

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, NOVEMBER 15, 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 MAY 3, 2016.
2. SPECIAL COUNCIL MEETING & EXECUTIVE SESSION HELD ON MAY 3, 2016
3. SPECIAL COUNCIL MEETING & EXECUTIVE SESSION HELD ON MAY 10, 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 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. 10050-2016, AUTHORIZING THE CITY OF BROOK PARK TO PROVIDE A JOB RETENTION, BUSINESS EXPANSION & GRANT TO JAMES C. AND MARY ANN WHITE TO FACILITATE THE RETENTION AND EXPANSION OF BLUELINE RENTALS, LLC, 16000 BROOKPARK ROAD, OHIO AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

2. ORDINANCE NO. 10051-2016, AUTHORIZING THE MAYOR TO ALLOW TRANSFER OF A PARCEL OF PROPERTY LOCATED AT 16513 HUMMEL ROAD AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

3. ORDINANCE NO. 10052-2016, AUTHORIZING THE CITY OF BROOK PARK TO PROVIDE A JOB RETENTION AND BUSINESS EXPANSION GRANT TO DRABIK MANUFACTURING, INC., 15601 COMMERCE PARK DRIVE Introduced by Mayor Coyne

O. THIRD READING OF ORDINANCES AND RESOLUTIONS:

P. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

**SYNOPSIS OF ORDINANCES AND RESOLUTIONS
FOR THE COUNCIL MEETING OF NOVEMBER 15, 2016**

SECOND READING:

Ord. No. 10050-2016 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 BLUELINE RENTAL, LLC, 16000 BROOKPARK RD., OHIO AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing the City to provide a grant in the amount of \$50,000, provided they utilize the funds solely for the improvements of the property described in this ordinance and for no other improvements on or before June 1, 2017.

Ord. No. 10051-2016 AN ORDINANCE AUTHORIZING THE MAYOR TO ALLOW TRANSFER OF A PARCEL OF PROPERTY LOCATED AT 16513 HUMMEL ROAD AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing the transfer of permanent parcel 343-14-030 to Steve Duncan at 16484 Hummel Road for yard expansion only.

Ord. No. 10052-2016 AN ORDINANCE AUTHORIZING THE CITY OF BROOK PARK TO PROVIDE A JOB RETENTION & BUSINESS EXPANSION GRANT TO DRABIK MANUFACTURING, INC., 154601 COMMERCE PARK DRIVE.

SYNOPSIS: An ordinance authorizing a grant to assist in the financing of new equipment thereby expanding their manufacturing capabilities.

**PREPARED BY THE BROOK PARK LEGAL DEPARTMENT
November 8, 2016**

P/C 10/18/16 Finance
CA 10/25/16 - amended
1st R 11/1/16
2nd R 11/15/16
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10050-2016

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 BLUELINE RENTALS, LLC, 16000 BROOKPARK
RD., OHIO AND DECLARING AN EMERGENCY.

WHEREAS, James C. & Mary Ann White (herein "Whites" own Permanent Parcel Nos. 344-36-009 (.92 acres), 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 Whites in 2016 for Two Hundred Twenty-Five Thousand Dollars (\$225,000.00) to facilitate the expansion of the BlueLine facility and to improve the appearance of the Brookpark Road Corridor Special District;

WHEREAS, BlueLine Rentals, LLC, (herein "BlueLine"), 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, BlueLine 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, BlueLine has maintained an average payroll of Five Hundred and Twenty Thousand Dollars (\$520,000) per annum in the city;

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

WHEREAS, BlueLine intends to expand its equipment inventory to Eleven Million Dollars (\$11 M) in 2017, Fifteen Million Dollars (\$15M) in 2018; Seventeen Million Dollars (\$17M) in 2019 and Eighteen Million (\$18M) in 2020 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 Whites seek an economic development grant to facilitate the expansion of BlueLine 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 BlueLine exceeds Two Hundred Eighty Thousand Dollars (\$280,000);

WHEREAS, the Property and BlueLine 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 Whites and BlueLine 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 Whites and BlueLine

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 BlueLine 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 Whites and BlueLine 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.

PASSED: _____

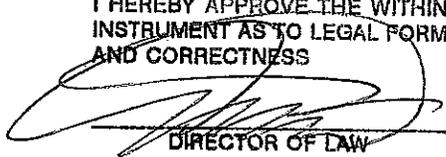
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

P/C 5/7/16 Finance
CA 6/14/16
1st R 11/1/16
2nd R 11/15/16
3rd R _____
B/C 6/14/16
Caucus 10-25-16

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10051-2016

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, 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: _____

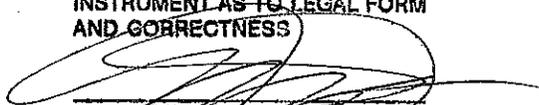
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

P/C 5/17/16 Finance
CA 10/25/16 amended
1st R 11/1/16
2nd R 11/15/16
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10052-2016

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 4 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

DATE

BY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS



DIRECTOR OF LAW

**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 to 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 2015 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 Dillon Horvath
Director of Law