

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, FEBRUARY 21, 2017  
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 AUGUST 2, 2016.
2. SPECIAL CAUCUS MEETING HELD ON AUGUST 2, 2016.
3. SPECIAL COUNCIL MEETING HELD ON AUGUST 8, 2016.

**D. REPORTS OF STANDING COMMITTEES:**

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

**E. REPORTS OF SPECIAL COMMITTEES:**

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

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

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

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

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

1. METROPLEX PRESENTATION - **In attendance:** Fred Szabo, Assistant Director  
Department of Port Control, Cleveland Hopkins Airport

**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):**

1. ORDINANCE NO. 10069-2017, AMENDING CERTAIN SECTIONS OF CHAPTER 153 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'EMPLOYEES GENERALLY,' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne
2. RESOLUTION NO 3-2017, GRANTING A CONDITIONAL USE PERMIT TO OPERATE LUXURY MOTORS AT 13501 BROOKPARK ROAD IN A U7-D DISTRICT AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne
3. RESOLUTION NO. 4-2017, URGING FIRSTENERGY TO CONTINUE HEALTH CARE COVERAGE FOR RETIREES OF THE UTILITY WORKERS UNION OF AMERICA OF THE CLEVELAND AND ASTABULA DIVISION AND DECLARING AN EMERGENCY. Introduced by Council President Astorino.
4. RESOLUTION NO. 5-2017, IN SUPPORT OF THE AEROZONE ALLIANCE CONSORTIUM AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne, Councilmembers Troyer, Mencini, Powers, Scott, Burgio, Salvatore and Council President Astorino.

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

5. RESOLUTION NO. 6-2017, 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
  
6. RESOLUTION NO. 7-2017, 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 ROAD, PPN 342-09-011 AND TO TAKE ALL FURTHER NECESSARY ACTION TO REMEDIATE THE PROPERTY AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

**N. SECOND READING OF ORDINANCES AND RESOLUTIONS:**

1. ORDINANCE NO. 10067-2017, AMENDING SECTION 1805.01 (2) (A) AND (B) OF THE BROOK PARK CODIFIED ORDINANCES COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne

**O. THIRD READING OF ORDINANCES AND RESOLUTIONS:**

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

**O. THIRD READING OF ORDINANCES AND RESOLUTIONS: CONT.**

2. ORDINANCE NO. 10064-2016, AMENDING CHAPTER 153.06 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED, 'PAYMENT OF HOSPITALIZATION BENEFITS' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.
  
3. RESOLUTION NO. 21-2016, URGING THE BEREA CITY SCHOOL DISTRICT TO BUILD A NEW HIGH SCHOOL ON THE CURRENT SITE OF FORD INTERMEDIATE SCHOOL AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini

**P. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**

**Q. ADJOURNMENT:**

**SYNOPSIS OF ORDINANCES AND RESOLUTIONS  
FOR THE COUNCIL MEETING OF FEBRUARY 21, 2017**

**FIRST READING:**

Res. No. 3-2017

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO OPERATE LUXURY MOTORS AT 13501 BROOKPARK ROAD IN A U7-D DISTRICT, AND DECLARING AN EMERGENCY.

SYNOPSIS: A resolution granting a conditional use permit to Luxury Motors at 13501 Brookpark Road in a U7-D District with restrictions.

Res. No. 4-2017

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.

SYNOPSIS: A resolution demanding FirstEnergy to fulfill their moral obligation to its active members and retirees by fairly sharing the cost of health coverage as it has been done for many years.

Res. No. 5-2017

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

SYNOPSIS: A resolution supporting the City's efforts to cooperate with the Alliance members for the purpose of promoting economic development and job creation within our region.

Res. No. 6-2017

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 130<sup>TH</sup>, PPN 344-24-121, AND DECLARING AN EMERGENCY.

SYNOPSIS: A resolution expressing the City's support for an application of a grant to perform an environmental impact study for real property located at 6090 West 130<sup>th</sup>.

Res. No. 7-2017

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.

SYNOPSIS: A resolution expressing the City's support of grant funds for an environmental impact study and/or remediation of real property located at 6286 Engle Road.

Ord No. 10069-2017 AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPATER 153 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'EMPLOYEES GENERALLY,' ABD DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance amending certain sections of our codified ordinances to change the amount of vacation time for employees.

**SECOND READING:**

Ord. No. 10067-2017 AN ORDINANCE AMENDING SECTION 1805.01(2) (A) (B) OF THE BROOK PARK CODIFIED ORDINANCES COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES, AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance amending our codified ordinances section 1805.01(2)(A)(B) changing the verbiage to read last day of the month.

**THIRD READING:**

Res. No. 21-2016 A RESOLUTION URGING THE CITY SCHOOL DISTRICT TO BUILD A NEW HIGH SCHOOL ON THE CURRENT SITE OF FORD INTERMEDIATE SCHOOL, AND DECLARING AN EMERGENCY.

SYNOPSIS: A resolution urging the Berea School District to build a new high school on the current site of Ford Intermediate School.

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

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

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

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

**PREPARED BY THE BROOK PARK LEGAL DEPARTMENT**  
**February 16, 2017**

P/C 12/20/16 Legislative  
 Cau 2/14/17  
 1<sup>st</sup> R 2/21/17  
 2<sup>nd</sup> R  
 3<sup>rd</sup> R  
 B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10069-2017

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: \_\_\_\_\_

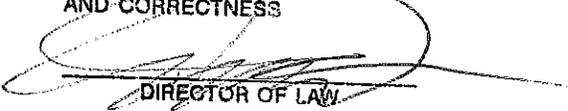
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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

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

\_\_\_\_\_  
DATE

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

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

P/C  
Cau 2/21/17  
1<sup>st</sup> R 2/21/17  
2<sup>nd</sup> R  
3rd R  
B/C

CITY OF BROOK PARK, OHIO

Resolution No. 3-2017

Introduced By: COUNCIL AS A WHOLE

A RESOLUTION  
GRANTING A CONDITIONAL USE PERMIT TO  
OPERATE LUXURY MOTORS AT  
13501 BROOKPARK ROAD IN A U7-D DISTRICT,  
AND DECLARING AN EMERGENCY

WHEREAS, Luxury Motors has filed an application for a conditional use permit with the Brook Park Planning Commission; and

WHEREAS, the conditional use requested is to permit Luxury Motors to operate a used car sales facility at 13501 Brookpark Road in a U7-D District; and

WHEREAS, the request for a conditional use permit was presented at a public hearing on February 6, 2017, to the Brook Park Planning Commission, which referred this matter to Council with certain conditions for approval and recommended the waiver of requirements set forth in Section 1121.36(c) of the Brook Park Codified Ordinances.

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

SECTION 1: The Council of the City of Brook Park finds that the proposed conditional use permit requested is appropriate in the location for which it is proposed and grants a conditional use permit to operate Luxury Motors at 13501 Brookpark Road.

SECTION 2: The granting of said conditional use permit is subject to the following conditions:

1. The number of cars located on the property for inventory will be limited to the number 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 within 30 days. East property line fence to be installed within 6 months.

**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 the further purpose of granting a conditional use permit to operate a used car sales facility in a U7-D district; 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

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 4-2017

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: \_\_\_\_\_

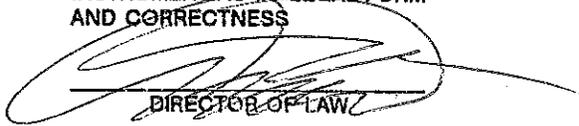
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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

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

\_\_\_\_\_  
DATE

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

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

P/C 1/3/17 Aviation  
Cau 2/14/17  
1<sup>st</sup> R 2/21/17  
2<sup>nd</sup> R  
3<sup>rd</sup> R  
B/C

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 5-2017

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

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: \_\_\_\_\_

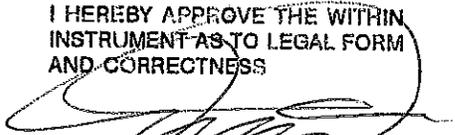
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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

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

\_\_\_\_\_  
DATE

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



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

CITY OF BROOK PARK, OHIO

P/C 2/7/17 Legislative

Cau 2/14/17

1<sup>st</sup> R 2/21/17

2<sup>nd</sup> R

3rd R

B/C

RESOLUTION NO. 6-2017

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 130<sup>TH</sup>, 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.

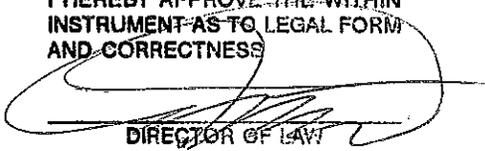
PASSED: \_\_\_\_\_

\_\_\_\_\_  
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

P/C 2/7/17 Legislative  
Cau 2/14/17 - amended  
1<sup>st</sup> R 2/21/17  
2<sup>nd</sup> R  
3rd R  
B/C

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 7-2017

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 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 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 6286 Engle Road, Brook Park, OH; provided this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

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

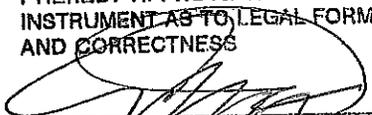
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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

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

\_\_\_\_\_  
DATE

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

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

P/C 12/20/16 Finance  
Cau 1/24/17  
1st R 2/7/17  
2nd R 2/21/17  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10067-2017

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE  
AMENDING SECTION 1805.01(2) (A) and (B)  
OF THE BROOK PARK CODIFIED ORDINANCES  
COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES,  
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 1805.01(2) (A) and (B) of the Brook Park Codified Ordinances, as enacted by Ordinance No. 9984-2015 passed December 15, 2015, and reading as follows:

**1805.01 COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES.**

(2) In addition to withholding the amounts required under division (a)(1) of this section, an employer, agent of an employer, or other payer may also deduct and withhold, on the request of an employee, taxes for the municipal corporation in which the employee is a resident.

(b) (1) An employer, agent of an employer, or other payer is required to remit to the Tax Director of the Municipality the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer, along with any report required by the Tax Director to accompany such payment, according to the following schedule:

A. Any employer, agent of an employer, or other payer not required to make payments under division (b)(1)B. of this section or taxes required to be deducted and withheld shall make quarterly payments to the Tax Director not later than the fifteenth day of the month following the end of each calendar quarter.

B. Taxes required to be deducted and withheld are required to be remitted monthly to the Tax Director if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer on behalf of the Municipality in the preceding calendar year exceeded two thousand three hundred ninety-nine dollars (\$2,399.00), or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in any month of the preceding calendar quarter exceeded two hundred dollars

(\$200.00). Payment under division (b)(1)B. of this section shall be made so that the payment is received by the Tax Director not later than fifteen days after the last day of each month.

is hereby amended to read as follows:

**1805.01 COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES.**

(2) In addition to withholding the amounts required under division (a)(1) of this section, an employer, agent of an employer, or other payer may also deduct and withhold, on the request of an employee, taxes for the municipal corporation in which the employee is a resident.

(b) (1) An employer, agent of an employer, or other payer is required to remit to the Tax Director of the Municipality the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer, along with any report required by the Tax Director to accompany such payment, according to the following schedule:

A. Any employer, agent of an employer, or other payer not required to make payments under division (b)(1)B. of this section or taxes required to be deducted and withheld shall make quarterly payments to the Tax Director not later than the last day of the month following the last of each calendar quarter.

B. Taxes required to be deducted and withheld are required to be remitted monthly to the Tax Director if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer on behalf of the Municipality in the preceding calendar year exceeded two thousand three hundred ninety-nine dollars (\$2,399.00), or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in any month of the preceding calendar quarter exceeded two hundred dollars (\$200.00). Payments under division (b)(1)B. of this section shall be made so that the payment is received by the Tax Director not later than fifteen days after the last day of each month.

**SECTION 2:** Former Section 1805.01(2)(A) and (B) 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 1805.01(2)(A) and (B); therefore, this

Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

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

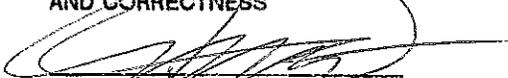
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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 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  
3rd R 2/21/17

ORDINANCE NO: 10062-2016

INTRODUCED BY: COUNCIL PRESIDENT ASTORINO, COUNCIL MEMBERS TROYER, POWERS, McCORMICK, MENCINI, ~~SAVATONE~~, BURGIO, ~~SAVATONE~~ 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 12/6/16 Legislative

Cau 12/13/16

1<sup>st</sup> R 12/20/16

2<sup>nd</sup> R 1/3/17

3<sup>rd</sup> R 1/17/17 moved to

B/C

3<sup>rd</sup> R 2/7/17 moved to

3<sup>rd</sup> R 2/21/17

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10064-2016

INTRODUCED BY: MAYOR COYNE

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

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

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

153.06 PAYMENT OF HOSPITALIZATION BENEFITS.

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

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

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

(2) The surviving spouse remarries.

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

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

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

(e) Effective January 1, 2004, a full-time employee of the City who is not a member of a bargaining unit represented by a union or employee organization may elect to opt out of the City's medical plan. The employee shall furnish proof that he is covered by another qualified health insurance plan through their spouse. Employees opting out shall receive one thousand two hundred dollars (\$1,200.00) per year bonus, payable monthly to those qualified employees.

is hereby amended to read:

**153.06 PAYMENT OF HOSPITALIZATION BENEFITS.**

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

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

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

(2) The surviving spouse remarries.

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

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

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

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

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

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

**SECTION 3:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION: 4** This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason of amending Section 153.06 of the Brook Park Codified Ordinances; therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

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

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

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

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

\_\_\_\_\_  
DATE

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

P/C 6/7/16 Legislative  
Cau 6/14/16  
1<sup>st</sup> R 6/21/16  
2<sup>nd</sup> R 8/2/16  
3rd R 2/7/17 inadvertently left off agenda  
B/C 8/2/16  
Caucus 1/10/17  
3rd R 2/21/17

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 21-2016

INTRODUCED BY: COUNCILMAN MENCINI

A RESOLUTION  
URGING THE BEREA CITY SCHOOL DISTRICT  
TO BUILD A NEW HIGH SCHOOL ON THE CURRENT  
SITE OF FORD INTERMEDIATE SCHOOL,  
AND DECLARING AN EMERGENCY

WHEREAS, the Berea City School District is proposing that two elementary schools within the City of Brook Park be closed due to a decrease in enrollment and the age of the schools; and

WHEREAS, the City of Brook Park objects strongly to the closing of Brook Park Memorial and Brookview elementary; and

WHEREAS, the Council and the City administration hereby requests the Berea City School District to work with Brook Park to see that if those schools do close, then the new proposed high school be built on the current site of Ford Intermediate School; and

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

SECTION 1: That Council does hereby request that Ford Intermediate School be the new site for the proposed high school.

SECTION 2: This Council and the Administration urge the residents of Brook Park to show their support of this Resolution and ask them to write the Berea City School District requesting that the new high school be built on the current Ford Middle School site.

SECTION 3: That the Clerk of Council is hereby authorized and directed to forward two certified copies of this Resolution to the Berea City School District.

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

**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 for further reason to urge the Berea City School District build the new high school on the site of Ford Intermediate School; 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.

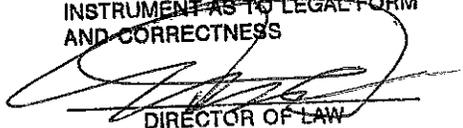
PASSED: \_\_\_\_\_

\_\_\_\_\_  
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 \_\_\_\_\_

	Yea	Nay
Troyer	_____	_____
Mencini	_____	_____
Powers	_____	_____
Scott	_____	_____
Burgio	_____	_____
McCormick	_____	_____
Salvatore	_____	_____