

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, FEBRUARY 14, 2017
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 JUNE 28, 2016.

IV. DISCUSSION:

1. REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A USED CAR SALES FACILITY "LUXURY MOTORS' AT 13501 BROOKPARK ROAD, LOCATED IN THE U7-D DISTRICT - PER COUNCIL PRESIDENT ASTORINO. **Received from the Planning Commission on February 7, 2017.**
In attendance: Mohammed Amawi
Note: Legislation in the form of a Resolution is needed for Conditional Use Permits.

V. AVIATION & ENVIRONMENTAL COMMITTEE - CHAIRWOMAN, POWERS:

1. A RESOLUTION IN SUPPORT OF THE AEROZONE ALLIANCE CONSORTIUM AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne. **Placed in committee 1/3/17**

VI. FINANCE COMMITTEE - CO-CHAIRMAN, TROYER:

1. AN ORDINANCE AUTHORIZING THE CITY OF BROOK PARK TO PROVIDE A JOB CREATION, BUSINESS CREATION AND COMMUNITY IMPROVEMENT GRANT TO SUN PLUM MARKET, 13425 SNOW ROAD, BROOK PARK OHIO **Placed in committee 12/6/16**

VII. LEGISLATIVE COMMITTEE - CHAIRMAN, TROYER:

1. A RESOLUTION URGING FIRSTENERGY TO CONTINUE HEALTH CARE COVERAGE FOR RETIREES OF THE UTILITY WORKERS UNION OF AMERICA OF THE CLEVELAND AND ASHTABULA DIVISION AND DECLARING AN EMERGENCY. Introduced by Council President Astorino **Placed in committee 2/7/17.**
In attendance: Mr. Chris Ericksen - Vice President, Utility Workers Union of America; UWWA Local 270.

2. ORDINANCE NO. 10068-2017, AMENDING SECTION 1809.01 (i) (2) OF THE BROOK PARK CODIFIED ORDINANCES RETURN AND PAYMENT OF TAX AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne. **Placed in committee 12/20/16; Caucus 1/24/17; 1st R 2/7/17.**

3. 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, Councilmembers, Troyer, Mencini, Powers, Burgio, McCormick, Salvatore and Mayor Coyne **Placed in committee 9/20/16; Cau 10/11/16; Cau 10/25/16; Caucus 11/15/16; Caucus 11/22/16; Back to committee 11/22/16; 1st R 12/20/16 - amended; 2nd R 1/3/17; 3rd R 1/17/17; Back to committee 1/17/17**

4. AN ORDINANCE AMENDING SECTION 141.02 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'COMPOSITION: EXECUTIVE HEAD' AND DECLARING AN EMERGENCY. Introduced by Council President Astorino

5. AN ORDINANCE REPEALING CHAPTER 937 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SENIOR CITIZENS AND PHYSICALLY DISABLED SERVICES' AND DECLARING AN EMERGENCY. Introduced by Council President Astorino **Placed in committee 1/3/17**

VII. LEGISLATIVE COMMITTEE - CHAIRMAN, TROYER: CONT.

6. AN ORDINANCE ENACTING CHAPTER 937 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SNOW REMOVAL FOR SENIOR CITIZENS AND/OR DISABLED RESIDENTS OF THE CITY' AND DECLARING AN EMERGENCY. Introduced by Council President Astorino **Placed in committee 1/3/17**

7. AN ORDINANCE ENACTING CHAPTER 938 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'LAWN MAINTENANCE SERVICE PROGRAM FOR SENIOR CITIZENS AND/OR DISABLED RESIDENTS OF THE CITY AND DECLARING AN EMERGENCY. Introduced by Council President Astorino. **Placed in committee 1/3/17**

8. AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 153 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'EMPLOYEES GENERALLY,' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne Placed **in committee 12/20/16**

9. A RESOLUTION IN SUPPORT OF UNIQUE ENTERPRISES, INC. APPLYING WITH THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR A GRANT TO PERFORM AN ENVIRONMENTAL IMPACT STUDY FOR PROPERTY, LISTED BY THE CUYAHOGA COUNTY FISCAL OFFICER AS 6090 WEST 130TH, PPN 344-24-121 AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne. **Placed in committee 1/17/17**

10. A RESOLUTION IN SUPPORT OF MNA PROPERTIES II, LLC AND THE CITY APPLYING WITH THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT AND/OR THE STATE OF OHIO BUREAU OF UNDERGROUND STORAGE TANK REMOVAL (BUSTR) FOR GRANT FUNDS TO PERFORM AN ENVIRONMENTAL IMPACT STUDY AND/OR TO UNDERTAKE ENVIRONMENTAL REMEDIATION OF THE PROPERTY KNOWN AS 6286 ENGLE RD., PPN 342-09-011 AND TO TAKE ALL FURTHER NECESSARY ACTION TO REMEDIATE THE PROPERTY AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne **Placed in committee 2/7/17**

VII. LEGISLATIVE COMMITTEE - CHAIRMAN, TROYER: CONT.

11. AN ORDINANCE CREATING THE BROOK PARK CHARITABLE GIVING PROGRAM. Introduced by Councilwoman McCormick. **Placed in committee 9/20/16; Caucus 9/27/16; Back to committee 9/27/16**

- 12.. A RESOLUTION TO DISCOURAGE BULLYING AND CYBERBULLYING IN THE COMMUNITY AND DECLARING AN EMERGENCY. Introduced by Councilwoman McCormick. **Placed in committee 3/1/16; Caucus 3/15/16 Sp. Caucus; Back to committee 3/15/16 Sp. Caucus; Caucus 5/10/16; Back to committee 5/10/16**

VIII. ADJOURNMENT:

Posted 02/10/17



City of Brook Park

Thomas J. Coyne Mayor

Building Department

6161 Engle Road ❖ Brook Park, Ohio 44142
Phone: 216-433-7412 ❖ Fax: 216-433-4117

MEMO

To: Michelle Blazak, Clerk of Council
CC: Kate Schmidt, Law Department
File
From: Katie Anzalone, BZA/PC Secretary
Date: 02/07/17
Re: Approval

* ATTACHMENTS *

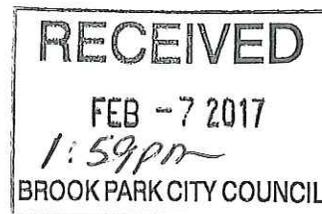
The following request was approved with the conditions outlined at the Monday – February 6, 2017 Planning Commission meeting and should be forwarded to City Council for approval.

Request approval for a Conditional Use Permit to operate a used car sales facility “Luxury Motors” at 13501 Brookpark Road, located in the U7-D district.

Conditions for granting the Conditional Use Permit:

1. The # of cars located on the property for inventory will be limited to the # of available spots delineated for use on the lot; currently 26.
2. Owner(s) agree to remove the steel ballards and install black aluminum fencing along the property as follows: North property line fencing to be installed with-in 30 days, East property line fence to be installed with-in 6 months.

Owner/Agent(s): Mohammed & Ahmad Amawi
16255 Selby Circle
Strongsville, Ohio 44136
Phone: (216) 661 – 1211
(216) 235 – 0648
Email: mo.amawi@yahoo.com



1121.34 CONDITIONAL USE PERMITS.

(a) Purpose. Council, upon recommendation by the Planning Commission, may grant conditional use permits for certain uses which are not permitted by right under the Zoning Ordinance. Conditional uses include those uses which have some special impact or uniqueness such that their effects on the public health, safety, convenience, comfort, prosperity and general welfare in the City of Brook Park cannot be determined in advance of the particular use being proposed for a particular location. At that time, a review of the location, design, configuration and impact is conducted by assessing the proposed use against fixed standards. The review considers the proposal in terms of existing zoning and land use in the vicinity of the use, public and private developments which may be adversely affected by the proposed use, the impacts of the proposed use at the particular location for which it is proposed on the public health, safety, convenience, comfort, prosperity and general welfare, and whether and to what extent all appropriate feasible steps have been taken by the permit applicant to minimize or mitigate any adverse impacts of the proposed use. This review determines whether the proposed use shall be permitted or permitted conditionally by Council, upon recommendation by the Planning Commission.

(b) Applicability. Any use which is permitted as a conditional use by this Zoning Ordinance shall comply with this section.

(c) Procedures.

(1) An application for a conditional use permit shall be filed in triplicate with the Planning Commission on a form prescribed by the Commission, accompanied by an application fee as established by the Commission. The application shall contain the following information:

- A. The applicant's name and address and his interest in the subject property;
- B. The owner's name and address, if different from the applicant, and the owner's signed consent to the filing of the application;
- C. The street address and legal description of the property;
- D. The zoning classification and present use of the subject property;
- E. The particular provision of this Zoning Ordinance authorizing the proposed conditional use;
- F. A general description of the proposed conditional use;

Brook Park, OH Code of Ordinances

G. A site plan and general building plan complying with the requirements prescribed by Section 1121.36 which will become a part of the conditional use permit, if approved;

H. A statement or diagram showing compliance with any special conditions or requirements imposed upon the particular conditional use by the applicable district regulations;

I. A statement explaining how the proposed conditional use will not cause substantial injury to the value, use or enjoyment of other property in the vicinity of the proposed use;

J. A statement explaining how the proposed conditional use at the proposed location will be compatible with and not injurious to the use and enjoyment of neighboring property, and will not significantly diminish or impair property values within the vicinity; and

K. Any other material and/or information as may be required by the Planning Commission or Council to fulfill the purposes of this section of the Zoning Ordinance and to ensure that the application is in compliance generally with the ordinances of Brook Park.

(2) Copies of the application shall be distributed by the Planning Commission to the Departments of Public Safety and Public Service.

(Ord. 7861-1993. Passed 10-19-93.)

CITY OF BROOK PARK, OHIO

RESOLUTION NO. _____

INTRODUCED BY: MAYOR COYNE

**A RESOLUTION
IN SUPPORT OF THE AEROZONE ALLIANCE CONSORTIUM,
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Brook Park wishes to increase economic development opportunities and identify transportation, real estate and community development plans in order to increase the marketability, attraction and retention of new businesses in the region; and

WHEREAS, the City of Brook Park, Cleveland, North Olmsted, Berea and Fairview Park, Cuyahoga County, the Ohio Aerospace Institute (a not-for-profit corporation in the State of Ohio) and the National Aeronautics Space Administration, NASA Glenn Research Center, also wish to increase economic development opportunities in their cities and region; and

WHEREAS, the City of Brook Park, along with the entities named above, is participating in the formation of a consortium known as Aerozone Alliance; and

WHEREAS, the Alliance recognizes that through collaboration, the economic development and job creation potential of the Aerozone Alliance to each individual community and to the region as a whole, can be advanced by the Alliance; and

WHEREAS, all members of the Alliance have expressed their interest in working cooperatively with each other by approving a Resolution in Support as set forth herein.

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

SECTION 1: That the Mayor of the City, the President and all members of Council, and the officers of the Administration do support the City's efforts to cooperate with the Alliance members for the purpose of promoting economic development and job creation within our region.

SECTION 2: 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 3: 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 to support the Aerozone Alliance has requested communities provide their respective resolutions of support; 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: _____

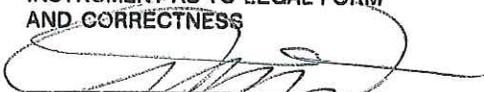
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

P/C 12/6/16 Finance
Cau 2/14/17
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 CREATION, BUSINESS
CREATION AND COMMUNITY IMPROVEMENT GRANT TO SUN PLUM MARKET,
13425 SNOW ROAD, BROOK PARK, OHIO.**

WHEREAS, Sun Plum Farm Market, LLC entered into a three (3) year lease with two (2), three (3) year renewal options for the land and buildings of the defunct 6,000 sq. ft. food market at 13425 Snow Road known as "Mecca Greenland" market;

WHEREAS, Sun Plum Farm Market, LLC. Owns and operates a farm market green grocery in Willoughby, Ohio that has maintained an annual average payroll in excess of \$350,000 per annum with an average of 35-45 employees for past several years;

WHEREAS, Sun Plum Farm Market has invested over \$150,00.00 renovating, reconstructing, repaving, re-painting and refitting the building and parking lot facility at 13425 Snow Road to provide a modern, clean state of the art farm market facility at 13425, Brook Park, Ohio;

WHEREAS, Sun Plum Farm Market intends to employ ten (10) full time employees and twenty-five (25) seasonal employees with a projected average payroll of \$350,000;

WHEREAS, in order to generate the sale revenue necessary to reach and exceed its projected estimated payroll goals, Sun Plum must continue to improve the curb of the premises and expand the floor space of the facility serving customers;

WHEREAS, in order to improve the appearance and functionality of the facilities of the building, expand the facility foot print, startup, maintain and increase its projected payroll, create jobs and start and grow the farm market within the city, Sun Plum Farm Market seeks an economic development grant to purchase a new equipment, specifically, a Four Season, all weather aluminum awning structure with all season Sunbrella forest green acrylic fabric (or like

equivalent) that will withstand wind, rain, snow and expand the usable retail space of the market by approximately One Thousand Four Hundred Square feet (1,400 sq. ft.);

WHEREAS, The Four Season, all weather aluminum awning and structure exceed Forty Thousand Dollars (\$40,000);

WHEREAS, Sun Plum anticipates employing between 35 persons with living wages at an estimated payroll of at least \$350,000 per annum within two (2) years and believes the new Equipment will allow it to reach its gross sales and employment objectives;

WHEREAS, Sun Plum Market lies within the City's Enterprise and Target Improvement Zones;

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

WHEREAS, Sun Plum Market believes it can occupy and rejuvenate the property at 13425 Snow Road into a vibrant job creating business 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 success of Sun Plum Farm Market within the City;

WHEREAS, the City of Brook Park, having the appropriate authority for the stated type of project, is desirous of providing Sun Plum Farm Market, LLC job creation 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 Sun Plum Farm Market, LLC for job creation, retention and economic development grant assistance and recommends the same to the City Council on the basis that Sun Plum Farm Market LLC 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 creation and economic development assistance grant to Sun Plum Farm Market LLC to be applied exclusively to the purchase of (1), a four season, all weather aluminum awning structure with all season Sunbrella forest green acrylic fabric (or like equivalent) that will withstand wind, rain, snow and expand the retail space of the market by approximately One Thousand Four Hundred Square Feet (herein "the Equipment") provided that Sun Plum Farm Market utilizes its best efforts to commence its retail farm market operations on or before January 1, 2017 and provided the Sun Plum uses its best effort to achieve and maintain a minimum base payroll of \$350,000 per annum by the end of its second year of operations.

SECTION 2: The Mayor is authorized to enter into a Job Creation & Economic Development Grant agreement with Sun Plum in amount of Fifteen Thousand Dollars (\$15,000.00) provided Sun Plum agrees to use best efforts to create, maintain and expand the payroll levels at 13425 Snow Rd.

SECTION 2: The money needed for the aforesaid transaction shall be paid to Sun Plum Farm Market, LLC from funds appropriated for economic development upon the delivery and installation of the awning Equipment at 13425 Snow Road, Brook Park and said funds shall be exclusively applied to the costs, expenses and fees arising from and/or incurred by Sun Plum Farm Market, LLC in furtherance of the purchase of the aforesaid Equipment.

SECTION 3: The Equipment to be acquired by Sun Plum Farm Market shall be utilized solely at 13425 Snow Road, Brook Park and shall not be sold, dismantled or otherwise removed during the tenancy of Sun Plum Farm Market.

SECTION 4: The City of Brook Park shall maintain an equitable interest in the Equipment to be acquired by Sun Plum Farm Market which interest shall not expire upon termination of the tenancy. Upon termination of Sun Plum's tenancy the Equipment shall become the property of the City. Sun Plum shall secure written authorization from its landlord authorizing the installation of the Equipment at 13425 Snow Rd and acknowledging that the Equipment is the property of Sun Plum and that said Equipment shall not be considered to be a fixture by the Landlord once installed.

SECTION 5: 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 6: This Ordinance shall take effect at the earliest time allowed by law.

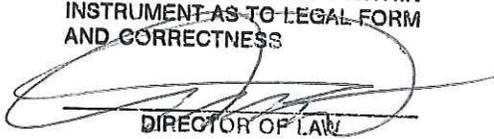
PASSED: _____

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

P/C 2/7/17 Legislative
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CITY OF BROOK PARK, OHIO

RESOLUTION NO. _____

INTRODUCED BY: COUNCIL PRESIDENT ASTORINO

A RESOLUTION
URGING FIRSTENERGY TO CONTINUE HEALTH CARE COVERAGE
FOR RETIREES OF THE UTILITY WORKERS UNION OF AMERICA
OF THE CLEVELAND AND ASHTABULA DIVISION,
AND DECLARING AN EMERGENCY

WHEREAS, the Utility Workers Union of America (UWUA), Local 270 has negotiated retiree healthcare coverage on behalf of their members for over sixty-five years; and

WHEREAS, in a letter dated August 5, 2013, FirstEnergy stated it has no intention of sharing in the cost of health care coverage for union retirees after April 30, 2017; and;

WHEREAS, this dramatic shift in policy would have a crippling effect on the retirees of the Cleveland and Ashtabula Division of Local 270, and all active members when they retire—approximately 1100 workers in all; and

WHEREAS, FirstEnergy, during recent negotiations with Local 270, proposed the end of retiree health care coverage, and despite the union's fourteen counter-proposals, did not propose any options for the current retirees to offset the cost of health care; and

WHEREAS, utility work is inherently dangerous, physically demanding work, where workers are exposed to known human carcinogens; and

WHEREAS, FirstEnergy has a moral obligation to both its active and retired workers, and they should fulfill that obligation and reinstate health care cost sharing for already-affected retirees and cease its stated plan to end shared cost coverage for the retirees of the Cleveland and Ashtabula Division;

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 is supporting the Utility Workers Union of America, Local 270 and demanding FirstEnergy fulfill the moral obligation to its active

members and retirees by fairly sharing the cost of health coverage as it has been done for many years.

SECTION 2: That the Clerk of Council shall send a certified copy of this Resolution to FirstEnergy and post to the City's web page.

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 urge FirstEnergy to keep their health care benefits for retirees; therefore, provided that 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

DATE

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



DIRECTOR OF LAW

P/C 12/20/16 Legislative
Cau 1/24/17
1st R 2/7/17
2nd R _____
3rd R _____
B/C _____
Caucus 2/14/17

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10068-2017

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE
AMENDING SECTION 1809.01(i) (2)
OF THE BROOK PARK CODIFIED ORDINANCES
RETURN AND PAYMENT OF TAX,
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 1809.01(i) (2) of the Brook Park Codified Ordinances, as enacted by Ordinance No. 9984-2015 passed December 15, 2015, and reading as follows:

RETURN AND PAYMENT OF TAX.

i) This division shall not apply to payments required to be made under Section 1805.01(b) (1)B.

(1) The date of the postmark on the cover of any report, claim, statement, or other document required to be filed, or any payment required to be made, to or with the Tax Director or Municipality, will be deemed the date of delivery or payment. "The date of postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(2) If a payment is required to be made by electronic funds transfer, the payment is considered to be made when the payment is credited to an account designated by the Tax Director for the receipt of tax payments, except that, when a payment made by electronic funds transfer is delayed due to circumstances not under the control of the taxpayer, the payment is considered to be made when the taxpayer submitted the payment. For purposes of this section, "submitted the payment" means the date which the taxpayer has designated for the delivery of payment, which may or may not be the same date as the date the payment was initiated by the taxpayer.

is hereby amended to read as follows:

RETURN AND PAYMENT OF TAX.

(h) (3) The date of the postmark on the cover of any report, claim, statement, or other document required to be filed, or any payment required to be made, to or with the Tax Director or Municipality, will be deemed the date of delivery or payment.

"The date of postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(4) If a payment is required to be made by electronic funds transfer, the payment shall be considered to be made on the date of the timestamp assigned by the first electronic system receiving that payment.

SECTION 2: Former Section 1809.01(i)(2) of the Brook Park Codified Ordinances as enacted by Ordinance No. 9984-2015, passed December 15, 2015, is hereby 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 meeting 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 to amend 1809.01(i)(2); therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: _____

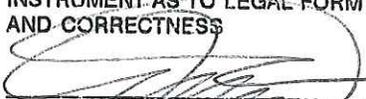
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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


DIRECTOR OF LAW

P/C 9/20/16 Legislative
Cau 10/11/16
1st R 12/20/16 amended
2nd R 1/3/17
3rd R 1/17/17
B/C 11/22/16
Caucus 10/25/16
Caucus 11/15/16
Caucus 11/22/16
B/C 1/17/17
Caucus 2/14/17

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10062-2016

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

P/C 2/7/17 Legislative
Cau 2/14/17
1st R
2nd R
3rd R
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCIL PRESIDENT ASTORINO

AN ORDINANCE
AMENDING SECTION 141.02
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'COMPOSITION: EXECUTIVE HEAD,'
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 141.02 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 2650-1966, passed November 1, 1966, and Ordinance No. 9621-2009, passed October 20, 2009 and reading as follows:

141.02 COMPOSITION; EXECUTIVE HEAD.

a) The Police Department shall consist of a Police Chief and not more than forty-three regular police officers.

(b) There is hereby established within the Police Department one Police Chief, one Police Captain, four Police Sergeants, four Police Lieutenants and a Detective Bureau. Such officers shall be appointed by the Director of Public Safety from the regular full-time membership of the Police Department.

(c) Under the direction of the Mayor, the Director of Public Safety shall be the executive head of the Police Department. He shall have all powers and duties connected with and incident to the appointment, regulation and government of such Department, except as otherwise provided by law

is hereby amended to read:

141.02 COMPOSITION; EXECUTIVE HEAD.

(a) The Police Department shall consist of a Police Chief and not less than thirty-eight regular police officers.

(b) There is hereby established within the Police Department one Police Chief, one Captain, not less than six Police Sergeants and not less than one Police Lieutenant, and a Detective Bureau. Such officers shall be appointed by the Director of Public Safety from the regular full-time membership of the Police Department.

(c) Under the direction of the Mayor, the Director of Public Safety shall be the executive head of the Police Department. He shall have all powers and duties connected with and incident to the appointment, regulation and government of such Department, except as otherwise provided by law.

SECTION 2: Former Section 141.02(a) of the Brook Park Codified Ordinances as enacted by Ordinance No. 2650-1966, passed November 1, 1966 and Ordinance No. 8664-2000, passed October 20, 2009, 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 141.02 of the Brook Park Codified Ordinances; therefore, provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

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



DIRECTOR OF LAW

DATE

P/C 1/3/17 Legislative
Cau 2/14/17
1st R
2nd R
3rd R
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCIL PRESIDENT ASTORINO

AN ORDINANCE
REPEALING CHAPTER 937 OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'SENIOR CITIZENS AND PHYSICALLY DISABLED SERVICES,'
AND DECLARING AN EMERGENCY

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

SECTION 1: Ordinance no. 10012-2016 as enacted and passed on April 26, 2016, is hereby repealed.

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 of Repealing Chapter 937 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

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCIL PRESIDENT ASTORINO

AN ORDINANCE
ENACTING CHAPTER 937
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'SNOW REMOVAL
FOR SENIOR CITIZENS AND/OR DISABLED RESIDENTS OF THE CITY'
AND DECLARING AN EMERGENCY

WHEREAS, this Council and the Mayor is desirous of enacting a new Chapter of the Brook Park Codified Ordinances entitled "Snow Removal For Senior Citizens and/or Disabled Residents of the City," for single family dwellings and to establish regulations for the senior citizens of our City;

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

SECTION 1: The Brook Park Codified Ordinances shall be supplemented by enacting a new Chapter 937 entitled "Snow Removal Program Senior Citizens and/or Disabled Residents of the City," and is hereby enacted to read as follows:

937.01 SNOW REMOVAL PROGRAM FOR SENIOR CITIZENS AND/OR DISABLED RESIDENTS OF THE CITY.

The Service Department, upon the terms stated herein, and under such other rules and regulations as may be established by the Mayor, consistent herewith and necessary in order to carry out the provisions of this chapter shall provide snow removal program to qualified residents of the City. The City will provide such services effective from the Winter of 2017-2018 to the extent that manpower and equipment is available, after all necessary public highway; street and public sidewalk snow removal is accomplished or provided for subject to the following terms:

- a) Snow shall be removed only after two inches or more of snow has fallen.

937.02 QUALIFICATIONS.

- a) The resident must be sixty-five years of age or older, reside alone or with a spouse of like age or older, and have no other able-bodied person living in the same building.

- b) Residents who have a social security determined disability.
- c) At the time of registration with the Department, the resident must provide proof of age and/or evidence of disability from social security.
- d) The resident must execute a consent and release, in a form approved by the Director of Law, granting permission to and exonerating the City from any and all liability for providing such snow removal service.

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 of enacting chapter 937 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: _____

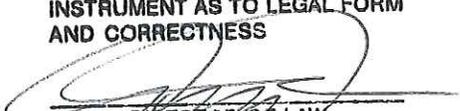
PRESIDENT OF COUNCIL

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 1/3/17 Legislative

Cau 2/14/17

1st R

2nd R

3rd R

B/C

ORDINANCE NO: _____

INTRODUCED BY: COUNCIL PRESIDENT ASTORINO

AN ORDINANCE
ENACTING CHAPTER 938
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'LAWN MAINTENANCE SERVICE PROGRAM
FOR SENIOR CITIZENS AND/OR DISABLED RESIDENTS OF THE CITY'
AND DECLARING AN EMERGENCY

WHEREAS, this Council and the Mayor is desirous of enacting a new Chapter of the Brook Park Codified Ordinances entitled Lawn Maintenance Service Program Removal for single family dwellings and to establish regulations for the senior citizens of our City;

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

SECTION 1: The Brook Park Codified Ordinances shall be supplemented by enacting a new Chapter 938 entitled "Lawn Maintenance Service Program For Senior Citizens and/or Disabled Residents of the City," and is hereby enacted to read as follows:

938.01 **LAWN MAINTENANCE SERVICE PROGRAM FOR SENIOR CITIZENS AND/OR DISABLED RESIDENTS OF THE CITY.**

The City shall provide a lawn maintenance service program as stated herein, and under such other rules and regulations as may be established by the Mayor, consistent herewith and necessary in order to carry out the provisions of this chapter and shall provide a lawn maintenance service program to qualified residents of the City. The City will provide such services effective in the Summer of 2017 to the extent that the manpower and equipment is available. Residents must live in a single family dwelling or townhouse-like structure which does not have an association and/or have common area maintenance (CAM) charges that provide for yard maintenance.

- a) Each eligible resident must own, and keep in good working order, a lawnmower, which will be operated by City personnel for this program.

937.02 **QUALIFICATIONS.**

- a) The resident must be sixty-five years of age or older, reside alone or with a spouse of like age or older, and have no other able-bodied person living in the same building.

- b) Residents who have a social security determined disability.
- c) At the time of registration with the Department, the resident must provide proof of age and/or evidence of disability from social security.
- d) The resident must execute a consent and release, in a form approved by the Director of Law, granting permission to and exonerating the City from any and all liability for providing such snow removal service.

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 of enacting chapter 938 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.

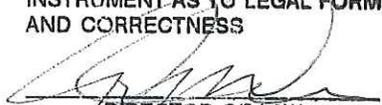
PASSED: _____

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 12/20/16 Legislative
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1st R
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B/C

ORDINANCE NO: _____

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE
AMENDING CERTAIN SECTIONS OF CHAPTER 153
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'EMPLOYEES GENERALLY,'
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 153.01(a)(3) of the Brook Park Codified Ordinances, as enacted by Ordinance No. 8311-1997 passed February 4, 1997, and reading as follows:

153.01 (a) (3)

(3) Each full-time employee shall be entitled to vacation as follows:

<i>Years Of Service Completed During A Calendar Year</i>	<i>Vacation Days (per month)</i>	<i>Vacation Days (per year)</i>
Upon initial eligibility	.833	10
5 through 10	1.250	15
More than 10	1.667	20
More than 18	2.083	25

is hereby amended to read:

153.01 (a) (3)

(3) Each full-time employee shall be entitled to vacation as follows:

<i>Years Of Service Completed During A Calendar Year</i>	<i>Vacation Days (per month)</i>	<i>Vacation Days (per year)</i>
Upon initial eligibility	.833	10
5 through 10	1.250	15
More than 10	1.667	20
More than 15	2.083	25
More than 20	2.50	30

SECTION 2: Former Section 153.01(a)(3) of the Brook Park Codified Ordinances as enacted by Ordinance No. 8311-1997 passed February 4, 1997, is hereby expressly repealed

SECTION 3 Section 153.021 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 8224-1996, passed June 18, 1996, Ordinance No. 8855-2001, passed December 26, 2001 and Ordinance No. 9531-2008, passed December 16, 2008 and reading as follows:

153.021

(a) 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, at the time of retirement from active service with the City and with ten or more years of service with the City, to be paid in cash for four-eighths of the value of his accrued but unused sick leave credit. Such payment shall be made in the employee's final paycheck, and shall be based on the employee's rate of pay at the time of retirement. Payment for sick leave on this basis shall be considered to eliminate all sick leave credit accrued by the employee at that time. Such payment shall be made only once to any employee. The payment which may be made under this subsection shall not exceed an amount representing four-eighths of a maximum of 1,248 hours.

(b) The calculation of sick leave credit shall exclude longevity differentials, annual differentials, shift differentials, in-service differentials, all premium payments, regularly scheduled overtime and all other forms of additional or supplemental compensation.

(c) The receipt of severance pay of any other type shall eliminate and forever cancel all future claims to all sick leave credit from the City.

(d) Notwithstanding any other provision contained in this section, an employee who receives sick leave compensation upon retirement pursuant to subsection (a) hereof shall also be entitled to a sick leave bonus payment equal to four-eighths of the value of all, if any, of his hours of credit for accrued but unused sick leave in excess of 1,248 hours at the time of retirement. Such sick leave bonus shall be based on the employee's rate of pay at the time of retirement, and shall be paid at the time of retirement. An employee whose sick leave credit at time of retirement is equal to or less than 1,248 hours shall not receive a sick leave bonus. Any employee entitled to receive a sick leave bonus pursuant to this subsection who dies prior to the receipt thereof shall have the amount of such bonus paid to his estate.

(e) For the purposes of this section, the term "retirement" shall mean either a service or disability retirement under any retirement system.

is hereby amended to read:

153.021

(a) 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, at the time of retirement from active service with the City and with ten or more years of service with the City, to be paid in cash for one-half of the value of his accrued but unused sick leave credit. Such payment shall be made in the employee's final paycheck, and shall be based on the employee's rate of pay at the time of retirement. Payment for sick leave on this basis shall be considered to eliminate all sick leave credit accrued by the employee at that time. Such payment shall be made only once to any employee. The payment which may be made under this subsection shall not exceed an amount representing one-half of a maximum of 1,248 hours.

(b) The calculation of sick leave credit shall exclude longevity differentials, annual differentials, shift differentials, in-service differentials, all premium payments, regularly scheduled overtime and all other forms of additional or supplemental compensation.

(c) The receipt of severance pay of any other type shall eliminate and forever cancel all future claims to all sick leave credit from the City.

(d) Notwithstanding any other provision contained in this section, an employee who receives sick leave compensation upon retirement pursuant to subsection (a) hereof shall also be entitled to a sick leave bonus payment equal to one-half of the value of all, if any, of his hours of credit for accrued but unused sick leave in excess of 1,248 hours at the time of retirement. Such sick leave bonus shall be based on the employee's rate of pay at the time of retirement, and shall be paid at the time of retirement. An employee whose sick leave credit at time of retirement is equal to or less than 1,248 hours shall not receive a sick leave bonus. Any employee entitled to receive a sick leave bonus pursuant to this subsection who dies prior to the receipt thereof shall have the amount of such bonus paid to his estate.

(e) For the purposes of this section, the term "retirement" shall mean either a service or disability retirement under any retirement system.

SECTION 4: Former Section 153.021 of the Brook Park Codified Ordinances as enacted by Ordinance No. 8224-1996, passed June 18, 1996, Ordinance No. 8855-2001, passed December 26, 2001, Ordinance No. 9059-2003, passed December 16, 2003 and Ordinance No. 9531-2008, passed December 16, 2008 is hereby expressly repealed.

SECTION 5: Section 153.12 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 8609-1999, passed November 16, 1999, and reading as follows:

153.12 HOLIDAYS.

Commencing January 1, 1999, and thereafter until duly changed, where not provided for under specific sections of the Codified Ordinances, each full-time employee of the City shall be entitled to the following paid holidays:

- | | |
|-----------------------------|----------------------|
| New Year's Day | Independence Day |
| President's Day | Veterans Day |
| Memorial Day | Labor Day |
| Thanksgiving Day | Christmas |
| Employee's Birthday | Eight personal hours |
| Martin Luther King, Jr. Day | |

is hereby amended to read:

153.12 HOLIDAYS.

Commencing January 1, 1999, and thereafter until duly changed, where not provided for under specific sections of the Codified Ordinances, each full-time employee of the City shall be entitled to the following paid holidays:

- | | |
|------------------------|-----------------------------|
| New Year's Day | Independence Day |
| President's Day | Veterans Day |
| Memorial Day | Labor Day |
| Thanksgiving Day | Christmas |
| Sixteen personal hours | Martin Luther King, Jr. Day |

SECTION 6: Former Section 153.12 of the Brook Park Codified Ordinances as enacted by Ordinance No. 8609-1999, passed November 16, 1999 is hereby expressly repealed.

SECTION 7: Section 153.145 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 8227-1996 passed June 18, 1996, Ordinance No. 8772-2001, passed March 6, 2001, Ordinance No. 9550-2009, passed January 6, 2009 and Ordinance No. 9651-2010, passed June 15, 2010, and reading as follows:

153.145 OVERTIME.

(a) Except as provided in subsections (b), (c) and (d) hereof, employees who are required by an authorized administrative authority to work more than forty hours in any calendar week shall receive overtime at the rate of one and one-half hours for each hour of overtime worked.

(b) Overtime for all members of the classified civil service shall be governed by their respective union contracts.

(c) Employees occupying the positions set forth below, as well as similar administrative positions which may be established hereafter, shall be ineligible for the benefits provided in subsection (a) hereof:

- All elected officials
- Assistant Finance Director
- Director of Taxation
- Economic Development Commissioner
- Building Commissioner

Assistant Building Commissioner
Building and Property Maintenance Inspector
Assistant Director of Law - Prosecutor
Executive Assistant to the Mayor
All Assistant Law Directors
Director of Public Safety
Director of Public Service
Assistant Service Director
Deputy Assistant Service Director
Human Resource Commissioner
Recreation Director
Deputy Directors of Recreation
Community Center Supervisor
Superintendent of Parks and Playgrounds
Clerk of Council
Supervisor of Public Properties
Police Chief
Police Captain
Fire Chief
Assistant Fire Chief
Assistant Clerk of Council
Administrative Assistant to the Law Director
Clerk of Courts
Assistant Deputy Finance Director.

- (d) All employees classified as part-time, temporary and seasonal, or who are not otherwise employed to work forty hours per week, are ineligible for the benefits provided in subsection (a) hereof.

is hereby amended to read:

153.145 OVERTIME.

(a) Except as provided in subsections (b), (c) and (d) hereof, employees who are required by an authorized administrative authority to work more than forty hours in any calendar week shall receive overtime at the rate of one and one-half hours for each hour of overtime worked.

(b) Overtime for all members of the classified civil service shall be governed by their respective union contracts.

(c) Employees occupying the positions set forth below, as well as similar administrative positions which may be established hereafter, shall be ineligible for the benefits provided in subsection (a) hereof:

All elected officials
Assistant Finance Director
Director of Taxation
Economic Development Commissioner
Building Commissioner
Assistant Building Commissioner
Building and Property Maintenance Inspector
Assistant Director of Law - Prosecutor
Executive Assistant to the Mayor
All Assistant Law Directors
Director of Public Safety

Director of Public Service
Assistant Service Director
Human Resource Commissioner
Recreation Director
Community Center Supervisor
Clerk of Council
Police Chief
Police Captain
Fire Chief
Assistant Fire Chief
Assistant Clerk of Council
Administrative Assistant to the Law Director
Clerk of Courts

(d) All employees classified as part-time, temporary and seasonal, or who are not otherwise employed to work forty hours per week, are ineligible for the benefits provided in subsection (a) hereof.

SECTION 8: Former Section 153.145 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 8227-1996 passed June 18, 1996, Ordinance No. 8772-2001, passed March 6, 2001, Ordinance No. 9550-2009, passed January 6, 2009 and Ordinance No. 9651-2010, passed June 15, 2010, is hereby expressly repealed.

SECTION 9: Section 153.18 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 6907-1977, passed September 2, 1986, and reading as follows:

153.18 WAGE, SALARY, BENEFIT AND CONTRACT REVIEW COMMITTEE.

(a) There is hereby created a Wage, Salary, Benefit and Contract Review Committee.

(b) The Committee shall consist of the Mayor, who shall serve as Chairman, the President of Council, the Auditor and all members of Council.

(c) The Committee shall establish economic guidelines and goals prior to the commencement of negotiations.

(d) All Committee meetings shall be held in executive sessions.

(e) At the call of the Mayor, the Committee shall meet with the City's legal advisor for negotiations along with the department heads of the various City departments to review and discuss wages, salary and benefits for all City employees. Relative to those employees under the contract, the meeting shall be called not less than sixty days prior to the expiration of the agreement. Compensation and benefits for noncontractual employees may be reviewed annually.

(f) The Mayor shall provide the Committee with all formal proposals and counter proposals during the negotiation process. The Mayor shall keep the Committee informed of the progress of negotiations.

SECTION 10. Former Section 153.18 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 6907-1986 is hereby repealed in its entirety.

SECTION 11: 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 12: 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 certain sections of Chapter 153 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



DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

P/C 1/17/17 Legislative
Cau 2/14/17
1st R _____
2nd R _____
3rd R _____
B/C _____

RESOLUTION NO. _____

INTRODUCED BY: MAYOR COYNE

**A RESOLUTION
IN SUPPORT OF UNIQUE ENTERPRISES, INC.
APPLYING WITH THE CUYAHOGA COUNTY DEPARTMENT OF
DEVELOPMENT FOR A GRANT TO PERFORM AN ENVIRONMENTAL IMPACT
STUDY FOR PROPERTY, LISTED BY THE CUYAHOGA COUNTY
FISCAL OFFICER AS 6090 WEST 130TH, PPN 344-24-121,
AND DECLARING AN EMERGENCY**

WHEREAS, grant funds are now available for environmental impact studies through the Cuyahoga County Department of Development and the City expresses its support for Frank Kaesberger and Unique Enterprises, Inc. to make application for such funding for the real property located in the City of Brook Park and known as Permanent Parcel No. 344-24-121;

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

SECTION 1: That the Mayor and Council of the City of Brook Park, hereby expresses their support of said application for a grant to perform an environmental impact study for real property located in the City of Brook Park and known as Permanent Parcel No. 344-24-121.

SECTION 2: 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 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 that the City of Brook Park is in support of Unique Enterprises and their application for a grant to perform an environmental study at 6090 West 130th, Brook Park, OH; 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.

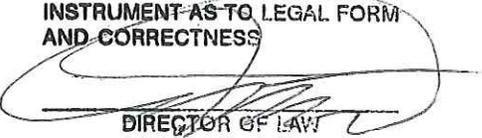
PASSED: _____

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

CITY OF BROOK PARK, OHIO

RESOLUTION NO. _____

INTRODUCED BY: MAYOR COYNE

A RESOLUTION IN SUPPORT OF MNA PROPERTIES II, LLC AND THE CITY APPLYING WITH THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT AND/OR THE STATE OF OHIO BUREAU OF UNDERGROUND STORAGE TANK REMOVAL (BUSTR) FOR GRANT FUNDS TO PERFORM AN ENVIRONMENTAL IMPACT STUDY AND/OR TO UNDERTAKE ENVIRONMENTAL REMEDIATION OF THE PROPERTY KNOWN AS 6286 ENGLE RD., PPN 342-09-011 AND TO TAKE ALL FURTHER NECESSARY ACTION TO REMEDIATE THE PROPERTY AND DECLARING AN EMERGENCY

WHEREAS, grant funds are now available for environmental impact studies and/or environmental remediation through the Cuyahoga County Department of Development and BUSTR;

WHEREAS, the City expresses its support for MNA Properties to make application for such funding for the real property located in the City of Brook Park and known as Permanent Parcel No. 342-09-022;

WHEREAS, the City may directly apply for and receive grant funds from Cuyahoga County and/or BUSTR to conduct an environmental impact study and to remediate environmental contamination at Permanent Parcel No. 342-09-022 and expresses its support for MNA Properties to make application for such funding for the real property located in the City of Brook Park and known as Permanent Parcel No. 342-09-022 as well;

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

SECTION 1: That the Mayor and Council of the City of Brook Park, hereby expresses their support for said application for and receipt of grant funds to perform an environmental impact study and/or remediation of the real property located in the City of Brook Park and known as Permanent Parcel No. 344-24-121.

SECTION 2: 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 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 that the City of Brook Park is in support of HMF Engineering, Inc. and their application for a grant to perform an environmental study at 5131 West 164TH, Brook Park, OH; therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: _____

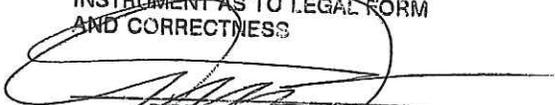
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

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CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCILWOMAN MCCORMICK

AN ORDINANCE
CREATING THE "BROOK PARK CHARITABLE GIVING PROGRAM".

WHEREAS, the City of Brook Park has determined that providing assistance to local charitable organizations is a valid use of public funds; and

WHEREAS, it has been determined by the City and Council that charitable funds should be distributed in a fair and equitable manner, with rules, deadlines and guidelines that all potential applicants must follow to be considered for funding; and

WHEREAS, the City wishes to support those charitable organizations that help to improve the lives of its residents and the welfare of the City; and

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

SECTION 1:

Chapter 943 Brook Park Charitable Giving Program is hereby added to the Codified Ordinances of the City of Brook Park as follows:

Chapter 943 Brook Park Charitable Giving Program

- 943.01 - Eligibility criteria
- 943.02 - Application period & deadline
- 943.03 - Selection Committee
- 943.04 - Initial funding

943.01 - Eligibility criteria

Nonprofit organizations seeking funding must:

- Have a principal place of business in Cuyahoga County.
- Allocate grant funds for services that support Brook Park residents.
- Be registered as an Ohio nonprofit organization with the Ohio Secretary of State and be organized in the State of Ohio.
- Have 501(c)(3) status.
- Have a certificate of good standing from the Ohio Secretary of State.
 - Have been in operation for three or more years.
 - Grant requests may be for a maximum of \$10,000 or a lesser amount.
- Complete the charitable grant application in full and return by the posted deadline.

943.02 - Application period and deadline

Application deadline: November 30, 2016

Evaluation of applications: December 2016

Funding decisions: January 2017

943.03 - Selection Committee

The President of Council shall appoint a 5-member select committee for the express purposes of evaluating applications for funding under the Brook Park Charitable Giving Program. Two of the five members shall be the chairperson of the Finance Committee and the Director of Finance; other members are at the sole discretion of the President of Council.

The Selection Committee shall meet at least once in December in a public meeting to review applications that have been received for funding requests. Additional meetings may be called at the discretion of the committee on an as-needed basis.

Those nonprofit organizations selected to be awarded grants under the charitable giving program shall be notified in writing in January. The list of those organizations receiving grants shall also be posted to the city's website.

943.04 - Initial Funding

\$50,000 will be allocated for the Brook Park Charitable Giving Program for 2017, and will be provided by Fund 325, Community Development. After the initial year, Council may decide to increase or decrease the amount of funding annually during the budgetary process.

SECTION 2: 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

CITY OF BROOK PARK, OHIO

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Caucus 5/10/16
B/C 5/10/16
Caucus 2/17/17

RESOLUTION NO : _____

INTRODUCED BY: COUNCILWOMAN MCCORMICK 

A RESOLUTION TO DISCOURAGE BULLYING AND CYBERBULLYING IN THE COMMUNITY, AND DECLARING AN EMERGENCY.

WHEREAS, bullying and cyberbullying is a serious and widespread problem and generally has been found to occur in all cities and states in the country; and,

WHEREAS, bullying and cyber bullying are often underreported and are a significant problem; and,

WHEREAS, victims of bullying and cyberbullying are statically more likely to have suicide ideation and suicide attempts, have mental health problems, including depression, use of drugs and alcohol, skip school, have poor academic/work performance, cheat, and have low self-esteem; and,

WHEREAS, people who bully others have been shown to have higher risk of abusing alcohol and drugs; be more likely to get into fights and vandalize property and are more likely to have criminal convictions as adults.

WHEREAS, bullying and cyberbullying have negative society consequences and results in costs to taxpayers and the government; and,

WHEREAS, although, bullying and cyberbullying tend to victimize specific populations at a significantly higher rate (such as obese, chronically ill, disabled, gifted, sexual minority, youth), people of all demographics can be subject to bullying; and,

WHEREAS, the proliferation of computers, tablets and smart phones with internet access has led to a dangerous form of bullying known as cyberbullying; and,

WHEREAS, cyberbullying make include sending hurtful, rude and mean text messages, spreading rumors or lies about others by email or social networks; and creating websites, videos or social media profiles that embarrass, humiliate or make fun of others; and,

WHEREAS, in cyberbullying, harassing, embarrassing, humiliating or threatening messages and pictures can be shared with a group of people, an entire school or organization, or anyone with access to the internet, and there are no practical means to remove messages and pictures once posted to the internet.

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

SECTION 1: That City Council wishes to discourage bullying and cyberbullying in the community.

SECTION 2: That City Council encourages the annual review and update of the City's own policies, including the City's social media policy, to protect its employees and elected officials from bullying and cyberbullying as well as limit the liability to the City that could arise from such behavior, and implores the Mayor to enforce said policies.

SECTION 3: That City Council encourages the development of a training program on workplace bullying and proper use of social media, requiring the participation of all City employees.

SECTION 4: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberation of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Sections 121.22 of the Ohio Revised Code.

SECTION 5: 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 to support our form of government; 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 afforded by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

APPROVED: _____

CLERK OF COUNCIL

MAYOR

DATE

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

DIRECTOR OF LAW