIO, FOR FISCAL YEAR ENDING DECEMBER 31, 2025, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. – PER COUNCIL PRESIDENT SALVATORE.

3. A RESOLUTION AUTHORIZING THE MAYOR AS THE LOCAL PUBLIC AUTHORITY, TO GIVE CONSENT, ON BEHALF OF THE CITY OF BROOK PARK, TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR UPGRADING THE HIGHWAY TRAFFIC SIGNAL SYSTEM AT THE NORFOLK SOUTHERN RAILROAD CROSSING AT EASTLAND ROAD NEAR SR-237, IN THE CITY OF BROOK PARK (PID- 114522) AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. – PER COUNCIL PRESIDENT SALVATORE.

4. A RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF NICOLE KRUCKIE AND BILL SHEPPARD TO THE TAX INCENTIVE REVIEW COUNCIL OF THE CITY OF BROOK PARK, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. – PER COUNCIL PRESIDENT SALVATORE.

IV. PLANNING COMMITTEE- CHAIRMAN COUNCILMAN POINDEXTER:

1. REQUEST A STORMWATER ACCESS EASEMENT AT 5730 WEST 130TH STREET|LOCATED IN THE U5-C ZONING DISTRICT| ORDINANCE 11.03.

V. ADJOURNMENT:

Posted: 8/15/2025

CITY OF BROOK PARK, OHIO

ORDINANCE NO. _____

INTRODUCED BY: MAYOR ORCUTT

**AN ORDINANCE AMENDING ORDINANCE 11453-2025
TO INCLUDE ADDITIONAL ROADWAY REPAIRS IN THE 2025 GENERAL
PAVEMENT SERVICES PROGRAM,
AND DECLARING AN EMERGENCY**

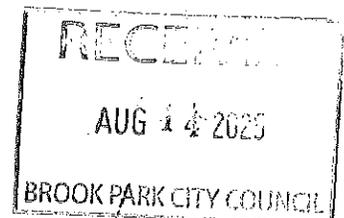
NOW THEREFORE, BE IT ORDAINED by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: The 2025 General Pavement Services Program) shall be amended to include the items listed on Exhibit "D", which is attached hereto and incorporated herein.

SECTION 2: The money needed to complete the aforesaid transaction shall be paid from Fund Nos. 240 and 551, SCM&R and 2025 Street Improvements Funds, theretofore appropriated or to be appropriated for said purpose.

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

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of said City, and for the further reason that City Council deems it necessary to proceed with the 2025 General Pavement Services Program 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: _____

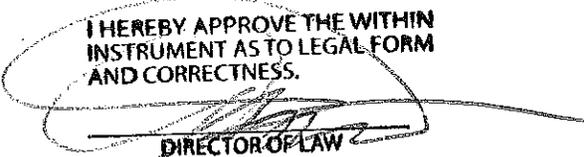
PRESIDENT OF COUNCIL

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
2025 ROADS PROGRAM
(COST ESTIMATES)



1 <u>Misc. Joint Repairs - Sylvia (Holland North) and West 151st at Elm (Fund 551)</u>		\$ 28,953.00
2 <u>2025 Sidewalk Program (Fund 243)</u>		\$ 15,000.00
3 <u>Asphalt Resurfacing/Concrete Replacement Fund 240 - \$1,176,162.11 & Fund 551 - \$1,012,957.21</u>		\$2,189,119.32
• Sylvia Court (Full depth concrete replacement)		
• Zehman Court		
• Zehman		
• Richard		
• Holland (Fry to Smith)		
• Pemberton (Hummel to Van Wert)		
• Middlebrook (Heatherwood to W 130th St.)		
• Middlebrook (Sheldon to Wolf)		
• Siegler		
• Hardin (Sylvia to Fayette)		
• Somerdale		
• Richwood Dr.		
• Kathleen Dr.		
4 <u>Asphalt Resurfacing Inspector (Fund 240)</u>		\$ 12,000.00
5 <u>Sylvia (Reconstruction) - Mercer to Michael</u>		
Area from Cuy Cnty Aerials	3,406 SY	
	\$318.00 SY	
Construction \$	1,082,966.67	\$ 1,216,359.50
Engineering \$	75,392.83	
Pavement Cores \$	3,500.00	
Inspection \$	44,550.00	
Advertising \$	1,450.00	
Concrete Testing \$	8,500.00	
6 <u>Fry (Reconstruction) - Birchcroft to Holland</u>		
Area from Cuy Cnty Aerials	2,112 SY	
	\$318.00 SY	
Construction \$	671,510.00	\$ 778,158.15
Engineering \$	48,648.15	
Pavement Cores \$	3,500.00	
Inspection \$	44,550.00	
Advertising \$	1,450.00	
Concrete Testing \$	8,500.00	
7 <u>Route 237 (Sheldon to Eastland) Resurfacing Construction Design (Fund 241)</u>		\$ 125,000.00
8 <u>Snow Road Preventative Maintenance (Fund 551)</u>		\$ 124,734.00
9 <u>Road Striping (Fund 242)</u>		\$ 60,000.00
10 <u>2023 Road Program Crack Seal (Fund 242)</u>		\$ 20,000.00
11 <u>Waterpark and Kennedy Memorial Parking Lots (Fund 401)</u>		\$ 367,320.24
12 <u>Engineering for Wengler Basin (Fund 459)</u>		\$ 100,000.00
13 <u>Engineering for Municipal Campus Retention Basin (Fund 243)</u>		\$ 100,000.00
14 <u>Fire Station 2 Driveway (Fund 401)</u>		\$ 125,000.00
	Estimated Total =	\$ 5,261,644.21



CITY OF BROOK PARK, OHIO

Ordinance No. _____

Introduced By: MAYOR ORCUTT

AN ORDINANCE TO AMENDING ORDINANCE NO. 11453-2025 AND 11472-2025, THE APPROPRIATION ORDINANCES FOR THE CITY OF BROOK PARK, STATE OF OHIO, FOR FISCAL YEAR ENDING DECEMBER 31, 2025, AND DECLARING AN EMERGENCY

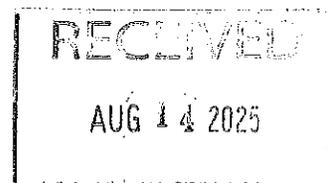
WHEREAS, the amounts appropriated for certain items of expense are proving to be insufficient while surpluses are developing in certain other appropriations for the fiscal year ending December 31, 2025.

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

SECTION 1: That to provide for the current expenses and other expenditures of the City of Brook Park, Ohio for the fiscal year ending December 31, 2025, there be adjusted appropriations in the total of \$4,957,489.42 as shown in Sections 2 thru 5 of this ordinance.

SECTION 2: Those portions of Ordinance No. 11453-2025 passed January 29, 2025 which are inconsistent with the provisions adopted herein, are expressly repealed. The attached Exhibit "A" provides detail of adjusted appropriations for fiscal year ending December 31, 2025.

SECTION 3: A copy of this Ordinance shall be submitted by the Director of Finance to the Fiscal Officer of Cuyahoga County, Ohio and upon certification by said Fiscal Officer as required by law, the Director of Finance of this City is hereby authorized to draw his warrants upon the City Finance Department for payment of any certification and vouchers therefore approved by the proper officers authorized by law to approve the same, or an Ordinance of



the Council to make such expenditures; provided, however, that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with the law or the Ordinance of this Council.

SECTION 4: It is found and determined that all formal actions of this Council concerning and relating to 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 Section 121.22 of the Ohio Revised Code.

SECTION 5: 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 the fact that funds must be made available and be appropriated to provide for the current expenses and payments thereof for the fiscal year ending December 31, 2025; therefore, provided this ordinance receives the affirmative vote of at least five (5) members elected to council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

DATE

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

DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO
2025 Budget Ordinance

SECTION 2

EXHIBIT A

		Current Appropriations	Amended #2	TOTALS
Description		Ord. 11453-2025 January 29, 2025	Ord. xxxxx-xxxx DATE, 2025	YEAR END 2025
100 GENERAL FUND				
330 CIVIL SERVICE COMMISSION				
52000-52999	OPERATIONS	14,700.00	15,000.00	29,700.00
343 PUBLIC RECREATION				
51000-51999	PERSONAL SERVICES	20,781.00	16,000.00	36,781.00
415 BUILDING DEPARTMENT				
51000-51999	PERSONAL SERVICES	537,617.78	12,607.14	550,224.92
424 STREET CLEANING				
52000-52999	OPERATIONS	6,500.00	2,500.00	9,000.00
434 TRAFFIC LIGHTS				
52000-52999	OPERATIONS	102,000.00	300,000.00	402,000.00
610 FINANCE DEPARTMENT				
52000-52999	OPERATIONS	94,850.00	12,500.00	107,350.00
640 EMERGENCY DISASTER RECOVERY				
52000-52999	OPERATIONS	250,000.00	(50,000.00)	200,000.00
55000-55999	CAPITAL OUTLAY	295,000.00	(200,000.00)	95,000.00
	TOTAL EMERGENCY DISASTER RECOVERY	545,000.00	(250,000.00)	295,000.00
880 TRANSFERS & REFUNDS				
57000-57999	TRANSFERS & REFUNDS	4,965,857.61	580,000.00	5,545,857.61
TOTAL GENERAL FUND		29,401,367.31	688,607.14	30,089,974.45
SPECIAL REVENUE FUNDS:				
210 CITY INCOME TAX FUND				
52000-52999	OPERATIONS	70,775.00	15,000.00	85,775.00
250 SPECIAL RECREATION FUND				
343 PUBLIC RECREATION				
57000-57999	TRANSFERS & REFUNDS	2,500.00	1,500.00	4,000.00
271 D.W.I. ENFORCEMENT & EDUCATION FUND				
412 POLICE DEPARTMENT				
52000-52999	OPERATIONS	678.00	500.00	1,178.00
290 INSURANCE FUND				
640 EMERGENCY DISASTER RECOVERY				
57000-57999	TRANSFERS & REFUNDS	-	450,000.00	450,000.00
TOTAL SPECIAL REVENUE FUNDS		29,987,285.36	467,000.00	30,454,285.36
CAPITAL IMPROVEMENT FUND:				
401 CAPITAL IMPROVEMENT FUND 55000-55999 CAPITAL				
342	PARKS & PLAYGROUNDS	610,320.24	117,519.97	727,840.21
440	TAX DEPARTMENT	5,000.00	3,500.00	8,500.00
610	FINANCE DEPARTMENT	5,000.00	(3,500.00)	1,500.00
641	OFFICE OF AGING	2,000.00	75.00	2,075.00
700	GENERAL GOV'T. LANDS & BLDGS.	56,145.21	181,000.00	237,145.21
880	TRANSFERS, REFUNDS 57000-57999 TRANSFERS	1,548,404.75	133,278.55	1,681,683.30
	TOTAL CAPITAL IMPROVEMENT FUND	3,774,408.55	431,873.52	4,206,282.07
TOTAL CAPITAL IMPROVEMENT FUNDS		4,033,908.55	431,873.52	4,465,782.07
CAPITAL CONSTRUCTION FUND:				
517 SOUND INSULATION PROGRAM FUND				
325 COMMUNITY DEVELOPMENT				
52000-52999	OPERATIONS	550,000.00	300,000.00	850,000.00
548 SHELDON RD WATER MAIN FUND				
429 SEWERS & DRAINS				
57000-57999	TRANSFERS & REFUNDS	-	133,278.55	133,278.55
551 2024/2025 STREET IMPROVEMENTS FUND				
425 STREET PAVING AND REPAIR				
55000-55999	CAPITAL OUTLAY	1,754,506.67	727,497.21	2,482,003.88



CITY OF BROOK PARK, OHIO
2025 Budget Ordinance

SECTION 2

EXHIBIT A

Description		Current Appropriations	Amended #2	TOTALS
		Ord. 11463-2025 January 29, 2025	Ord. xxxxx-xxxx DATE, 2025	YEAR END 2025
552 NATATORIUM IMPROVEMENT FUND				
341 RECREATION CENTER				
52000-52999	OPERATIONS	30,000.00	495,555.00	525,555.00
55000-55999	CAPITAL OUTLAY	150,000.00	1,711,178.00	1,861,178.00
	TOTAL NATATORIUM IMPROVEMENT FUND	<u>180,000.00</u>	<u>2,206,733.00</u>	<u>2,386,733.00</u>
TOTAL CAPITAL CONSTRUCTION FUNDS		<u>3,657,553.67</u>	<u>3,367,508.76</u>	<u>7,025,062.43</u>
SPECIAL REVENUE AND AGENCY FUNDS				
716 BUILDING STANDARDS BOARD FUND				
415 BUILDING DEPARTMENT				
57000-57999	TRANSFERS & REFUNDS	4,000.00	2,500.00	6,500.00
TOTAL SPECIAL REVENUE AND AGENCY FUNDS		<u>2,727,114.17</u>	<u>2,500.00</u>	<u>2,729,614.17</u>
TOTAL APPROPRIATIONS		<u>73,532,434.50</u>	<u>4,957,489.42</u>	<u>78,489,923.92</u>

CITY OF BROOK PARK, OHIO

RESOLUTION NO. _____

INTRODUCED BY: MAYOR ORCUTT

A RESOLUTION

AUTHORIZING THE MAYOR AS THE LOCAL PUBLIC AUTHORITY, TO GIVE
CONSENT, ON BEHALF OF THE CITY OF BROOK PARK, TO
THE OHIO DEPARTMENT OF TRANSPORTATION
FOR UPGRADING THE HIGHWAY TRAFFIC SIGNAL SYSTEM AT THE NORFOLK
SOUTHERN RAILROAD CROSSING AT EASTLAND ROAD NEAR SR-237, IN THE
CITY OF BROOK PARK (PID 114522)
AND DECLARING AN EMERGENCY

WHEREAS, on the 16th day of January, 2024 the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project: **The project consists of, in part, upgrading the highway traffic signal system at the Norfolk Southern Railroad grade crossing at Eastland Road near SR-237 in the City of Brook Park in Cuyahoga County; and**

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows: **The City agrees to assume and bear one Hundred percent (100%) of the cost difference for the higher price signal alternate.** In view of the fact that the LPA's share of the project is now estimated in the amount of **Zero and----00/100 Dollars, (\$0.00)**, therefore, the City will not be required to deposit any funds at this time. The LPA's ultimate share of the cost will be determined when final actual costs and allocations are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of same to this legislative authority; and

WHEREAS, This legislative authority desires the Director of Transportation to proceed with the aforesaid highway improvement.

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

SECTION 1: That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

SECTION 2: That the LPA enter into a contract with the State, and that the Mayor be, and is hereby authorized to execute said contract for improving the described project, copy of said contract is attached hereto as Exhibit "A", which is attached hereto and incorporated herein.

SECTION 3: That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

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 Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of said City, and for the further reason that City Council deems it necessary to proceed with the upgrading the highway traffic signal system at the Norfolk Southern grade crossing at Eastland near SR-237 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. The Clerk of Council is hereby directed to send a certified copy of this ordinance to the State of Ohio, Director of Transportation.

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



PID No. 115146

CONTRACT
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of **Brook Park**, (hereinafter referred to as the Legislative Authority or Local Public Agency (LPA)).

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the STATE; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment (if applicable) of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: **LEGAL REFERENCES**

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.



SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of, in part, upgrading the traffic signal system at the Norfolk Southern Railroad grade crossing on Eastland Road near the Berea Freeway (S.R. 237), lying within the City of Brook Park.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed (if applicable) by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the STATE.
4. In view of the fact that the LPA's share of the project is now estimated in the amount of **Zero and - - - - 00/100 Dollars (\$0.00)**, therefore, the City will not be required to deposit any funds at this time. The LPA's ultimate share of the cost will be determined when final actual costs and allocations are determined.
5. **The LPA agrees to assume and bear one Hundred percent (100%) of the cost difference for the higher priced signal alternate.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the STATE and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;

- B. To maintain for the PROJECT in accordance with the provisions of the statutes relating thereto, including, but not limited to, Title 23, U.S.C., Section 116;
- C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
- D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;
- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the STATE.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows

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

Ohio Department of Transportation
Office of Contract Sales & Estimating
1980 West Broad Street, 4th Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.

2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.
3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The STATE may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.

6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL
(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

LOCAL PUBLIC AGENCY
City of Brook Park

Director of Transportation

Mayor

Date

Approved:
Dave Yost
Attorney General of Ohio

By: _____
Alan H. Klodell
Senior Assistant Attorney General
Executive Agencies Section, Transportation Unit

CITY OF BROOK PARK, OHIO

ORDINANCE NO.: _____

INTRODUCED BY: MAYOR ORCUTT

A RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF NICOLE KRUCKIE AND BILL SHEPPARD TO THE TAX INCENTIVE REVIEW COUNCIL OF THE CITY OF BROOK PARK, AND DECLARING AN EMERGENCY

WHEREAS: Pursuant to the authority of Section 5709.85 of the Ohio Revised Code, the Mayor has appointed Nicole Krucke and Bill Sheppard to the Tax Incentive Review Council of the City of Brook Park; and

WHEREAS: Council desires to approve these appointments.

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

SECTION 1: Council hereby approves the Mayor's appointment of Nicole Krucke and Bill Sheppard to the Tax Incentive Review Council of the City of Brook Park, effective upon approval of this Resolution.

SECTION 2: This Resolution shall supersede all previously adopted Resolutions in direct conflict herewith.

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

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 the city, and for the further reason that it is immediately necessary to approve the Mayor's appointments to the Tax Incentive Review Council.

THEREFORE, Provided this Resolution receives the affirmative vote of two-thirds of all 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.

PRESIDENT OF COUNCIL

APPROVED: _____
MAYOR

DATE : _____

ATTEST: _____
CLERK OF COUNCIL

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

DIRECTOR OF LAW

William Robert Shepard

Contact Information

15832 Ashland Drive

Brook Park, Ohio 44142

wshepard5@aol.com- Resident 54 Years

Employment History

1965-1969 Rini-Southland Shopping Center Middleburg Heights, Ohio

1969-1974 Murman SUPERVALU Rocky River, Ohio

1974-2002 PickNPay/Finast/Tops Supermarket N Olmsted/Berea/ Shaker Hts/Parma

Retired -6/2002

6/2002-2013 Bureau of Motor Vehicles --North Olmsted Ohio

Retired -6/2013

Employment Responsibilities

Data Entry-Computer to State of Ohio

Computer data for Store Ordering System- grocery /Produce departments

Floral Designer

Produce/floral Display production and planning

Cashier/bank liaison

Community Volunteer Involvement

PSR/CCD Teacher -Assumption of Mary and St Peter the Apostle 14 years

Council President of St Peter the Apostle Parish -- 8 Years

Multiple Parish Committee Chair positions over 58 Years (CYO,CYO sports, Evangelization, and parish teams)

Citizen of the Year Committee

Grocery Local 880 Member and representative 1965-2002

MEMO

TO:	Carol Johnson, Clerk of Council w/Enclosures
CC:	Mayor Orcutt Carol Horvath, Law Director brookparksalvatore@gmail.com troyerbpcouncil@gmail.com jamesmencini@yahoo.com sroberts@cityofbrookpark.com rscott@cityofbrookpark.com tdufour@cityofbrookpark.com bpoindexter@cityofbrookpark.com dmccorkle@cityofbrookpark.com w/out Enclosures
FROM:	Carol Dell, Secretary BZA & Planning Commission Secretary
DATE:	July 9, 2025
RE:	Planning Commission Recommendation

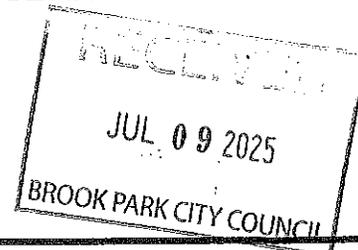
The Brook Park Planning Commission met on July 7, 2025, regarding approval for a Stormwater Access Easement. By vote of 6-0, the Planning Commission voted to recommend approval for a Stormwater Access Easement, for the following:

- REQUEST A STORMWATER ACCESS EASEMENT AT 5370 WEST 130TH STREET | LOCATED IN THE U5-C ZONING DISTRICT | ORDINANCE 11.03**
Planning Commission's recommendation for this project must be forwarded to City Council for final action

The Planning Commission herein submits its recommendation to City Council that they, by Resolution prepared and approved by the Law Department, Affirm or Deny the Vote of the Planning Commission at the next regularly scheduled meeting.

See attached Engineer's comments, Building Commissioner's comments, Fire Prevention Officer comments, and the 2025 Planning Commission Application.

If additional information is required, please feel free to contact me.



PAGE 2
JULY 8, 2025

AGENT & PROPERTY OWNER:

ATS Holdings, LLC – Andriy Stodolskiy (andriy2008@hotmail.com)
5370 West 130th Street
Brook Park, Ohio 44142

Thank you,

Carol Dell

Secretary, City of Brook Park Planning Commission
Building Department 216/433-7412 (cdell@cityofbrookpark.com)

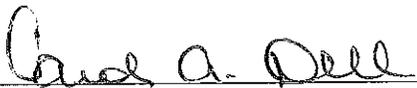
BROOK PARK PLANNING COMMISSION

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Secretary, Planning Commission

7-9-25

Date



CITY OF BROOK PARK

BUILDING DEPARTMENT | 5590 Smith Road | Brook Park | Ohio | 44142

JUN - 7, 2025

| Email | buildingdept@cityofbrookpark.com
| Office | 216.433.7412

2025 PLANNING COMMISSION APPLICATION

PROJECT ADDRESS	5370 West 130th St	<input type="checkbox"/> RESIDENTIAL	<input checked="" type="checkbox"/> COMMERCIAL	ZONE	U5-C
PARCEL #	344-08-010	BUSINESS NAME (If Applicable)		ATS Express	

PROPERTY OWNER NAME(S)	ATS HOLDINGS LLC - Andriy Stodolskiy				<input checked="" type="checkbox"/> Will Attend Meeting
Phone #	(216) 544-2585	Email	andriy2008@hotmail.com		
Street Address	5370 W130th	City	Brook Park	Zip	
AGENT/CONTACT PERSON NAME(S)	Same as owner				<input type="checkbox"/> Will Attend Meeting
Phone #		Email			
Street Address		City		Zip	

APPROVAL(S) REQUESTED	<input type="checkbox"/> Aesthetic / Project ²	<input type="checkbox"/> Conditional Use Permit ²	
	<input type="checkbox"/> Front Porch	<input type="checkbox"/> Billboard ¹	<input type="checkbox"/> Telecommunication Tower ¹
	<input type="checkbox"/> Re-Zone ³	<input type="checkbox"/> Lot Split ^{3,4}	<input type="checkbox"/> Lot Consolidation ^{3,4}
	<input checked="" type="checkbox"/> Other: Stormwater Access Easement		
	<i>¹ Provide Construction Drawings and/or Structural calculations</i>		
	<i>² Provide Detailed Business Plan per City Ordinance 1121.34</i>		
	<i>³ Provide Legal Description</i>		
	<i>⁴ Provide Lot Split / Consolidation Plat and Mylar</i>		

SUMMARY OF REQUEST	Stormwater access easement so the city can access stormwater control measures on site should they need to be maintained. Engineering has asked us to have this approved by Planning.
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APPLICANT SIGNATURE		<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Agent	DATE	06/03/25
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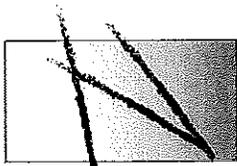
STORMWATER MANAGEMENT AND ACCESS EASEMENT

Know All Men By These Present:

That **ATS Holdings LLC** (“Grantor”), for and in consideration of the sum of ten dollars (\$10.00), and for other good and valuable considerations paid to the Grantor by **The City of Brook Park** (“Grantee”), does hereby declare and grant a perpetual storm water management and access easement for the purpose of granting access to the storm water management facilities and construction and repair of such facilities on Grantor’s property described as Cuyahoga County P.P.N. 344-08-010 and more particularly described in Exhibit A attached hereto. Grantee’s access over Grantor’s real property is described as the Proposed Stormwater Easement which is depicted in Exhibit B (the “Storm Water Easement Area”) attached hereto and incorporated herein by this reference.

Grantor, its successors and assigns are responsible for all inspections and maintenance of the storm water management facilities to maintain them in good condition and repair at its own cost. Grantee and its agents shall have the perpetual right to re-enter the Storm Water Easement Area to inspect all systems and perform any and all construction, repair, and maintenance to the Storm Water Easement Area at the Grantor’s expense if the Grantor has not remedied the condition after being provided a thirty (30) day advanced written notice to cure.

This easement and the rights and obligations shall run with the land and shall be binding upon both parties and their respective heirs, personal representatives, successors in title and assigns.



NEFF & ASSOCIATES

Civil Engineers · Landscape Architects · Planners · Surveyors
Traffic Engineers · Environmental Engineers

Legal Description

SCM Easement

ATS Express

P.P.N. 344-08-010

File No. 15048-LD001

May 20, 2025

Page 1 of 2

Situated in the City of Brookpark, County of Cuyahoga, State of Ohio and known as being part of Original Middleburg Township Lot No. 1, Section No. 1:

Beginning at a capped 5/8" iron pin at the Southeast corner of lands conveyed to Realty Income Corp. by deed recorded in A.F.N. 202501130429 of Cuyahoga County Records and on the Westerly right of way for West 130th Street (Width Varies);

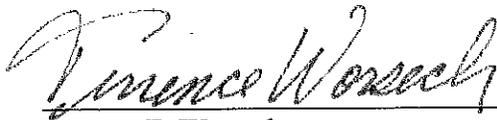
Thence North 00°37'11" East, along the Westerly right of way of said West 130th Street, a distance of 197.94 feet to the principal point of beginning for the easement hereinafter described;

- Course 1 Thence South 89°59'11" West, a distance 324.70 feet;
- Course 2 Thence South 00°26'10" West, a distance of 116.12 feet;
- Course 3 Thence South 89°54'21" West, a distance of 20.35 feet;
- Course 4 Thence South 00°00'00" East, a distance of 11.22 feet;
- Course 5 Thence North 90°00'00" West, a distance of 59.49 feet;
- Course 6 Thence North 00°00'00" East, a distance of 147.34 feet;
- Course 7 Thence North 89°59'10" East, a distance of 405.64 feet to a point on the Westerly right of way for said West 130th Street;
- Course 8 Thence South 00°37'11" West, along the Westerly right of way of said West 130th Street a distance of 20.00 feet to the Principal Point of Beginning and containing **0.4155 Acres (18,100 Square Feet)** of land, prepared by Terrence E. Worsech, Registered Surveyor No. 8138-Ohio of Neff & Associates.

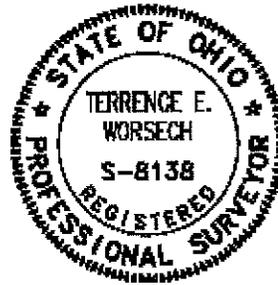
Be the same more or less, but subject to all legal highways and easements of record.

Legal Description
SCM Easement
ATS Express
P.P.N. 344-08-010
File No. 15048-LD001
May 20, 2025
Page 2 of 2

Basis of Bearings for this survey is NAD83 (2011) Ohio State Plane Coordinate System, North Zone (3401) and is used to denote angles only.



Terrence E. Worsch
Registered Survey No. 8138-Ohio



PPN: 344-08-016
 BRUNO PROPERTIES, INC
 A.F.N. 200006220704

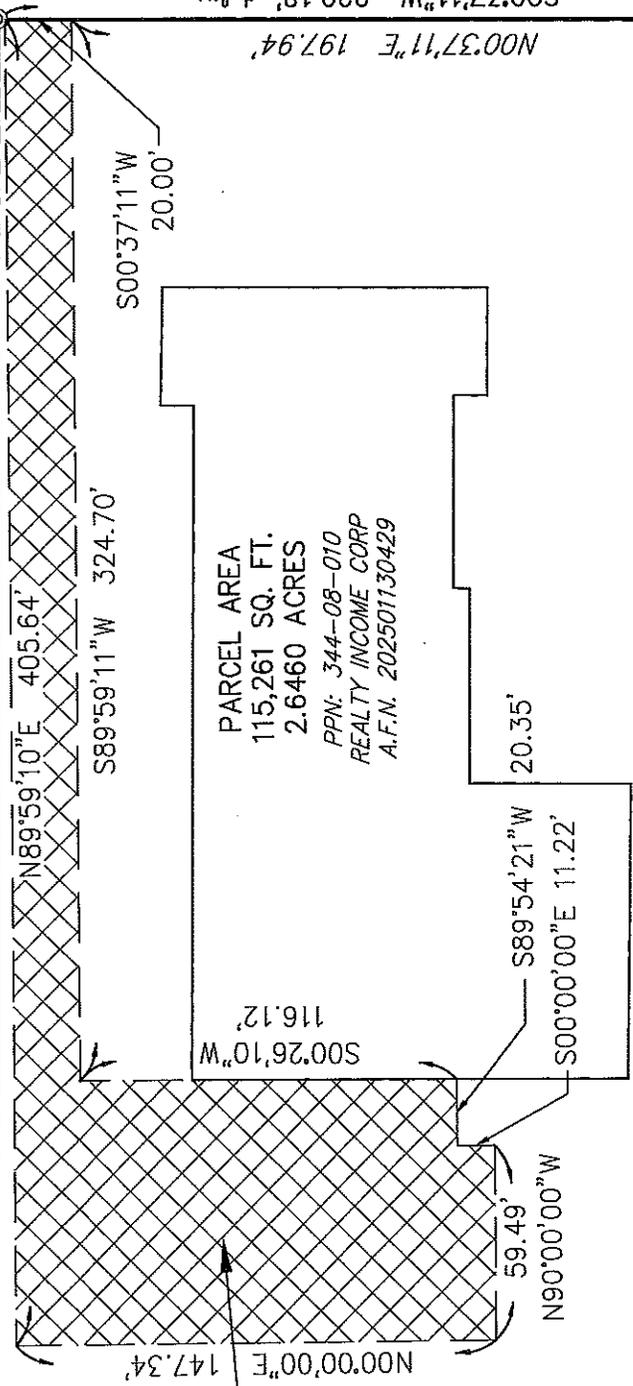
5/8" i.pin capped "Kukic"
 fd. S34°55'58"E 0.64'

PPN: 344-08-027
 JCS PROPERTIES LLC
 A.F.N. 199905280114

S89°24'01"E 527.96' c.&u.

3/4" i.pipe fd.
 N58°38'13"E 0.21'

WEST 130TH STREET (WIDTH VARIES)
 (A PUBLIC ROADWAY)
 CITY OF BROOK PARK
 CITY OF PARMA



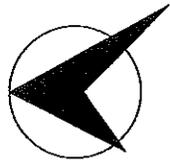
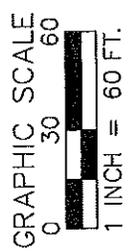
SCM EASEMENT
 18,100 S.F.
 0.4155 ACRES

PARCEL AREA
 115,261 SQ. FT.
 2.6460 ACRES
 PPN: 344-08-010
 REALTY INCOME CORP
 A.F.N. 202501130429

N89°01'20"W 528.60' d. 527.36' c.&u.

PPN: 344-08-011
 VENTOR AVENUE LTD
 A.F.N. 202409200156

5/8" i.pin illegible
 cap fd.&u.
 N89°01'20"W
 40.00' r.&u.



NEFF
 & ASSOCIATES

Civil Engineers - Landmarks Architects - Planners - Surveyors
 6409 Terminal Park Heights, Ohio 44130
 Tel: 440.884.3100 | Fax: 440.884.3104
 www.neffassociates.com

CITY OF BROOKPARK, OHIO
 05/20/25 JOB#15048

SCM EASEMENT EXHIBIT

ATS EXPRESS

MEMO

TO: Jason Monaco, Building Commissioner

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

DATE: June 20, 2025

SUBJECT: 5370 West 130th Street -- ATS (SWCM Easement) -- Planning Commission

CC:

Mr. Monaco:

I have reviewed the Planning Commission Application (July 2025 Meeting) for the Storm Water Access Easement located at 5370 West 130th Street (ATS Express) and recommend the same for approval.

Please advise me if you have any questions or require additional information.

EUTHENICS, INC.



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



Planning Commission July 7, 2025 Meeting Building Department Notes

5370 West 130th St., parcel # 344-08-010 – The applicants are requesting approval for a Stormwater Access Easement between ATS Holdings LLC and the City of Brook Park. Ord. 11.03 requires that all Stormwater Access Easements go before the Planning Commission for approval.

SECTION 11.03 PLANNING COMMISSION.

(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 a two-thirds (2/3) affirmative vote of all members of the Council for passage.

921.09 EASEMENTS.

Future access to all SCM and other areas, as required by the City Engineer, shall be secured by means of easements.

(a) Easements shall be approved by the City Engineer and shall be recorded with the Cuyahoga County Auditor and on all property deeds.

(b) Unless otherwise required by the City Engineer, access easements between a public right-of-way and all SCM shall be no less than 20-foot wide. The easement shall also incorporate the entire SCM, plus an additional 15-foot wide band around the perimeter of the SCM.

(c) The easement shall be graded and/or stabilized as necessary to allow maintenance equipment to access and manipulate around and within each facility, as defined in the inspection and maintenance agreement for the site.

(d) Easements to structural SCM shall be restricted against the construction therein of buildings, fences, walls, and other structures that may obstruct the free flow of storm water and the passage of inspector and maintenance equipment; and against the changing of final grade from that described by the final grading plan approved by the City. Any re-grading and/or obstruction placed within a maintenance easement may be removed by the City at the property owners' expense.



June 18, 2025

Board of Zoning and Planning Commission
City of Brook Park

INRE: 07/07/2025 Planning & Zoning Meeting submittals

The Fire Department has the following concerns after review of preliminary Circle K plans:

- Fire department access into and around the facility needs to meet the turning radius of our largest apparatus.
- There are no hydrant locations noted. A hydrant must be within 300 feet of any part of the building as measured along streets, roadways or driveways and spacing of hydrants around buildings shall not be more than 300 feet apart.
- An emergency shutoff needs to be provided in accordance with Rule 23 of the Ohio Fire Code.
- Below ground fuel tanks must comply with Rule 23 and Rule 57 of the Ohio Fire Code and a permit application must be submitted to the fire department.
- Proper signage, signage material, attendant training and approved emergency procedures need to be included as defined in Rule 23 of the Ohio Fire Code.
- Portable fire extinguishers need to be provided in accordance with Rule 23 of the Ohio Fire Code.
- A hardcopy of plans needs to be submitted to the fire department.

Regards,

Patrick M. Johnson

Brook Park Fire Department
17401 Holland Road
Brook Park, OH 44142
(216) 433-7204