

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JANUARY 3, 2017
7:00 P.M.**

A. ROLL CALL OF MEMBERS

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. SPECIAL COUNCIL MEETING & EXECUTIVE SESSION HELD ON JUNE 14, 2016.
2. REGULAR COUNCIL MEETING HELD ON JUNE 21, 2016.

D. REPORTS OF STANDING COMMITTEES:

| | |
|--|-------|
| AVIATION & ENVIRONMENTAL (Powers) | _____ |
| FINANCE COMMITTEE (Co-Chairman, Troyer) | _____ |
| LEGISLATIVE COMMITTEE - (Troyer) | _____ |
| PARKS & RECREATION COMMITTEE (Mencini) | _____ |
| PLANNING COMMITTEE - (Troyer) | _____ |
| SAFETY COMMITTEE - (Salvatore) | _____ |
| SERVICE COMMITTEE - (Burgio) | _____ |
| BOARD OF ZONING APPEALS - (Scott) | _____ |

E. REPORTS OF SPECIAL COMMITTEES:

| | |
|--|-------|
| SOUTHWEST GENERAL HEALTH CENTER - TRUSTEE (Salvatore) | _____ |
| BEREA BOARD OF EDUCATION COMMITTEE (Burgio) | _____ |

F. REPORTS OF BOARDS AND COMMISSIONS:

G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

H. REPORTS AND COMMUNICATIONS FROM THE MAYOR:

I. REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS AND OTHER PUBLIC OFFICIALS:

J. OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):

K. MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

L. REMARKS FROM THE AUDIENCE ON THE ORDINANCES AND/OR RESOLUTIONS THAT PERTAIN TO ITEMS ON THE AGENDA:

M. INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

N. SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 10062-2016, ENACTING SECTION 509.15 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PROHIBITING NUISANCE PARTIES' AND DECLARING AN EMERGENCY. Introduced by Council President Astorino, Council Members Troyer, Powers, McCormick, Mencini, Scott, Burgio, Salvatore and Mayor Coyne

2. ORDINANCE NO. 10063-2016, ENACTING SECTION 529.022 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'UNAUTHORIZED CONSUMPTION BY UNDERAGE PERSON ON PRIVATE PROPERTY AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne, Council Members Troyer, Mencini, Powers, Scott, Burgio, Salvatore and Council President Astorino

3. ORDINANCE NO. 10064-2016, AMENDING CHAPTER 153.06 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PAYMENT OF HOSPITALIZATION BENEFITS' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

O. THIRD READING OF ORDINANCES AND RESOLUTIONS:

1. RESOLUTION NO. 40-2016, HONORING THE CLEVELAND INDIANS 2016 AMERICAN LEAGUE CHAMPIONS AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore, Council Members Troyer, Mencini, Powers, Scott, Burgio, McCormick and Council President Astorino

P. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Q. ADJOURNMENT:

**SYNOPSIS OF ORDINANCES AND RESOLUTIONS
FOR THE COUNCIL MEETING OF JANUARY 3, 2017**

SECOND READING:

Ord. No. 10062-2016 AN ORDINANCE ENACTING SECTION 509.15 OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED 'PROHIBITING NUISANCE PARTIES,' AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance enacting a new section of our codified ordinances on prohibiting nuisance parties.

Ord. No. 10063-2016 AN ORDINANCE ENACTING SECTION 529.022 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'UNAUTHORIZED CONSUMPTION BY UNDERAGE PERSON ON PRIVATE PROPERTY,' AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance enacting a new section of our codified ordinances regarding the unauthorized consumption by underage persons on private property.

Ord. No. 10064-2016 AN ORDINANCE AMENDING CHAPTER 153.06 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PAYMENT OF HOSPITALIZATION BENEFITS,' AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance amending section 153.06 of our codified ordinances to amend the age of hospitalization benefits to 65 and include all employees who have retired after 2012 with 10 years of service.

THIRD READING:

Res. No. 40-2016 A RESOLUTION HONORING THE CLEVELAND INDIANS 2016 AMERICAN LEAGUE CHAMPIONS, AND DECLARING AN EMERGENCY.

SYNOPSIS: A resolution declaring the Mayor and Council's wish to recognize honor and thank the 2016 Cleveland Indians for their dedication, strength and perseverance in defeating the Toronto Blue Jays four games to one.

P/C 9-20-16 Legislative
CA 10-11-16
1st R 12-20-16-amended
2nd R 1-3-2017
3rd R _____
B/C 11-22-16
Caucus 10-25-16
Caucus 11-15-16
Caucus 11-22-16

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10062-2016

INTRODUCED BY: COUNCIL PRESIDENT ASTORINO, COUNCIL MEMBERS TROYER, POWERS, McCORMICK, MENCINI, SCOTT, BURGIO, SALVATORE AND MAYOR COYNE

AN ORDINANCE
ENACTING SECTION 509.15 OF THE
BROOK PARK CODIFIED ORDINANCES,
ENTITLED 'PROHIBITING NUISANCE PARTIES,'
AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park has continued to receive complaints of excessive noise and other violations of the law from large parties and gatherings in the City; and

WHEREAS, the City of Brook Park would like to prohibit unruly, nuisance parties within the City limits in order to preserve the peace and tranquility of the City and neighborhoods;

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

SECTION 1: That Section 509.15 of the Brook Park Codified Ordinances, entitled 'Prohibiting Nuisance Parties' is hereby enacted to read as follows:

509.15

(a) Nuisance Party Defined. A social gathering or party which is conducted on premises within the City and which, by reason of the conduct of the persons in attendance, results in any one or more of the following conditions or events occurring at the site of the said party or social gathering, or on neighboring public private property:

1. Disorderly conduct.
2. Illegal open container.
3. Outdoor urination or defecation in a public place, or on the property of another.
4. Unlawful sale, furnishing, dispensing or consumption of beer or intoxicating liquor; sale or furnishing beer or intoxicating liquor to an underage person.
5. Possession or consumption of beer or intoxicating liquor by an underage person; illegal use of a controlled substance.

6. Public indecency.
7. Unlawful deposit of litter or refuse.
8. Damage or destruction of property without consent of the property owner; unlawful pedestrian or vehicular traffic.
9. Standing or parking of vehicles that obstructs the free flow of traffic on the public streets and sidewalks or that impedes the ability to render emergency services; unlawfully loud noise.
10. Any other conduct or conditions that threatens injury, inconvenience, or alarm to persons or damage to property which is hereby declared to be an unlawful public nuisance.

(b) Duty to Control Premises. A person who is an owner, occupant, tenant, or otherwise has rightful possession or possessory control, individually or jointly with others, of any premises, who either sponsors, conducts, hosts, invites, or permits a social gathering or party on said premises which is or becomes a nuisance party, as defined in division (a), and which nuisance is either the intentional result of, or within the reasonable expectations of, the person or persons having such possessory control is deemed to be in violation of this section.

(c) Order to Cease and Disperse. A party or social gathering that is or becomes a nuisance party, as defined in subsection (a) hereof, shall cease upon the order of the Police Chief, or the Police Chief's designee; and all persons not residing therein at the site of such social gathering or party shall leave the premises immediately. Any person who fails or refuses to obey and abide by such an order shall be guilty of a violation of this Code.

(d) Retaliation. No person shall direct a verbal, physical or electronic act against the person, family or property of any individual who complains of or witnesses a violation of the nuisance party regulations for this purpose of intimidating or retaliating against that person for the exercise of the right to complain or testify to a violation of this Code.

(e) Penalty. Whoever violates this section is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (b) or (c) of this section is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to two violations of this section, a violation of subsection (b) or (c) of this section is a misdemeanor of the first degree. Whoever violates subsection (d) of this section is guilty of a misdemeanor of the first degree.

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 to enact Section 509.15 of the Brook Park Codified Ordinances; 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

P/C 9/20/16 Legislative
CA _____
1st R 12/20/16
2nd R 1/3/2017
3rd R _____
B/C 11/22/16
Caucus 10/25/16
Caucus 11/15/16
Caucus 11/22/16
Caucus 12/13/16

ORDINANCE NO: 10063-2016

INTRODUCED BY: MAYOR COYNE, COUNCIL MEMBERS TROYER, MENCINI, POWERS, SCOTT, BURGIO, SALVATORE, COUNCIL PRESIDENT ASTORINO

AN ORDINANCE
ENACTING SECTION 529.022
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'UNAUTHORIZED CONSUMPTION BY UNDERAGE
PERSON ON PRIVATE PROPERTY,'
AND DECLARING AN EMERGENCY

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

SECTION 1: That Section 529.22 of the Brook Park Codified Ordinances, entitled 'Unauthorized Consumption by Underage Person on Private Property' is hereby enacted to read as follows:

509.022

(a) No person shall knowingly permit any person under the age of 21 who is not their child or ward to consume any beer or intoxicating liquor while such underage person is on real property which is under such person's control, whether by ownership, lease or otherwise, unless that underage person is accompanied by his or her parent or guardian who has consented to such consumption of alcohol.

(b) No person over 18 years of age who resides in this municipality shall negligently permit circumstances to exist at their place of residence (which includes buildings and land), which allows any person under the age of 21 who are not wards or children of such persons to consume beer or intoxicating liquor on such property. Actual consumption of beer or intoxicating liquor by an underage person while on the premises in an element of this offense. For the purpose of this division (b), a court may consider the following circumstances in determining whether a violation has occurred:

1. Whether the adult person or persons in control of the residence departed from the municipality and left the premises occupied by his or her child or ward, who is a minor, without adequate adult supervision, for a period of 24 hours or more.

2. Whether three or more underage persons, not members of the household, congregated on the premises during the absence of the adult person or persons in control of the premises and one or

more of the underage persons consumed beer or intoxicating liquor while on the premises.

3. Whether the adult person or persons in control of a residence notified the Police Department, prior to his or her departure from the municipality, and provided the Police Department with the intended dates and times of his or her departure and return, and the identification of any persons permitted to remain on the premises during his or her absence.

(c) Whoever violates division (a) of this section is guilty of a misdemeanor of the first degree. Whoever violates division (b) of this section is guilty of a minor misdemeanor on the first offense but shall be guilty of a misdemeanor of the fourth degree if a second offense occurs within two years from the date of the first conviction.

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 to enact Section 509.022 of the Brook Park Codified Ordinances; 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: _____

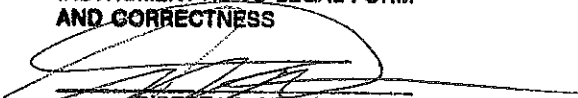
PRESIDENT OF COUNCIL

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

ORDINANCE NO: 10064-2016

INTRODUCED BY: MAYOR COYNE

P/C 12/6/16 Legislative
CA 12/13/16
1st R 12/20/16
2nd R 1/3/17
3rd R _____
B/C _____

AN ORDINANCE
AMENDING CHAPTER 153.06
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'PAYMENT OF HOSPITALIZATION BENEFITS,'
AND DECLARING AN EMERGENCY

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

SECTION 1: Section 153.06 of the Brook Park Codified Ordinances, as enacted by Ordinance No.8225-1996, passed June 18, 1996, and reading as follows:

153.06 PAYMENT OF HOSPITALIZATION BENEFITS.

(a) The Finance Director is hereby authorized to pay, on behalf of all full-time City employees, the Mayor, the Finance Director and the Law Director, other than those previously excepted, who are covered under the City's group hospitalization plan(s), in addition to their regular fixed salary, all hospitalization and/or medical insurance benefits that shall become due on such employee coverage under the City's group hospitalization plan. The City shall not pay hospitalization benefits for employees who retire. However, the City shall pay a retired employee's spouse's premium through the PERS program twice a year, provided that such spouse does not hold a job where hospitalization or similar benefits are paid, and provided, further, that the retiring employee has had ten years of continuous employment with the City prior to retirement. If paid by another company, such spouse is not entitled to hospitalization, nor shall hospitalization be paid by the City. Prescription drug coverage shall be paid by the City for all retired employees.

(b) On behalf of a full-time deceased employee, the Finance Director is hereby authorized to pay hospitalization benefits to the surviving spouse of such deceased employee until or unless the spouse is eligible for the PERS program, in which case the City will reimburse the spouse for premiums twice a year. Such hospitalization benefits shall be terminated and will not be paid by the City when:

(1) The surviving spouse holds a job where hospitalization or similar benefits are paid by another company.

(2) The surviving spouse remarries.

(c) Hospitalization benefits shall be paid by the City up to and until an employee has been terminated.

(d) Under the terms of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), as amended, current or former

employees and their eligible dependents who are covered under a group health plan have the right to elect to temporarily continue health coverage if coverage terminates due to a "qualifying event." Those eligible to continue coverage become "qualified beneficiaries" under this law. (For further explanation and details, see the policy on COBRA notification.)

(e) Effective January 1, 2004, 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 to opt out of the City's medical plan. The employee shall furnish proof that he is covered by another qualified health insurance plan through their spouse. Employees opting out shall receive one thousand two hundred dollars (\$1,200.00) per year bonus, payable monthly to those qualified employees.

is hereby amended to read:

153.06 PAYMENT OF HOSPITALIZATION BENEFITS.

(a) The Finance Director is hereby authorized to pay, on behalf of all full-time City employees, the Mayor, the Finance Director and the Law Director, other than those previously excepted, who are covered under the City's group hospitalization plan(s), in addition to their regular fixed salary, all hospitalization and/or medical insurance benefits that shall become due on such employee coverage under the City's group hospitalization plan.

(b) On behalf of a full-time retired or deceased employee with 10 or more continuous years of service, the Finance Director is hereby authorized to pay hospitalization benefits to the surviving spouse of such deceased employee until or unless the spouse is eligible for the PERS program, in which case the City will reimburse the spouse for premiums twice a year. Such hospitalization benefits shall be terminated and will not be paid by the City when:

(1) The surviving spouse holds a job where hospitalization or similar benefits are paid by another company.

(2) The surviving spouse remarries.

(c) Hospitalization benefits shall be paid by the City up to and until an employee has been terminated.

(d) Under the terms of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), as amended, current or former employees and their eligible dependents who are covered under a group health plan have the right to elect to temporarily continue health coverage if coverage terminates due to a "qualifying event." Those eligible to continue coverage become "qualified beneficiaries" under this law. (For further explanation and details, see the policy on COBRA notification.)

(e) Effective January 1, 2004, a full-time employee of the City may elect to opt out of the City's medical plan. The employee shall furnish proof that he is covered by another qualified health insurance plan through their spouse. Employees opting out shall receive one thousand two hundred dollars (\$1,200.00) per year bonus, payable monthly to those qualified employees.

(f) Retired employees, or their surviving spouses who have had not less than 10 years of consecutive service with the City of Brook Park prior to their retirement, shall be eligible for a Medicare Part B supplement to match the O.P.E.R.S. and Police and Fire Pension fund Medicare Part B reimbursement. The amount of the supplement shall be \$1,200 annually. To be eligible, retirees or surviving spouses must be:

1. Be 65 years of age or older
2. Ceases to participate in state pension offered healthcare
3. Elects to or is mandated into an alternate plan (Medicare or other supplemental insurance)
4. Retiree or surviving spouse must show proof of participation in supplemental plan.

SECTION 2: Former Section 153.06 of the Brook Park Codified Ordinances as enacted by Ordinance No.8225-1996, passed June 18, 1996, is 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 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 of amending Section 153.06 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

CITY OF BROOK PARK, OHIO

P/C 11/15/16 Legislative
CA 11/22/16
1st R 12/6/16
2nd R 12/20/16
3rd R 1/3/2017
B/C _____

RESOLUTION NO. 40-2016

INTRODUCED BY: COUNCILMAN SALVATORE, COUNCIL MEMBERS TROYER, MENCINI, POWERS, SCOTT, BURGIO, MCCORMICK, COUNCIL PRESIDENT ASTORINO

A RESOLUTION
HONORING THE CLEVELAND INDIANS
2016 AMERICAN LEAGUE CHAMPIONS,
AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park is extremely proud to celebrate and honor the 2016 Cleveland Indians American League Champions; and

WHEREAS, the 2016 Cleveland Indians Team, Cody Allen, Trevor Bauer, Mike Clevinger, Corey Kluber, Jeff Manship, Zach McAllister, Ryan Merritt, Andrew Miller, Dan Otero, Danny Salazar, Bryan Shaw, Josh Tomlin, Yan Gomes, Roberto Perez, Jason Kipnis, Francisco Lindor, Michael Martinez, Mike Napoli, Jose Ramirez, Lonnie Chisenhall, Coco Crisp, Rajai Davis, Brandon Guyer, Tyler Naquin and Carlos Santana and Manager Terry Francona deserve honor, praise and congratulations on winning the American League Championship; and

WHEREAS, the success of the 2016 Cleveland Indians has stimulated the local economy and generated millions of dollars in local economic activity; and

WHEREAS, the 2016 Cleveland Indians put the thrill and excitement back in our hearts in the "CLE" and the "216."

WHEREAS, the Cleveland Indians with their Manager, Terry Francona won their first AL Central title in nine years, set a franchise record with 14 straight wins and owned first place for more than 100 days;

WHEREAS, the Cleveland Indians won the 2016 American League Championship Series (ALCS) against the Toronto Blue Jays for the American League (AL) Pennant and the right to play in the 2016 World Series; and

WHEREAS, the entire 2016 Cleveland Indians Team along with Manager Terry Francona, General Manager Mike Chernoff, and Owners

Larry Dolan and Paul Dolan secured the American League Championship;

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

SECTION 1: The Mayor and Council wish to recognize, honor, and thank the 2016 Cleveland Indians for their dedication, strength and perseverance in defeating the Toronto Blue Jays four games to one.

SECTION 2: The Clerk of Council is hereby directed to forward a certified copy of this Resolution to the majority owner and chairman Paul Dolan, Progressive Field, 2401 Ontario Street, Cleveland, OH 44115.

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.

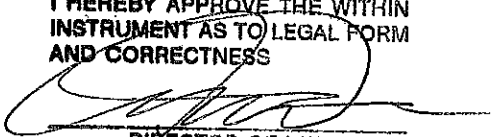
SECTION 4: This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for further reason to honor and congratulate the 2016 Cleveland Indians on their 2016 American League Championship; therefore, provided this Resolution 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


DIRECTOR OF LAW

DATE