

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, FEBRUARY 2, 2016  
7:00 P.M.**

**A. ROLL CALL OF MEMBERS**

**B. PLEDGE OF ALLEGIANCE**

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

1. REGULAR COUNCIL MEETING HELD ON JANUARY 19, 2016.

**D. REPORTS OF STANDING COMMITTEES:**

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

**E. REPORTS OF SPECIAL COMMITTEES:**

SOUTHWEST GENERAL HEALTH CENTER - TRUSTEE (Salvatore) \_\_\_\_\_  
BEREA BOARD OF EDUCATION COMMITTEE (Burgio, McCormick) \_\_\_\_\_

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

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

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

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

**J. OTHER COMMUNICATIONS, 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 RESOLUTIONS AND ORDINANCES: (FIRST READING):**
  - 1. ORDINANCE NO. 9997-2016, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR REPAIR AND RESURFACE OF SNOW ROAD (PID 100238) AND DECLARING AN EMERGENCY  
Introduced by Mayor Coyne
  
- N. INTRODUCTION OF RESOLUTIONS AND ORDINANCES: (SECOND READING):**
  
- O. THIRD READING OF RESOLUTIONS AND ORDINANCES:**
  
- P. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**
  
- Q. ADJOURNMENT:**

Updated 2016

**SYNOPSIS OF RESOLUTIONS**  
**FOR THE COUNCIL MEETING OF TUESDAY, FEBRUARY 2, 2016**

**FIRST READING:**

Ord. No.9997-2016      AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR REPAIR AND RESURFACE OF SNOW ROAD (PID 100238), AND DECLARING AN EMERGENCY.

SYNOPSIS:      An ordinance authorizing the Mayor to enter into an agreement with ODOT for the repair and resurface project of Snow Road from SR-237 to West 130<sup>th</sup> Street.

**PREPARED BY THE BROOK PARK LEGAL DEPARTMENT**  
**January 27, 2016**

P/C 1/19/16 Service  
CA 1/26/16  
1st R 2/2/16  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 9997-2016

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE  
AUTHORIZING THE MAYOR TO ENTER INTO AN  
AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION  
FOR REPAIR AND RESURFACE OF SNOW ROAD (PID 100238)  
AND DECLARING AN EMERGENCY

WHEREAS, Section 5501.03 of the Ohio Revised Code provides that the Director of the Ohio Department of Transportation (ODOT) may coordinate the activities of the Department with other appropriate public authorities and enter into contracts with such authorities as necessary to carry out its duties, powers and functions; and

WHEREAS, the Repair and Resurface Project for Snow Road from SR-237 to West 130<sup>th</sup> Street in the City of Brook Park (PID 100238) is a transportation project eligible to receive state funding; and

WHEREAS, the City of Brook Park (hereinafter referred to as "LPA") has received approval for the project listed above from the Planning Engineer having responsibility for the project involved pursuant to the terms set forth in Exhibit "A"; and

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

SECTION 1: The Mayor is hereby authorized to enter into agreements with ODOT as necessary for the Repair and Resurface Project of Snow Road from SR-237 to West 130<sup>th</sup> Street (PID 100238).

SECTION 2: The money needed to complete the aforesaid transaction shall be paid from the Snow Road Resurfacing Fund 520 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 the City desires to complete this work as soon as possible; therefore, provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon 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

## Exhibit A

1. Project Description - To repair and resurface Snow Road from the Berea Freeway (SR-237) to West 130th Street (PID 100238), a distance of 2.8 miles, more or less in the City of Brook Park.
  
2. Cost and Expense - The City of Brook Park agrees to assume and contribute the entire cost and expense of the improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation. And further, the City of Brook Park agrees to assume and bear one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation.  
  
Cost and Expense - The City of Brook Park agrees to assume and contribute one hundred percent (100%) of the cost of any work included in the construction contract, at the request of the City of Brook Park, which is determined by the Director not to be part of or made necessary by the improvement.
  
3. Utilities and Right-of-Way - The City of Brook Park agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The City of Brook Park also understands that right-of-way costs include eligible utility costs. The City of Brook Park agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.
  
4. Maintenance - Upon completion of the described Project, and unless otherwise agreed, the City of Brook Park shall: (1) provide adequate maintenance for the described Project in accordance with all applicable State and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.