

**REGULAR CAUCUS MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, OCTOBER 25, 2016  
7:00 P.M.**

**I. ROLL CALL OF MEMBERS**

**II. PLEDGE OF ALLEGIANCE**

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

1. REGULAR CAUCUS MEETING HELD ON APRIL 26, 2016.

**IV. DISCUSSION:**

1. 2017 CAUCUS AND COUNCIL MEETING SCHEDULE - PER COUNCIL PRESIDENT ASTORINO
2. COUNCIL RULE NO. 27 - PER COUNCIL PRESIDENT ASTORINO
3. AN ORDINANCE AMENDING SECTION 123.01 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'POSTING PLACES' AND DECLARING AN EMERGENCY. Introduced by Council President Astorino - PER COUNCIL PRESIDENT ASTORINO
4. TABLETS/LAPTOPS - PER COUNCIL PRESIDENT ASTORINO
5. MARIJUANA PUBLIC HEARINGS - PER COUNCIL PRESIDENT ASTORINO

V. **AVIATION & ENVIRONMENTAL COMMITTEE - CHAIRWOMAN, POWERS:**

1. A RESOLUTION URGING THE FEDERAL AVIATION ADMINISTRATION TO HAVE A COMMUNITY MEETING WITH THE CITY OF BROOK PARK IN REFERENCE TO THE FLIGHTS PATHS AT CLEVELAND HOPKINS INTERNATIONAL AIRPORT AND DECLARING AN EMERGENCY. Introduced by Councilman Burgio. **Placed in committee 10/18/16**

VI. **FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK:**

1. AN ORDINANCE AUTHORIZING THE RENEWAL OF THE BROOK PARK HOME MAINTENANCE ASSISTANCE GRANT PROGRAM (HMAP) FOR 2017. Introduced by Council Members McCormick, Troyer, Powers and Council President Astorino. **Placed in committee 9/20/2016; Caucus 10/11/16**  
**In attendance per Council request** - Economic Development Commissioner Dolan.
2. AN ORDINANCE AUTHORIZING THE CITY OF BROOK PARK TO PROVIDE A JOB RETENTION & BUSINESS EXPANSION GRANT TO DRABIK MANUFACTURING, INC. 15601 COMMERCE PARK DRIVE. Introduced by Mayor Coyne. **Placed in committee 5/17/16.**  
**In attendance:** Economic Development Commissioner Dolan.
3. AN ORDINANCE AUTHORIZING THE MAYOR TO ALLOW TRANSFER OF A PARCEL OF PROPERTY LOCATED AT 16513 HUMMEL ROAD AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne. **Placed in committee 6/7/16; Caucus 6/17/16; Back to committee 6/14/16.** **In attendance:** Economic Development Commissioner Dolan.

4. AN ORDINANCE AUTHORIZING THE CITY OF BROOK PARK TO PROVIDE A JOB RETENTION, BUSINESS EXPANSION & GRANT TO JAMES C. & MARY ANN WHITE TO FACILITATE THE RETENTION & EXPANSION OF BLUE LINE RENTALS, 16000 BROOKPARK ROAD, OHIO AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne. **Placed in committee 10/18/16. In attendance:** Economic Development Commissioner Dolan.

**VII. LEGISLATIVE COMMITTEE - CHAIRMAN, TROYER:**

1. AN ORDINANCE ENACTING SECTION 509.15 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PROHIBITING NUISANCE PARTIES' AND DECLARING AN EMERGENCY. Introduced by Council President Astorino, Councilmembers Troyer, Powers, McCormick. **Placed in committee 9/20/16; Caucus 10/11/16.**  
**In attendance per Council request:** Police Chief Foster
2. 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. Introduced by Mayor Coyne. **Placed in committee 9/20/16; Caucus 10/11/16.**  
**In attendance per Council request:** Police Chief Foster

**VIII. ADJOURNMENT:**

**Posted 10/21/2016**

**2017 CAUCUS AND COUNCIL MEETINGS**

**JANUARY**  
3  
10  
17  
24

**Holidays Observed**  
New Year's Day 1/1/17  
Martin Luther King Jr. 1/16/17

**FEBRUARY**  
7  
14  
21  
28

President's Day 2/20/17

**MARCH**  
7  
14  
21  
28

**APRIL**  
4  
11  
18  
25

**MAY**  
2  
9  
16  
23

Memorial Day 5/29/17

**JUNE**  
6  
13  
20  
27

**2017 CAUCUS AND COUNCIL MEETINGS**

**JULY**  
4  
11  
18  
25

**Holidays Observed**  
Independence Day 1/4/17

**AUGUST**  
1  
8  
15  
22

**SEPTEMBER**  
5  
12  
19  
26

Labor Day 9/4/17  
Primary Election 9/12/17

**OCTOBER**  
3  
10  
17  
24

**NOVEMBER**  
7  
14  
21  
28

General Election 11/7/17  
Veteran's Day 11/11/17  
Thanksgiving Day 11/23/17  
Day after Thanksgiving 11/24/17

**DECEMBER**  
5  
12  
19  
26

Christmas Day 12/25/17

Caucus and Council meetings begin at 7:00 p.m.

Caucus and Council meetings begin at 7:00 p.m.

## **RULE 27:OFFICE ADMINISTRATOR**

The Council President shall be the administrator of the Office of Council with the responsibility of directing the day-to-day operations of the office, in accordance with the policies established by the majority members of Council, in addition, the Council President shall follow the personnel policies and procedures adopted by Council on November 26, 1991. All rules and regulations can be amendable or nullified by a majority of Council. All expenditures in excess of five hundred dollars (\$500.00) must be approved by Council. The administrator shall serve at the pleasure of Council. (Amended 2/3/98 – Verbal Approval.)

PROPOSED AMENDMENT TO COUNCIL RULES (2016-2017)

## **RULE 27:OFFICE ADMINISTRATOR**

The Council President **Pro-Tempore** shall be the administrator of the Office of Council with the responsibility of directing the day-to-day operations of the office, in accordance with the policies established by the majority members of Council, in addition, the Council President **Pro-Tempore** shall follow the personnel policies and procedures adopted by Council on November 26, 1991. All rules and regulations can be amendable or nullified by a majority of Council. All expenditures in excess of five hundred dollars (\$500.00) must be approved by Council. The administrator shall serve at the pleasure of Council. (Amended 2/3/98 – Verbal Approval.)

CITY OF BROOK PARK, OHIO

P/C \_\_\_\_\_  
CA 10/25/16  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

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

INTRODUCED BY: COUNCIL PRESIDENT ASTORINO

AN ORDINANCE  
AMENDING SECTION 123.01  
OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED  
'POSTING PLACES,'  
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 123.01 of the Brook Park Codified Ordinances, passed by Ordinance No. 4338-1975, passed August 12, 1975; Resolution No. 33-1960, passed November 1, 1960; and Ordinance No. 6228-1982, passed November 1, 1982 and reading as follows:

**123.01 POSTING PLACES.**

(a) The following locations in the City are hereby determined to be the six most public places and are hereby designated as the posting places for all resolutions, ordinances, notices and other matters required by law or ordinance to be published:

- (1) City Hall 6161 Engle Road
- (2) Police Station 17401 Holland Road
- (3) Fire Station No. 1 5590 Smith Road
- (4) Fire Station No. 2 22530 Ruple Road
- (5) Fire Station No. 3 17401 Holland Road
- (6) Brook Park Library 6155 Engle Road

(b) The Council Clerk is hereby directed to post all ordinances, resolutions, notices, proclamations, statements, orders and reports required by law or ordinance to be published at the aforesaid locations in the City.

(c) Agenda.

(1) The Clerk of Council is hereby directed to post a copy of the agenda for all regular Council Meetings, seventy-two hours prior to a scheduled meeting, at the six most public places in the City as designated in subsection (a) hereof; and

(2) The Clerk of Council is directed to provide the local cable television company with a copy of the agenda for all

regular Council Meetings, seventy-two hours prior to a scheduled meeting.

is hereby amended to read:

**123.01 POSTING PLACES.**

(a) The following locations in the City are hereby determined to be the five most public places and are hereby designated as the posting places for all resolutions, ordinances, notices and other matters required by law or ordinance to be published:

- (1) City Hall, 6161 Engle Road
- (2) Police Station, 17401 Holland Road
- (3) John A. Polonye Community Center, 17400 Holland Road
- (4) Fire Station, 17401 Holland Road
- (5) Brook Park Library, 6155 Engle Road

(b) The Council Clerk is hereby directed to post all ordinances, resolutions, notices, proclamations, statements, orders and reports required by law or ordinance to be published at the aforesaid locations in the City and on the City Council's website.

(c) Agenda.

(1) The Clerk of Council is hereby directed to post a copy of the agenda for all regular Council Meetings, seventy-two hours prior to a scheduled meeting, at the five most public places in the City as designated in subsection (a) and on City Council's website.

**SECTION 2:** Former Section 123.01 of the Brook Park Codified Ordinances, as passed by passed, Ordinance No. 4338-1975, passed August 12, 1975; Resolution No. 33-1960, passed November 1, 1960; and Ordinance No. 6228-1982, passed November 1, 1982 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 public peace, health, safety and welfare of said City, and for the further reason to amend Section 123.01 of the Brook Park Codified Ordinances 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.

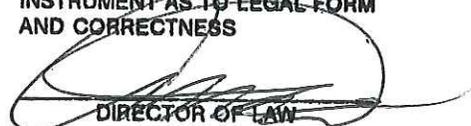
PASSED: \_\_\_\_\_

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

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

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

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

  
DIRECTOR OF LAW

\_\_\_\_\_  
DATE

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RECEIVED

NOV 10 1901

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P/C 10/18/16 Aviation  
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CITY OF BROOK PARK, OHIO

RESOLUTION NO. \_\_\_\_\_

INTRODUCED BY: COUNCILMAN BURGIO

A RESOLUTION  
URGING THE FEDERAL AVIATION ADMINISTRATION  
TO HAVE A COMMUNITY MEETING WITH THE  
CITY OF BROOK PARK IN REFERENCE TO THE  
FLIGHTS PATHS AT CLEVELAND HOPKINS INTERNATIONAL AIRPORT,  
AND DECLARING AN EMERGENCY

WHEREAS, the Federal Aviation Administration ("FAA") is seeking public comment on routes that airplanes should fly in and out of Cleveland Hopkins International Airport; and

WHEREAS, the FAA is preparing to convert the airspace around Cleveland Hopkins International Airport to satellite-based navigation from ground-based navigation; and

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

SECTION 1: That the Council of the City of Brook Park, hereby requests the FAA to meet with the City of Brook Park so that we may have our own community meeting and input before it draws new flight paths for Cleveland Hopkins International Airport.

SECTION 2: The Clerk of Council is hereby directed to forward a certified copy of this Resolution to Barry Cooper, Great Lakes Regional Administrator, Federal Aviation Administration, O'Hare Lake Office Center, 2300 East Devon Avenue, Des Plaines, IL 60018 and to Fred Szabo, Interim Director of Port Control, 5300 Riverside Drive, Cleveland, OH 44135.

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 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 that the City of Brook Park requests the FAA to meet with the City regarding change in flight patterns; 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: \_\_\_\_\_

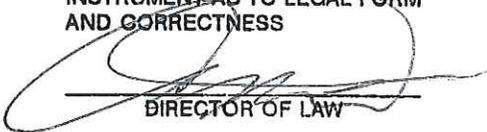
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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

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

\_\_\_\_\_  
DATE

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

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

P/C 9/20/16 Finance  
CA 10/11/16  
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2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_  
Caucus 10/25/16

CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: COUNCIL MEMBERS MCCORMICK, TROYER, POWERS AND COUNCIL PRESIDENT ASTORINO

AN ORDINANCE

AUTHORIZING THE RENEWAL OF THE BROOK PARK HOME MAINTENANCE ASSISTANCE GRANT PROGRAM (HMAP) FOR 2017

WHEREAS, City Council appropriated \$100,000 in the 2016 budget to provide home maintenance assistance to Brook Park residents;

WHEREAS, response to the 2016 Home Maintenance and Assistance Program has exceed available funding;

WHEREAS, the City of Brook Park has encourages the development and maintenance of real property within the City's LMI (low/moderate income) and Target Improvement Area zones;

WHEREAS, financial assistance from the City of Brook Park is necessary to permit residents to effectuate the remediation and repairs to their residential properties and to protect the community from blight and deterioration; and

WHEREAS, the City of Brook Park, having the appropriate authority for the stated type of project, is desirous or providing its residents with assistance and incentives to protect their properties and to prevent deterioration and decay of its residential neighborhoods consistent with the purposes of Section 13 of Article VIII of the Ohio Constitution to eradicate and mitigate blight within the City, and to improve the economic welfare of the State; and

WHEREAS, the Council of the City of Brook Park has previously authorized the Mayor and Finance Director to issue grants and loans in order to implement HMAP in the City and believes that continuing the program in 2017 will greatly assist homeowners and city officials to remediate housing stock within the City, improve the living conditions of City residents, and improve the economic climate of the City of Brook Park.

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, that:

SECTION 1: The Council of the City of Brook Park hereby authorizes the renewal of the Home Maintenance and Assistance Program for 2017, and authorizes the Mayor and Finance Director to issue grants and loans under previously agreed upon terms and conditions set forth in Ordinance Nos. 9993-2015 and 9999-2016.

SECTION 2: Council will appropriate \$100,000 for the HMAP program in the 2017 appropriations budget.

SECTION 3: The money needed for the aforesaid grants and loans shall be paid by the City from funds appropriated for the Home Maintenance Assistance Program upon the completion of the aforesaid remediation and repair activities and said funds shall be exclusively applied to the costs, expenses and fees arising from and/or incurred by the homeowner in furtherance of the aforesaid home maintenance and improvements.

SECTION 4: 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.

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

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

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

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

\_\_\_\_\_  
DATE

P/C 5/17/16 Finance  
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3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

Cau 10/25/16

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

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE AUTHORIZING  
THE CITY OF BROOK PARK TO PROVIDE A JOB RETENTION & BUSINESS  
EXPANSION GRANT TO DRABIK MANUFACTURING, INC.,  
15601 COMMERCE PARK DRIVE.

**WHEREAS**, Drabik Manufacturing (Drabik) is a successful family owned machine shop that has been employing and training skilled machinists for over 50 years in northeast Ohio;

**WHEREAS**, Drabik has been a consistent employer of machinists in Brook Park manufacturing high-precision, complex machined parts for machine tool builders, foundries, steel mills, rail roads, automotive, medical and high tech customers in Ohio and throughout the eastern seaboard since 1993;

**WHEREAS**, Drabik has invested over \$1.2 Million Dollars in plant and equipment in Brook Park at its 15601 Commerce Park Drive facility since 1990;

**WHEREAS**, Drabik has generated over \$6,000,000 in payroll in Brook Park over the past ten years;

**WHEREAS**, Drabik has maintained an average payroll of at least \$608,707.50 per annum since the economic recession that commenced in 2008;

**WHEREAS**, Drabik employs nine(9) full time and one part time employees and has maintained an average payroll of \$608,707.50 over the past ten (10)years;

**WHEREAS**, in order to maintain its current payroll, remain competitive, create jobs and expand its business services portfolio within the city, Drabik seeks an economic development grant to assist in the financing of new equipment, specifically, an advanced four-axis Harding V1000 VMC CNC machine that will allow them to manufacture larger more complex machined parts, thereby expanding their manufacturing capabilities.

**WHEREAS**, the Harding V1000 VMC will cost \$107,523.

**WHEREAS**, Drabik has secured five year financing from U.S. Bank to acquire the Harding V1000 VMC machine;

**WHEREAS**, Drabik anticipates employing between 9-12 persons with living wages at an estimated payroll of at least \$680,000 per annum and believes the new equipment will allow it add at least two additional full time employees;

**WHEREAS**, Drabik is located within the City's Enterprise and Target Improvement Zone;

**WHEREAS**, the City of Brook Park encourages the development of business within the City's Enterprise and Target Improvement Zones; and

**WHEREAS**, Drabik is desirous of expanding its business capacity and acquiring equipment which will maintain current employment and create up to two (2) new employment opportunities within the City of Brook Park, provided that appropriate business expansion, retention and development incentives are available from the City; and

**WHEREAS**, Financial assistance from the City of Brook Park is necessary to protect Drabik's ability to maintain its payroll and manufacturing capabilities in the city of Brook Park;

**WHEREAS**, the City of Brook Park, having the appropriate authority for the stated type of project, is desirous of providing Drabik job retention and job/business expansion incentives to promote economic activity within the City consistent with the purposes of Section 13 of Article VIII of the Ohio Constitution to create or preserve jobs and employment opportunities, to eradicate and mitigate blight within the City, and to improve the economic welfare of the people of the State; and

**WHEREAS**, the Mayor of the City of Brook Park has investigated the request of Drabik for job creation, retention and economic development grant assistance and recommends the same to the City Council on the basis that Drabik is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City of Brook Park;

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

**SECTION 1:** This Council agrees to provide a job retention, creation and economic development assistance grant to Drabik Manufacturing, Inc. to be applied exclusively to the purchase of (1) Harding V1000 VMC CNC machine for installation and operation at 15601 Commerce Park Drive, Brook Park in an amount of \$50,000.00, provided that Drabik utilizes best efforts to add two (2) full time employees to its payroll and provided the Drabik maintains its base payroll at 2015 levels throughout the useful life of the machine (fifteen (15) years).

**SECTION 2:** The Mayor is authorized to enter into a Job Creation, Retention & Economic Development Grant agreement with Drabik Manufacturing in the amount of \$50,000.00 provided Drabik agrees to maintain its 2015 payroll levels for the useful life of the equipment and uses its best efforts to expand its payroll by two (2) full time positions.

**SECTION 3:** The money needed for the aforesaid transaction shall be paid to Drabik Manufacturing, Inc., from funds appropriated for brownfield redevelopment and economic development to Drabik Manufacturing after the delivery and installation of the equipment at 15601 Commerce Park Drive, Brook Park and said funds shall be exclusively applied to the costs, expenses and fees arising from and/or incurred by Drabik Manufacturing, Inc., in furtherance of the purchase and acquisition of the aforesaid machine and equipment.

**SECTION 4:** The machine and equipment to be acquired by Drabik Manufacturing shall be operated solely at 15601 Commerce Park Drive, Brook Park and shall not be sold, dismantled or otherwise removed during the useful life (fifteen (15) years) of the aforesaid machine and equipment.

**SECTION 5:** The City of Brook Park shall maintain an equitable interest in the ownership of the machine and equipment to be acquired by Drabik Manufacturing which interest shall expire upon the expiration of the covenants set forth in Section 3 herein;

**SECTION 6:** 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 Sections 121.22 of the Ohio Revised Code.

**SECTION 7:** This Ordinance shall take effect at the earliest time allowed by law.

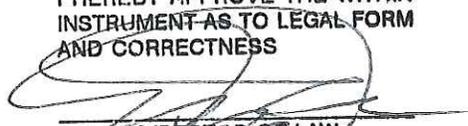
PASSED: \_\_\_\_\_

\_\_\_\_\_  
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

**JOB CREATION, RETENTION & ECONOMIC DEVELOPMENT GRANT AGREEMENT  
CITY OF BROOK PARK, OHIO**

**WHEREAS**, Drabik Manufacturing (Drabik) is a successful family owned machine shop that has been employing and training skilled machinists for over 50 years in northeast Ohio;

**WHEREAS**, Drabik has been a consistent employer of machinists in Brook Park manufacturing high-precision, complex machined parts for machine tool builders, foundries, steel mills, rail roads, automotive, medical and high tech customers in Ohio and throughout the eastern seaboard since 1993;

**WHEREAS**, Drabik has invested over \$1.2 Million Dollars in plant and equipment in Brook Park at its 15601 Commerce Park Drive facility since 1990;

**WHEREAS**, Drabik has generated over \$6,000,000 in payroll in Brook Park over the past ten years;

**WHEREAS**, Drabik has maintained an average payroll of at least \$608,707.50 per annum since the economic recession that commenced in 2008;

**WHEREAS**, Drabik employs nine(9) full time and one part time employees and has maintained an average payroll of \$608,707.50 over the past ten (10) years;

**WHEREAS**, in order to maintain its current payroll, remain competitive, create jobs and expand its business services portfolio within the city, Drabik seeks an economic development grant to assist in the financing of new equipment, specifically, an advanced four-axis Harding V1000 VMC CNC machine that will allow them to manufacture larger more complex machined parts, thereby expanding their manufacturing capabilities.

**WHEREAS**, the Harding V1000 VMC costs \$107,523.

**WHEREAS**, Drabik has secured five year financing from U.S. Bank to acquire the Harding V1000 VMC machine;

**WHEREAS**, Drabik anticipates employing between 9-12 persons with living wages at an estimated payroll of at least \$680,000 per annum and believes the new equipment will allow it add at least two additional full time employees;

**WHEREAS**, Drabik is located within the City's Enterprise and Target Improvement Zone;

**WHEREAS**, the City of Brook Park encourages the development of

business within the City's Enterprise and Target Improvement Zones;  
and

**WHEREAS**, Drabik is desirous of expanding its business capacity and acquiring equipment which will maintain current employment and create up to two (2) new employment opportunities within the City of Brook Park, provided that appropriate business expansion, retention and development incentives are available from the City; and

**WHEREAS**, Financial assistance from the City of Brook Park is necessary to protect Drabik's ability to maintain its payroll and manufacturing capabilities in the city of Brook Park;

**WHEREAS**, the City of Brook Park, having the appropriate authority for the stated type of project, is desirous of providing Drabik job retention and job/business expansion incentives to promote economic activity within the City consistent with the purposes of Section 13 of Article VIII of the Ohio Constitution to create or preserve jobs and employment opportunities, to eradicate and mitigate blight within the City, and to improve the economic welfare of the people of the State; and

**WHEREAS**, the Mayor of the City of Brook Park has investigated the request of Drabik for job creation, retention and economic development grant assistance and recommends the same to the City Council on the basis that Drabik is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City of Brook Park;

**WHEREAS**, the Brook Park City Council Ord. No. authorizes the Mayor to enter into a Job Creation, Retention & Economic Development Grant Agreement with Drabik Manufacturing Inc.;

**NOW THEREFORE**, in consideration of the foregoing, and in reliance upon the mutual covenants, promises and agreements contained herein, the City of Brook Park, Ohio (herein "Grantor") and Drabik Manufacturing Inc. herein "Grantees"), agree as follows:

**SECTION 1:** The Grantor shall provide a job retention, creation and economic development assistance grant to Grantees in the amount of \$50,000.00 (US) to be applied exclusively to the purchase of (1) four-axis Harding V1000 VMC CNC machine for installation and operation at 15601 Brook Park;

**SECTION 2:** Grantees agree to maintain its base payroll in the City of Brook Park at 2016 levels (\$680,000.00 per annum) throughout the useful life of the machine and to use best efforts to expand its payroll by two (2) employees in 2017.

**SECTION 3:** Grantees agree to execute a cognovit note in favor of Grantor that provides for the pro rata repayment of the grant in the event Grantee fails to meet the payroll, job creation and investment guarantees set forth herein;

**SECTION 4:** Grantees agree that the grant money shall be exclusively applied to the costs, expenses and fees arising from and/or incurred by Grantees in furtherance of the purchase of the aforesaid machine and equipment upon the delivery and installation of the equipment at 15601 Commerce Park, Brook Park.

**SECTION 5:** Grantees agree that the machine and equipment to be acquired shall be operated solely at 15601 Commerce Park, Brook Park and shall not be sold, dismantled or otherwise removed during the useful life (fifteen (15) years) of the aforesaid machine and equipment.

**SECTION 6:** Grantees agree that Grantor shall maintain an equitable interest in the ownership of the machine and equipment to be acquired by Grantee which interest shall expire upon the expiration of the covenants set forth in Section 2 herein;

**SECTION 7:** This Agreement is the complete agreement of the parties concerning the subject matter hereof and supersedes any prior such agreements with respect to further disclosures on such subject matter; may not be amended or in any manner modified except in a writing signed by Grantor and Grantee, and shall be governed and construed in accordance with the laws of the State of Ohio. If any provision of this Agreement is found to be unenforceable, the remainder shall be enforced as fully as possible and the unenforceable provision shall be deemed modified to limited extent required to permit its enforcement in a manner most closely representing the intention of the parties as expressed herein;

**SECTION 8:** Any breach of the minimum payroll guaranty by Grantees shall entitle Grantor to a pro rata recovery of the grant over the useful life (15 years) of the equipment for which this grant is authorized.

**SECTION 9:** This Agreement shall be binding on the parties hereto and their agents, servants, representatives, assigns, heirs, employees, officers, directors and successors. This Agreement can not be assigned, delegated, pledged or transferred with the prior written agreement of the Grantor.

**SECTION 10:** A waiver, whether specific or general, of any of the terms and conditions of this Agreement by Grantor shall not constitute a waiver of any other term or condition hereof. Grantor reserves the right to reinstate any such waiver with notice to Grantee.

**SECTION 11:** Any person executing this Agreement on behalf of the Grantor or Grantees agrees and covenants that he/she has obtained the requisite approval to bind such entity, and that such entity is bound by the execution of this Agreement by the person(s) executing the Agreement.

Grantor:  
CITY OF BROOK PARK, OHIO

Date:

\_\_\_\_\_  
BY: Thomas J. Coyne, Mayor

Grantee:  
Drabik Manufacturing, Inc.

Date:

\_\_\_\_\_  
BY: James R. Drabik, CEO.

Approved as to legal form  
And correctness.



Carol Dillen Horvath  
Director of Law

P/C 6/7/16 Finance  
CA 6/14/16  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C 6/14/16  
Cau 10/25/16

CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE  
AUTHORIZING THE MAYOR TO  
ALLOW TRANSFER OF A PARCEL OF PROPERTY  
LOCATED AT 16513 HUMMEL ROAD,  
AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park acquired Permanent Parcel No. 343-14-030, located at 16513 Hummel Road from Cuyahoga County's Land Reutilization Program; and

WHEREAS, said parcel of land is land locked and not buildable for a residential structure; and

WHEREAS, a resident adjacent to this parcel wants this parcel for yard expansion only;

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 transfer Permanent Parcel No. 343-14-030 to Steve Duncan at 16485 Hummel Road, for yard expansion only.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to transfer Permanent Parcel No. 343-14-030 for yard

expansion only; provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

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

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

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

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

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



DIRECTOR OF LAW

\_\_\_\_\_  
DATE

P/C 10/18/16 Finance  
CA 10/25/16  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE AUTHORIZING  
THE CITY OF BROOK PARK TO PROVIDE A JOB RETENTION, BUSINESS  
EXPANSION & GRANT TO JAMES C. & MARY ANN WHITE TO FACILITATE THE  
RETENTION & EXPANSION OF BLUE LINE RENTALS, 16000 BROOKPARK RD.,  
OHIO AND DECLARING AN EMERGENCY.

**WHEREAS**, James C. & Mary Ann White (herein "Whites" own Permanent Parcel Nos. 344-36-009 (.92 aces), 344-36-010 (4.3 acres) and 344-36-011 (.78 acres), also known as 16000-10 Brookpark Rd., (herein the "Property");

**WHEREAS**, Permanent Parcel Nos. 344-36-009 (.92 acres) and 344-36-011 (.78 acres) have been vacant, uncompetitive and non-productive for over ten (10) years;

**WHEREAS**, Permanent Parcel Nos. 344-36-011, contains an obsolete, dilapidated garage structure and said structure has been vacant and non-productive for over ten (10) years;

**WHEREAS**, Parcel No. 344-36-011 was purchased by the White's in 2016 for Two Hundred Twenty-Five Thousand Dollars (\$225,000.00) to facilitate the expansion of the Blue Line facility and to improve the appearance of the Brook Park Road Corridor Special District;

**WHEREAS**, Blue Line Rentals, Inc., (herein "Blue Line"), a construction and industrial heavy equipment rental firm has occupied Permanent Parcel No. 344-36-010 (4.3 acres) under a leasehold since March 1, 2012;

**WHEREAS**, Blue Line desires to renew and extend its lease through 2022 and expand its operations to include the entire Property provided certain buildings are demolished and improvements and expansions constructed, and certain landscaping improvements are implemented on the Property;

**WHEREAS**, Blue Line has maintained an average payroll of Five Hundred and Twenty Thousand Dollars (\$525,000) per annum in the city;

**WHEREAS,** Blue Line anticipates expanding its business within the city by 25% over the new lease term to maintain an average payroll of Eight Hundred Twenty-Five Thousand Dollars (\$825,000) per annum;

**WHEREAS,** Blue Line currently maintains and leases and stores approximately Six Million Six Hundred Thousand Dollars (\$6,600,000) worth of equipment at the Property;

**WHEREAS,** Blue Line intends to expand its equipment inventory to Eleven Million Dollars (\$11.1) in 2017, Fifteen Million Dollars (\$15M) in 2019; Seventeen Million Dollars (\$17M) in 2020 and Eighteen Million (\$18M) in 2018 in order to maintain and expand its current payroll, remain competitive, create jobs, construct facilities and expand its business services portfolio within the city;

**WHEREAS,** the White's seek an economic development grant to facilitate the expansion of Blue Line to Parcel Nos. 344-36-009 and 011, to demolish the existing dilapidated building on the 011 parcel, to remove and reinstall decorative fencing and landscaping at the Property consistent with the intent and purpose of the Brookpark Road Corridor Special District, as adopted by Brook Park City Council in 1998;

**WHEREAS,** the estimated total cost to remove the current blight at the Property and to construct the improvements on the Property to retain and expand Blue Line exceeds Two Hundred Eighty Thousand Dollars (\$280,000);

**WHEREAS,** the Property and Blue Line are located within the City's Enterprise and Target Improvement Zone;

**WHEREAS,** the City of Brook Park encourages the development of business within the City's Enterprise and Target Improvement Zones; and

**WHEREAS,** the White's and Blue Line are desirous of expanding its facilities and acquiring equipment which will maintain current employment and create new employment opportunities within the City of Brook Park, provided that appropriate business expansion, retention and development incentives are available from the City; and

**WHEREAS,** Financial assistance from the City of Brook Park is necessary to secure the investment of the White's and Blue Line in the City;

**WHEREAS,** the City of Brook Park, having the appropriate authority for the stated type of project, is desirous of providing job retention and job/business expansion incentives to promote economic activity within the City consistent with the purposes of Section 13 of Article VIII of the Ohio Constitution to create or preserve jobs and employment opportunities, to eradicate and mitigate blight within the City, and to improve the economic welfare of the people of the State; and

**WHEREAS,** the Mayor of the City of Brook Park has investigated the foregoing request for a job creation, retention and economic development grant assistance and recommends the same to the City Council on the basis that James C. and MaryAnn White and Blue Line Rentals are qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City of Brook Park;

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

**SECTION 1:** This Council agrees to provide a job retention, creation and economic development assistance grant to James C. and Mary Ann White to be applied exclusively to the purchase of (1)the demolition of the existing dilapidated structure on Permanent Parcel No. 344-36-011 and to the removal, replacement of appurtenant asphalt and concrete improvements, as well as the removal and replacement of existing fencing on the Property in accordance with permits issued by the City, and to design, implement and install beautification landscaping as approved by the City Planning Commission consistent with the Brookpark Road Corridor Special District standards, and, provided that the White's and Blue Line execute a lease renewal for the Property on or before December 31, 2016 and commence the aforesaid demolition and improvements to the Property on or before December 31, 2016.

**SECTION 2:** The Mayor is authorized to enter into a Job Creation, Retention & Economic Development Grant agreement with James C. and Mary Ann White for the work set forth in Section 1 in the amount of \$50,000.00 provided they utilize the funds solely to improve the Property as herein described and for no

other improvements on or before June 1, 2017.

**SECTION 3:** The money needed for the aforesaid transaction shall be paid to James C. and Mary Ann White from funds appropriated to the city Economic Development Fund 243 and Brook Park Road Corridor Fund 244 upon the issuance for a permit for the aforesaid improvements, and said funds shall be exclusively applied to the costs, expenses and fees arising from and/or incurred by James C. and Mary Ann White in furtherance of the implementation of aforesaid improvements to the Property.

**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 Sections 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 public peace, health, safety and welfare of said City, and for the further reason provide a job retention and grant to James C and Mary Ann White; therefore 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.

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

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

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

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

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

\_\_\_\_\_

DATE

P/C 9/20/16 Legislative  
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CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: COUNCIL PRESIDENT ASTORINO, COUNCIL MEMBERS TROYER,  
POWERS, McCORMICK

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 an unclassified offense, punishable by a fine of at least \$500.00 and not exceeding \$1,000.00 and up to (30) days in jail. For a second offense committed within twelve months after the commission of the first offense, the person shall be guilty of misdemeanor offense, punishable by a fine of at least \$750.00 and not exceeding \$1,000.00.

**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  
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Caucus 10/25/16

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

INTRODUCED BY: MAYOR COYNE

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: \_\_\_\_\_

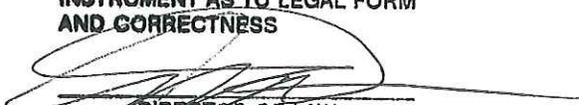
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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

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

\_\_\_\_\_  
DATE

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

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