

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, FEBRUARY 28, 2017
7:00 P.M.**

I. ROLL CALL OF MEMBERS

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

IV. DISCUSSION:

1. OHIO CHECKBOOK PROGRAM - PER COUNCIL PRESIDENT ASTORINO
In attendance: Eric Synenberg, Public Affairs Liaison for State Treasurer's Office
2. EMPLOYEES GENERALLY - CHAPTER 153 - PER COUNCIL PRESIDENT ASTORINO

V. AVIATION & ENVIRONMENTAL COMMITTEE - CHAIRWOMAN, POWERS:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO APPROPRIATE CERTAIN PROPERTIES, LISTED BY CUYAHOGA COUNTY FISCAL OFFICER AS PERMANENT PARCEL NUMBERS 342-16-011, 342-17-001 AND 342-17-002 FOR THE PUBLIC PURPOSES OF GENERATING REVENUE TO FINANCE AND OTHERWISE MAKING VIABLE THE 'LOCAL BROWNFILED CLEANUP PROGRAM' ENACTED BY CHAPTER 942 OF THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne **Placed in committee 8/12/14; Sp. Caucus 8/12/14 - Removed**
2. A RESOLUTION AUTHORIZING THE MAYOR TO APPROPRIATE CERTAIN PROPERTIES, LISTED BY CUYAHOGA COUNTY FISCAL OFFICER AS PERMANENT PARCEL NUMBERS 342-16-011, 342-17-001 AND 342-17-002 FOR THE PUBLIC PURPOSES OF GENERATING REVENUE TO FINANCE AND OTHERWISE MAKING VIABLE THE 'LOCAL BROWNFILED CLEANUP PROGRAM' ENACTED BY CHAPTER 942 OF THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne **Placed in committee 8/12/14; Sp. Caucus 8/12/14 - Removed**

VI. FINANCE COMMITTEE - CO-CHAIRMAN, TROYER:

1. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE IV, SECTION 4.01, OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO, AND DECLARING AN EMERGENCY Introduced by Councilmen D'Amico, Patten, Higgins, Burgio and Salvatore **Placed in committee 5/5/15; Caucus 5/19/15; Back to committee 5/19/15**
2. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE IV, SECTION 4.02, OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO, AND DECLARING AN EMERGENCY Introduced by Councilmen D'Amico, Patten, Higgins, Burgio and Salvatore **Placed in committee 10/21/14**
3. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE IV, SECTION 4.04; OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO, AND DECLARING AN EMERGENCY Introduced by Councilwoman Powers **Placed in committee 11/5/14**
4. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE IV, SECTION 4.05(b); OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO, AND DECLARING AN EMERGENCY Introduced by Council Members D'Amico, Patten, Higgins, Burgio and Salvatore **Placed in committee 5/5/15; Caucus 5/19/15; Back to committee 5/19/15**
5. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE IV, SECTION 4.08; OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO, AND DECLARING AN EMERGENCY Introduced by Council Members D'Amico, Patten, Higgins, Burgio and Salvatore **Placed in committee 5/5/15; Caucus 5/19/15; Back to committee 5/19/15**
6. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE IV, SECTION 4.09; OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO, AND DECLARING AN EMERGENCY Introduced by Council Members D'Amico, Patten, Higgins, Burgio and Salvatore **Placed in committee 5/5/15; Caucus 5/19/15; Back to committee 5/19/15**

VI. FINANCE COMMITTEE - CO-CHAIRMAN, TROYER: CONT.

7. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE XV, SECTION 15.02(b); OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO, AND DECLARING AN EMERGENCY Introduced by Council Members D'Amico, Patten, Higgins, Burgio and Salvatore **Placed in committee 5/5/15; Caucus 5/19/15; Back to committee 5/19/15**

8. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE XVI, SECTION 16.01; OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO, AND DECLARING AN EMERGENCY Introduced by Council Members D'Amico, Patten, Higgins, Burgio and Salvatore **Placed in committee 5/5/15; Caucus 5/19/15; Back to committee 5/19/15**

9. ORDINANCE NO. 10026-2016, AMENDING SECTION 121.01 (a) AND (b) OF THE BROOK PARK CODIFIED ORDINANCES, RELATING TO THE PRESIDENT OF COUNCIL AND MEMBERS OF COUNCIL AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer **P/C 10/14/14; Cau 5/15/15 - amended; Cau 5/19/15; B/C 5/19/15; Cau 2/23/16; B/C 2/23/16; Cau 6/14/16; 1st R 6/21/16; B/C 6/21/16; 2nd R 10/4/16 - tabled for 90 days; 3rd R 1/17/17; Cau 1/24/17 - amended; 3rd R 2/7/17; B/C 2/7/17**

10. ORDINANCE NO. 10068-2017, AMENDING SECTION 1809.01 (h) (i) OF THE BROOK PARK CODIFIED ORDINANCES RETURN AND PAYMENT OF TAX AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne **Placed in Finance committee 12/20/16; Cau 1/24/17; 1st R 2/7/17; Cau 2/14/17 - amended, B/C 2/14/17**

11. AN ORDINANCE AMENDING CHAPTER 131.01 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SALARY. Introduced by Councilman Troyer (Mayor) **Placed in committee 2/21/17**

12. AN ORDINANCE AMENDING CHAPTER 137.01 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SALARY OF THE FINANCE/TAXATION DIRECTOR'. Introduced by Councilman Troyer. **Placed in committee 2/21/17**

VII. RECREATION COMMITTEE - CHAIRMAN, MENCINI:

1. A RESOLUTION REQUESTING THE MAYOR TO FILL THE SWIMMING POOL INSIDE THE JOHN A. POLOYNE COMMUNITY CENTER WITH WATER, AND DECLARING AN EMERGENCY Introduced by Councilwoman Powers **Placed in committee 9/22/15**

VIII. SAFETY COMMITTEE - CHAIRMAN, SALVATORE:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF CLEVELAND FOR MUTUAL AID AND ASSISTANCE IN EMERGENCY FIRE PROTECTION SERVICES AND DECLARING AN EMERGENCY Introduced by Mayor Coyne **Placed in committee 2/24/15**

2. AN ORDINANCE NO. 9903-12014, AMENDING SECTION 143.02 (a) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED COMPOSTION; EXECUTIVE HEAD, AND DECLARING AN EMERGENCY Introduced by Mayor Coyne **Placed in committee 3/4/14; Caucus 3/18/14; 1st R 4/1/14; Caucus 4/15/15; Back to committee 4/15/14 (Fire Department)**

IX. ADJOURNMENT:

Posted 02/24/17

FREQUENTLY ASKED QUESTIONS

WHAT IS OHIOCHECKBOOK.com?

OhioCheckbook.com is a first-of-its-kind government transparency website launched by the Ohio Treasurer's office. By displaying billions of dollars in state and local government checkbook-level spending, OhioCheckbook.com is empowering citizens to see exactly how their tax money is being spent.

HOW MUCH DOES IT COST FOR LOCAL GOVERNMENTS TO PARTICIPATE?

Participation is free! There is no cost to local governments who partner with OhioCheckbook.com. The Ohio Treasurer's office is covering all costs for local governments to post their checkbook-level spending online.

HOW MUCH TIME DOES IT TAKE TO UPLOAD MY DATA TO OHIOCHECKBOOK.com?

In most cases, the upload process takes just minutes and only a few clicks of the mouse.

WHAT ARE THE FEATURES OF OHIOCHECKBOOK.com?

OhioCheckbook.com allows anyone with an internet connection to do "Google-style" searches of state and local spending while displaying interactive charts and graphs in a user-friendly format.

HOW MANY LOCAL GOVERNMENTS & SCHOOLS HAVE COMMITTED TO OHIOCHECKBOOK.com?

To date, **more than 1,000** counties, cities, schools, townships and special districts are committed to posting their spending on OhioCheckbook.com.

WHY SHOULD LOCAL GOVERNMENTS POST THEIR CHECKBOOK ONLINE?

Technology is changing the way citizens access information and the way they expect information to be provided. Leaders at every level of government are increasingly leveraging technology to post public financial information online to increase transparency. By providing expenditures online, governments are proactively shining sunlight on decision making, building trust with constituents, and decreasing time-consuming public records requests.

WILL EACH CHECKBOOK WEBSITE INCLUDE LOCAL GOVERNMENT BRANDING?

Yes. Local governments have the ability to include a logo and custom message on their checkbook websites and to customize other aspects of how spending is presented.

WHAT HAPPENS AFTER THE DATA IS SUBMITTED?

Once data is submitted, the OhioCheckbook.com team will build the checkbook website and then schedule a time for the local government to review the website and ask questions. **No checkbook will be published without local government approval.**

TO GET STARTED...**CONTACT OHIOCHECKBOOK.com**

-  (614) 728-7738
-  publicaffairs@tos.ohio.gov
-  OhioCheckbook.com/partner



P/C Environmental & 8/12/14
SP. CA 8/12/14
1st R _____
2nd R _____
3rd R _____
B/C _____
8/12/14 Removed from the
Special Caucus
Caucus 2/23/17

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR COYNE

C

AN ORDINANCE AUTHORIZING THE MAYOR TO APPROPRIATE CERTAIN PROPERTIES, LISTED BY CUYAHOGA COUNTY FISCAL OFFICER AS PERMANENT PARCEL NUMBERS 342-16-011, 342-17-001, AND 342-17-002, FOR THE PUBLIC PURPOSES OF GENERATING REVENUE TO FINANCE AND OTHERWISE MAKING VIABLE THE "LOCAL BROWNFIELD CLEANUP PROGRAM" ENACTED BY CHAPTER 942 OF THE BROOK PARK CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, the Council of the City of Brook Park, Ohio, by Resolution No. _____; passed _____, 2014, which is incorporated herein by reference, declared the necessity and intention of appropriating the fee simple property interests herein described for the public purposes of generating revenue to finance and otherwise making viable the "Local Brownfield Cleanup Program" enacted by Chapter 942 of the Brook Park Codified Ordinances; and

WHEREAS, notice of the adoption of such Resolution has been served upon the persons in possession or having an interest in such property; and

WHEREAS, pursuant to Section 163.04 of the Ohio Revised Code, Brook Park obtained appraisals of the fair market value of the hereinafter described properties, and then served the appraisals along with a written good faith offer to purchase the properties on the respective owners of the properties by way of process server on _____, and there has been a failure to agree on the terms of a purchase; and

WHEREAS, this Ordinance constitutes an emergency measure required for the immediate preservation of public health, safety and welfare.

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

SECTION 1: In order to generate revenue to finance and make the "Local Brownfield Cleanup Program" viable and serve the public purposes detailed in Resolution No. _____, the following described fee simple interests be and the same hereby are appropriated in fee simple:

WHEREAS, such properties if left in their vacant, unusable, blighted, and/or underutilized condition not only harms the public health, safety and welfare, but also limits surrounding property values, constrains and inhibits community development, and deprives the City of resources through suppression of property values and the resulting decrease in income and payroll taxes; and

WHEREAS, the presence of these brownfield properties in the City of Brook Park also serves to inhibit the development and use of available industrial and commercial property; and

WHEREAS, there is an immediate need to commence a process to remediate industrial and commercial properties throughout the City in order to promote and improve the public health, safety and welfare for the City and its residents as well as economic development by making contaminated land available for safe reuse; and

WHEREAS, in addition, these environmental remediations will allow for the restoration, redevelopment, and reuse of the properties and further development of the community; and

WHEREAS, such restoration, redevelopment, and reuse will also provide additional long-term economic development benefits to the City, its businesses, and residents; and

WHEREAS, in order to plan to address these issues and public purposes, the City Council enacted Chapter 942 of the Brook Park Codified Ordinances entitled "Local Brownfield Cleanup Program" on May 7, 2014 which establishes a program that supplements, enhances and works in conjunction with existing federal and state environmental remediation programs to study, assess, plan, establish, coordinate and oversee City policy regarding the identification, investigation, remediation and redevelopment of brownfield properties that is protective of the public health, safety, and welfare, as well supportive of the long-term purposes of the restoration, redevelopment and re-use of the contaminated lands, with resulting economic development benefits to the City, its residents, and the broader community; and

WHEREAS, the fee simple estate in the real properties listed on the records of the Cuyahoga County Fiscal Officer, known as Permanent Parcel Nos. 342-16-011, 342-17-001 and 342-17-002 must be obtained by the City of Brook Park in order to generate revenue to finance and make the "Local Brownfield Cleanup Program" viable and to serve these public purposes, to this end; the City has planned for and will own and/or operate certain municipal parking lots, on the properties once appropriated; and

and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

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

DATE

DIRECTOR OF LAW

P/C Environmental 8/12/14
CA 8/12/14 Sp. Cau
1st R _____
2nd R _____
3rd R _____
B/C _____
8/12/14 Removed from Sp.
Caucus agenda
CAUCUS 2/28/17

CITY OF BROOK PARK, OHIO

RESOLUTION NO. _____

INTRODUCED BY: MAYOR COYNE

A RESOLUTION DECLARING THE CITY OF BROOK PARK'S INTENTION TO APPROPRIATE CERTAIN PROPERTIES, LISTED BY THE CUYAHOGA COUNTY FISCAL OFFICER AS PERMANENT PARCEL NUMBERS 342-16-011, 342-17-001 AND 342-17-002, FOR THE PUBLIC PURPOSES OF GENERATING REVENUE TO FINANCE AND OTHERWISE MAKING VIABLE THE "LOCAL BROWNFIELD CLEANUP PROGRAM" ENACTED BY CHAPTER 942 OF THE BROOK PARK CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, Article XVIII, § 3 of the Ohio Constitution vests the City of Brook Park with authority to exercise all powers of local self-government and to adopt and enforce within the City limits local police, sanitary and other similar regulations; and

WHEREAS, Article XVIII, § 7 of the Ohio Constitution vests the City of Brook Park with authority to frame and adopt a charter for its government and to exercise thereunder all powers of local self-government; and

WHEREAS, the people of the City of Brook Park have established the Charter of the City of Brook Park which vests the City of Brook Park with all powers of local self-government now and hereinafter granted to municipalities by the Constitution and laws of the State of Ohio; and

WHEREAS, the Mayor and City Council recognize, based on the historical uses of certain properties in the City of Brook Park, the immediate need to address actual or perceived contamination of those properties caused by the release of hazardous substances ("brownfield properties"); and

WHEREAS, the existence of these brownfield properties located within the City of Brook Park poses a threat to the public health, safety and welfare of the City and its residents; and

WHEREAS, this Resolution constitutes an emergency measure necessary for the public health, safety and welfare in order to immediately implement the public purposes previously set forth in this Resolution;

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

SECTION 1: This Council finds and determines that it is necessary to acquire the hereinafter described properties and declares its intention to appropriate for the public purposes of generating revenue to finance and otherwise making viable the "Local Brownfield Cleanup Program" in order to improve the health, safety and welfare of the city and its residents; as well as the long-term purposes of restoration, redevelopment and re-use of the contaminated lands; with additional benefits of the resulting economic development benefits to the City, its residents, and the broader community; the fee simple interest in and to the following described properties:

Permanent Parcel No. 342-16-011: Situated in the City of Brook Park, County of Cuyahoga and State of Ohio:

And known as being parts of Original Middleburgh Township Lots 5 and 6 in Section 12, and together forming a parcel of land more particularly described as follows:

Beginning at a point in the Northerly line of said Section 12 and in the centerline of Five Points, as originally located 40 feet wide, at the Northwest corner of land conveyed to The National Bank of Cleveland, Trustee, by Special Warranty Deed dated June 22, 1955 and recorded in Volume 8430, Page 341 of Cuyahoga County Deed Records, said place of beginning being distant North 87 deg. 25'35" West, 159.18 feet, measured along said Northerly line of Section 12 from the Northeasterly corner of Original Lot No. 6 in Section 12;

Thence South 2 deg. 41'25" West, 86.00 feet to a point on the Southerly line of a Perpetual Easement for the widening and improvement of Five Points Road as shown on the Establishment Plat of Five Points Road as a County Road bearing Map No. M-4319 on file at the Cuyahoga County Engineer's Office;

Thence continuing South 2 deg. 41'25" West, 2490.54 feet along the Westerly line of land conveyed to the National City Bank of Cleveland, Trustee, as aforesaid, and along the Westerly line of Parcel No. 1 of land conveyed to The National City Bank of Cleveland, Trustee, by Limited Warranty deed dated August 19, 1955, and recorded in Volume 8430, Page 345 of Cuyahoga County Deed

recorded in Volume 14899, Page 785 of Cuyahoga County Records;

Course 6: Thence South 47° 11' 59" West, along said Northwesterly line of land so conveyed to the Consolidated Rail Corporation, a distance of 2276.65 feet to the Southeasterly corner of parcel A1 of land conveyed to Susan and Sanford Sandelman, Trustees, as aforesaid;

Course 7: Thence North 02° 54' 49" East, along the Easterly line of said parcel A1 and along the Easterly line of parcel A3, as aforesaid, a distance of 1885.35 feet to the principal place of beginning, according to a survey made by Thomas J. Neff, Jr., Registered Surveyor No. 7065-Ohio in July, 2002.

SECTION 2: This Council finds that the appropriation is necessary in order to generate revenue to finance and make the "Local Brownfield Cleanup Program" viable and serve the public purposes detailed in Resolution No. _____, and finds the fair market value of the properties based on reasoned analysis by a professional certified appraiser to be as follows:

- Permanent Parcel No. 342-16-011: \$14,770,000
- Permanent Parcel Nos. 342-17-001
and 342-17-002: \$22,120,000

SECTION 3: This Council finds that the City of Brook Park has been unable to reach agreement with the property owners for the purchase of the respective properties.

SECTION 4: That Special Counsel, Kaufman & Company, LLC, and the Director of Law are directed to file a Petition for Appropriation in a court of competent jurisdiction, to have a jury impaneled to assess the compensation to be paid for the properties.

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 Section 121.22 of the Ohio Revised Code.

SECTION 6: 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 generate revenue to finance and make the "Local Brownfield Cleanup Program" viable and serve the public purposes detailed in Resolution No. _____; therefore, this Ordinance shall take effect and be in force immediately from and after its passage

Permanent Parcel No. 342-16-011: Situated in the City of Brook Park, County of Cuyahoga and State of Ohio:

And known as being parts of Original Middleburgh Township Lots 5 and 6 in Section 12, and together forming a parcel of land more particularly described as follows:

Beginning at a point in the Northerly line of said Section 12 and in the centerline of Five Points, as originally located 40 feet wide, at the Northwest corner of land conveyed to The National Bank of Cleveland, Trustee, by Special Warranty Deed dated June 22, 1955 and recorded in Volume 8430, Page 341 of Cuyahoga County Deed Records, said place of beginning being distant North 87 deg. 25'35" West, 159.18 feet, measured along said Northerly line of Section 12 from the Northeasterly corner of Original Lot No. 6 in Section 12;

Thence South 2 deg. 41'25" West, 86.00 feet to a point on the Southerly line of a Perpetual Easement for the widening and improvement of Five Points Road as shown on the Establishment Plat of Five Points Road as a County Road bearing Map No. M-4319 on file at the Cuyahoga County Engineer's Office;

Thence continuing South 2 deg. 41'25" West, 2490.54 feet along the Westerly line of land conveyed to the National City Bank of Cleveland, Trustee, as aforesaid, and along the Westerly line of Parcel No. 1 of land conveyed to The National City Bank of Cleveland, Trustee, by Limited Warranty deed dated August 19, 1955, and recorded in Volume 8430, Page 345 of Cuyahoga County Deed Records to the Northeasterly corner of that certain 20 foot easement reserved in the deed from The National City Bank of Cleveland, Trustee, to the New York Central Railroad Company by Deed recorded in Volume 8808, Page 365, of Cuyahoga County Deed Records;

Thence South 47 deg. 53' 55" West, along the Northwesterly line of said 20 foot Easement 239.55 feet;

Thence North 2 deg. 41'25" East, a distance of 560.75 feet;

Thence North 27 deg. 18'35" West, a distance of 540.00 feet;

Thence North 2 deg. 41'25" East, a distance of 1630.00 feet to a point in the Southerly line of the aforementioned Perpetual Easement for the widening and improvement of Five Points Road;

Thence continuing North, 2 deg. 41' 25" East, 86.00 feet to the said centerline of Five Points Road and the Northerly line of Section 12;

Thence South 87 deg. 25'35" East, along said highway centerline 440.00 feet to the place of beginning, exclusive of the area within the Perpetual Easement for the widening and improvement of Five Points Road, according to the Survey of Sebesta & Dempsey, dated September 1966, be the same more or less.

Permanent Parcel Nos. 342-17-001 and 342-17-002: Situated in the City of Brook Park, County of Cuyahoga, State of Ohio and known as being part of Original Middleburg Township, Lots Nos. 1 and 2, Section No. 12 and is further bounded and described as follows:

Beginning at a 1" iron pin found in the center line of Snow Road (variable width) of the Northwestern corner of said Original Lot No. 1, Section No. 12. Thence South 87° 19' 30" East, along said center line of Snow Road, a distance of 638.72 feet to the Northeasterly corner of parcel a3 of land conveyed to Susan and Sanford Sandelman, Trustees by Deed recorded in Volume 85-5227, Page 12 of Cuyahoga County records and the principal place of beginning of the land herein described:

Course 1: Thence South 87° 19' 30" East, continuing along said center line of Snow Road, a distance of 302.68 feet to the Northwestern corner of a parcel of land conveyed to the County of Cuyahoga by Deed recorded in Volume 8263, Page 268 of Cuyahoga County Records;

Course 2: Thence South 02° 41' 25" West, along the Westerly line of land so conveyed to the County of Cuyahoga, passing through a 1" iron pin found at 0.31 feet, a distance of 172.36 feet to the Southwesterly corner thereof;

Course 3: Thence South 75° 10' 31" East, along the Southerly line of land so conveyed to the County of Cuyahoga, a distance of 503.60 feet to a point of curvature therein;

Course 4: Thence Northeasterly continuing along said Southerly line of land so conveyed to the County of Cuyahoga along the arc of a curve deflecting to the left, a distance of 605.53 feet to the Southwesterly corner of a parcel of land conveyed to the Board of County Commissioners of Cuyahoga County, Ohio by Deed recorded in Volume 12577, Page 223 of Cuyahoga County Records. Said arc having a radius of 1022.93 feet, a central angle of 33° 54' 59" and a chord which bears North 87° 51' 59.5" East, a distance of 596.72 feet;

Course 5: Thence South 77° 40' 05" East, along the Southerly line of land so conveyed to the Board of County Commissioners of Cuyahoga County, Ohio, a distance of 201.86 feet to the Southeasterly corner thereof and the Northwesternly line of a parcel of land conveyed to the Consolidated Rail Corporation by Deed

Records to the Northeasterly corner of that certain 20 foot easement reserved in the deed from The National City Bank of Cleveland, Trustee, to the New York Central Railroad Company by Deed recorded in Volume 8808, Page 365, of Cuyahoga County Deed Records;

Thence South 47 deg. 53' 55" West, along the Northwesterly line of said 20 foot Easement 239.55 feet;

Thence North 2 deg. 41'25" East, a distance of 560.75 feet;

Thence North 27 deg. 18'35" West, a distance of 540.00 feet;

Thence North 2 deg. 41'25" East, a distance of 1630.00 feet to a point in the Southerly line of the aforementioned Perpetual Easement for the widening and improvement of Five Points Road;

Thence continuing North, 2 deg. 41' 25" East, 86.00 feet to the said centerline of Five Points Road and the Northerly line of Section 12;

Thence South 87 deg. 25'35" East, along said highway centerline 440.00 feet to the place of beginning, exclusive of the area within the Perpetual Easement for the widening and improvement of Five Points Road, according to the Survey of Sebesta & Dempsey, dated September 1966, be the same more or less.

Permanent Parcel Nos. 342-17-001 and 342-17-002: Situated in the City of Brook Park, County of Cuyahoga, State of Ohio and known as being part of Original Middleburg Township, Lots Nos. 1 and 2, Section No. 12 and is further bounded and described as follows:

Beginning at a 1" iron pin found in the center line of Snow Road (variable width) of the Northwesterly corner of said Original Lot No. 1, Section No. 12. Thence South 87° 19' 30" East, along said center line of Snow Road, a distance of 638.72 feet to the Northeasterly corner of parcel a3 of land conveyed to Susan and Sanford Sandelman, Trustees by Deed recorded in Volume 85-5227, Page 12 of Cuyahoga County records and he principal place of beginning of the land herein described:

Course 1: Thence South 87° 19' 30" East, continuing along said center line of Snow Road, a distance of 302.68 feet to the Northwesterly corner of a parcel of land conveyed to the County of Cuyahoga by Deed recorded in Volume 8263, Page 268 of Cuyahoga County Records;

Course 2: Thence South 02° 41' 25" West, along the Westerly line of land so conveyed to the County of Cuyahoga, passing through a 1"

iron pin found at 0.31 feet, a distance of 172.36 feet to the Southwesterly corner thereof;

Course 3: Thence South 75° 10' 31" East, along the Southerly line of land so conveyed to the County of Cuyahoga, a distance of 503.60 feet to a point of curvature therein;

Course 4: Thence Northeasterly continuing along said Southerly line of land so conveyed to the County of Cuyahoga along the arc of a curve deflecting to the left, a distance of 605.53 feet to the Southwesterly corner of a parcel of land conveyed to the Board of County Commissioners of Cuyahoga County, Ohio by Deed recorded in Volume 12577, Page 223 of Cuyahoga County Records. Said arc having a radius of 1022.93 feet, a central angle of 33° 54' 59" and a chord which bears North 87° 51' 59.5" East, a distance of 596.72 feet;

Course 5: Thence South 77° 40' 05" East, along the Southerly line of land so conveyed to the Board of County Commissioners of Cuyahoga County, Ohio, a distance of 201.86 feet to the Southeasterly corner thereof and the Northwesterly line of a parcel of land conveyed to the Consolidated Rail Corporation by Deed recorded in Volume 14899, Page 785 of Cuyahoga County Records;

Course 6: Thence South 47° 11' 59" West, along said Northwesterly line of land so conveyed to the Consolidated Rail Corporation, a distance of 2276.65 feet to the Southeasterly corner of parcel A1 of land conveyed to Susan and Sanford Sandelman, Trustees, as aforesaid;

Course 7: Thence North 02° 54' 49" East, along the Easterly line of said parcel A1 and along the Easterly line of parcel A3, as aforesaid, a distance of 1885.35 feet to the principal place of beginning, according to a survey made by Thomas J. Neff, Jr., Registered Surveyor No. 7065-Ohio in July, 2002.

SECTION 2: The Mayor is hereby authorized and directed to cause written notice of the passage of this Resolution to be given to the owners and persons in possession or having an interest of record in the premises.

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 reason generate revenue to finance and make the "Local Brownfield Cleanup Program" viable; therefore, this Resolution 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 5/5/15 Finance
CA 5/19/15
1st R
2nd R
3rd R
B/C 5/19/15 Caucus
Caucus 2/28/17

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCILMEN D'AMICO, PATTEN, HIGGINS, BURGIO AND SALVATORE

AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE
OF AN AMENDMENT TO ARTICLE IV, SECTION 4.01;
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, with not less than five of its members concurring that:

SECTION 1: The question of the creation of Article IV, Section 4.01; of the Charter of the City of Brook Park, Ohio so that as amended the same shall read as follows:

"SECTION 4.01 Composition and Term."

All legislative powers of the City, except as otherwise provided by this Charter and the Constitution and general laws of the State of Ohio shall be vested in a Council of six (6) members, five (5) of whom shall be elected at large, and one (1) of whom shall be elected at large as President of Council.

All Councilmen shall be elected for a term of two (2) years at the regular municipal election in the year 2015, and every two years thereafter. All members of Council, including the President of Council, shall take office on the first day of January next following their election, and shall continue to serve until their successors have been duly elected and qualified.

be submitted to a vote of the qualified electors of the City at the General Election to be held on Tuesday, November 3, 2015, at the regular places of voting in the City between the hours of 6:30 A.M. and 7:30 P.M.

SECTION 2: The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article IV, Section 4.01, be amended to provide that there shall be six (6) members of Council, five whom shall be elected at large and one whom shall be elected as President of Council?"

Under said wording shall appear the words "Yes" and "No," and each voter shall indicate his vote by following the proper voting procedure for the voting instrument provided on that occasion.

SECTION 3: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

SECTION 4: The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

SECTION 5: To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

SECTION 6: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7: 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 there is an immediate need to submit this Ordinance to the Cuyahoga Board of Elections for it to be placed on the November 3, 2015, ballot: therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

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

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

P/C 10/21/14 Finance

CA 2/28/17

CITY OF BROOK PARK, OHIO

1st R

2nd R

3rd R

D/C

ORDINANCE NO: _____

INTRODUCED BY: COUNCILMEN SALVATORE, BURGIO, D'AMICO,
HIGGINS & COUNCIL PRESIDENT PATTEN

AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE
OF AN AMENDMENT TO ARTICLE IV, SECTION 4.02;
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, with not less than five of its members concurring that:

SECTION 1: The question of the creation of Article IV, Section 4.08; of the Charter of the City of Brook Park, Ohio so that as amended the same shall read as follows:

"SECTION 4.02 President of Council."

It shall be the duty of the President of Council to preside at all meetings of the Council, appoint various Council Committees and perform such other duties as may be imposed by Council upon its presiding officer and such other duties as are imposed upon him by this Charter, coordinating the work of the various committees appointed by him. The President of Council shall have the right to vote on all ordinances, resolutions, motions coming before the Council.

be submitted to a vote of the qualified electors of the City at the General Election to be held on Tuesday, November 3, 2015, at the regular places of voting in the City between the hours of 6:30 A.M. and 7:30 P.M.

SECTION 2: The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article IV, Section 4.02, be amended to provide that the President of Council shall have the right to vote on all ordinances, resolutions or motions coming before Council?"

Under said wording shall appear the words "Yes" and "No," and each voter shall indicate his vote by following the proper voting procedure for the voting instrument provided on that occasion.

SECTION 3: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

SECTION 4: The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

SECTION 5: To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

SECTION 6: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7: 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 there is an immediate need to submit this Ordinance to the Cuyahoga Board of Elections for it to be placed on the November 3, 2015, ballot: therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: _____

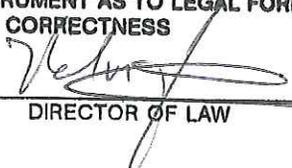
PRESIDENT OF COUNCIL

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 11/5/14 Finance
CA 2/28/17
1st R _____
2nd R _____
3rd R _____

ORDINANCE NO: _____

INTRODUCED BY: COUNCILWOMAN POWERS

AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE
OF AN AMENDMENT TO ARTICLE IV, SECTION 4.04;
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, with not less than five of its members concurring that:

SECTION 1: The question of the creation of Article IV, Section 4.04; of the Charter of the City of Brook Park, Ohio so that as amended the same shall read as follows:

"SECTION 4.04 Salaries and Bonds."

The Council shall fix compensations, sick leave and annual vacation time for each employee of the City, whether elected, appointed, or chosen and establish bond for the faithful discharge of the duties of the office. Any ordinance or resolution providing for any increase or decrease in salary or compensation for any Councilmen, the Mayor, the Law Director, the Finance/Tax Director, or any other elective office, shall not become effective thereof, until Council submits such ordinance or resolution to the electorate at a regular municipal or general election occurring more than 60 days after the passage of the ordinance or resolution, and such ordinance or resolution is approved by a majority of the electors voting thereon in the City.

be submitted to a vote of the qualified electors of the City at the General Election to be held on Tuesday, November 3, 2015, at the regular places of voting in the City between the hours of 6:30 A.M. and 7:30 P.M.

SECTION 2: The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article IV, Section 4.04 be amended to provide that any ordinance providing for any increase or decrease in the salary or compensation of any elected official shall not become effective until said ordinance is approved by a majority of the voters."

Under said wording shall appear the words "Yes" and "No," and each voter shall indicate his vote by following the proper voting procedure for the voting instrument provided on that occasion.

SECTION 3: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

SECTION 4: The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

SECTION 5: To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

SECTION 6: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

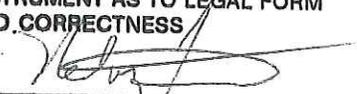
PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

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



DIRECTOR OF LAW

DATE

P/C 5/5/15 Finance

CA 5/19/15

1st R

2nd R

3rd R

B/C 5/19/15 Caucus

Caucus 2/28/17

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCILMEN D'AMICO, PATTEN, HIGGINS, BURGIO AND SALVATORE

AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE
OF AN AMENDMENT TO ARTICLE IV, SECTION 4.05 (b) ;
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, with not less than five of its members concurring that:

SECTION 1: The question of the creation of Article IV, Section 4.05(b); of the Charter of the City of Brook Park, Ohio so that as amended the same shall read as follows:

"SECTION 4.05 Meetings."

(b) Special Meetings: Special meetings of the Council may be called in accordance with and as provided by the rules, regulations, or bylaws adopted by the Council. In the absence of such provisions, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or shall be called by the Clerk of Council upon the written request of the Mayor or President of Council or two (2) Members of Council. Any such request shall state the time, place and date thereof, and the subject or subjects to be considered at the meeting, and no other subject or subjects shall be considered. Notice in writing of such special meeting called at the request, of the Mayor, President of Council, or two (2) Members of Council, shall be given to each Member of Council and the Mayor, by serving on each of them personally or leaving a copy thereof at his usual place of residence, not less than twenty-four (24) hours preceding the date and hour of such meeting. Service of such notice may be waived in writing.

be submitted to a vote of the qualified electors of the City at the General Election to be held on Tuesday, November 3, 2015, at the regular places of voting in the City between the hours of 6:30 A.M. and 7:30 P.M.

SECTION 2: The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article IV, Section 4.05(b), be amended to provide that a Special Meeting of Council may be called by two (2) Members of Council?"

Under said wording shall appear the words "Yes" and "No," and each voter shall indicate his vote by following the proper voting procedure for the voting instrument provided on that occasion.

SECTION 3: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

SECTION 4: The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

SECTION 5: To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

SECTION 6: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7: 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 there is an immediate need to submit this Ordinance to the Cuyahoga Board of Elections for it to be placed on the November 3, 2015, ballot: 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 5/5/15 Finance
CA 5/19/15
1st R _____
2nd R _____
3rd R _____
B/C 5/19/15 Caucus
Caucus 2/28/17

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCILMEN D'AMICO, PATTEN, HIGGINS, BURGIO AND SALVATORE

AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE
OF AN AMENDMENT TO ARTICLE IV, SECTION 4.08;
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, with not less than five of its members concurring that:

SECTION 1: The question of the creation of Article IV, Section 4.08; of the Charter of the City of Brook Park, Ohio so that as amended the same shall read as follows:

"SECTION 4.08 Form of Legislative Action."

All legislative action by Council shall be by ordinance or resolution introduced in written or printed form, except when otherwise required by the Constitution or the laws of the State of Ohio. An affirmative vote of at least a majority of the members of Council eligible to vote shall be required for passage or enactment of every ordinance or resolution.

The procedures for enacting ordinances or resolutions shall follow the laws of the State of Ohio, any additional stipulations as may be found elsewhere in this Charter, and any provisions adopted by a majority vote of Council, provided, however, that each ordinance or resolution shall be read by title only on three (3) different days unless four (4) of the Members of Council eligible to vote, vote to dispense with the rule to read ordinances or resolutions on three (3) different days, and no other provisions of this Charter nor the general laws of Ohio shall impair or limit this rule. It shall be the expressed intent of this Section that all ordinances and resolutions shall be read by title only, unless there is necessity to read an ordinance or resolution fully and distinctly at least once at any time before passage, as determined by a majority of the members elected to Council.

In keeping with the aforesaid provision, regarding the reading of ordinances and resolutions by title only, the Clerk of Council shall provide, forty-eight (48) hours (two business days) prior to the Council meeting, the following:

1. Provide in a conspicuous place in or near the Council Chambers, a copy of all ordinances or resolutions to be read by title only, for inspection by the public.

2. Provide in a conspicuous place in or near the Council Chambers, a copy of the Council meeting agenda which shall contain a short synopsis, prepared by the Law Department, of each ordinance and resolution to be read by title only for inspection by the public.

Nothing in this section shall preclude any Member of Council, the President of Council, or the Mayor of the City from introducing emergency legislation on the floor of the Council meeting. In addition, nothing shall preclude such an ordinance or resolution from being passed at said Council meeting; provided, however, that it shall be fully and distinctly read once and the rule of three readings shall have been dispensed with by a vote of four (4) of the Members of Council eligible to vote.

No ordinance or resolution shall contain more than one subject, which subject shall be clearly expressed in its title; and no ordinance or resolution shall be revised or amended unless the ordinance or resolution superseding it contains the entire ordinance or resolution so revised or amended or the section or sections so revised or amended, and the original ordinance, resolution, or section or sections shall be expressly repealed.

All ordinances, resolutions, statements, orders, proclamations and reports required by law or by this Charter or by ordinance to be published or posted, shall be posted for a period of not less than fifteen (15) days prior to the taking effect thereof. Any emergency ordinance or resolution shall also be published or posted as aforesaid, but this requirement shall not postpone the immediate taking effect thereof as provided in Section 4.09 of this Article. Council shall provide for not less than five (5) public posting boards, at least one (1) of which shall be at the City Hall.

be submitted to a vote of the qualified electors of the City at the General Election to be held on Tuesday, November 3, 2015, at the regular places of voting in the City between the hours of 6:30 A.M. and 7:30 P.M.

SECTION 2: The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article IV, Section 4.08, be amended to provide that each ordinance or resolution shall be read by title only on three different days unless four (4) Members of Council vote to dispense with said requirement?"

Under said wording shall appear the words "Yes" and "No," and each voter shall indicate his vote by following the proper voting procedure for the voting instrument provided on that occasion.

SECTION 3: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

SECTION 4: The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

SECTION 5: To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

SECTION 6: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7: 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 there is an immediate need to submit this Ordinance to the Cuyahoga Board of Elections for it to be placed on the November 3, 2015, ballot: 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 5/5/15 Finance
CA 5/19/15
1st R _____
2nd R _____
3rd R _____
~~B/C 5/19/15 Caucus~~
CAucus 2/28/17

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCILMEN D'AMICO, PATTEN, HIGGINS, BURGIO AND SALVATORE

AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE
OF AN AMENDMENT TO ARTICLE IV, SECTION 4.09;
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, with not less than five of its members concurring that:

SECTION 1: The question of the creation of Article IV, Section 4.09; of the Charter of the City of Brook Park, Ohio so that as amended the same shall read as follows:

"SECTION 4.09 Effective Date of Ordinances and Resolutions."

Each ordinance or resolution providing for the appropriation of money or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the front footage of property to be benefited and specifically assessed therefore, and any emergency ordinance or resolution necessary for the immediate preservation of public peace, health or safety, shall take effect, unless a later date be specified therein, upon its approval by the Mayor, or upon its passage after veto by the Mayor, as the case may be.

No other ordinance or resolution shall become effective until thirty (30) days after its approval by the Mayor or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor as the case may be. Each emergency measure shall contain a statement of the necessity for such emergency action, and shall require the affirmative vote of four (4) of the Members of Council eligible to vote for its enactment. No action of its powers, or in granting any franchise, or rezoning ordinance, or amendment or repeal of any zoning ordinance, shall be designated an emergency measure or enacted under a suspension of the rules.

be submitted to a vote of the qualified electors of the City at the General Election to be held on Tuesday, November 3, 2015, at the

regular places of voting in the City between the hours of 6:30 A.M. and 7:30 P.M.

SECTION 2: The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article IV, Section 4.09 be amended to provide that any emergency ordinance or resolution shall require the affirmative vote of four (4) Members of Council?"

Under said wording shall appear the words "Yes" and "No," and each voter shall indicate his vote by following the proper voting procedure for the voting instrument provided on that occasion.

SECTION 3: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

SECTION 4: The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

SECTION 5: To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

SECTION 6: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7: 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 there is an immediate need to submit this Ordinance to the Cuyahoga Board of Elections for it to be placed on the November 3, 2015, ballot: 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 5/5/15 Finance
GA 5/19/15
1st R _____
2nd R _____
3rd R _____
B/C 5/19/15 Caucus
Caucus 2/28/17

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCILMEN D'AMICO, PATTEN, HIGGINS, BURGIO
AND SALVATORE

AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE
OF AN AMENDMENT TO ARTICLE XV, SECTION 15.02(b);
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, with not less than five of its members concurring that:

SECTION 1: The question of the creation of Article XV, Section 15.02(b); of the Charter of the City of Brook Park, Ohio so that as amended the same shall read as follows:

"SECTION 15.02(b) Removal of Councilmen or other Elected Officials."

(b) The Council may by at least four (4) votes of all the Members of Council eligible to vote thereon remove any Member of Council including the President of Council, or any other elected official for gross misconduct, malfeasance, nonfeasance, misfeasance in or disqualification for office; for violation of his oath of office, for persistent failure to abide by the Rules of Council; or, in the case of Councilmen, for absence without justifiable excuse from three (3) consecutive regular meetings.

Prior to any such action by Council, the accused person shall be notified in writing of the charge or charges against him at least fifteen (15) days in advance of any hearing upon such charge and he and his counsel shall be given an opportunity to be heard, present evidence or examine under oath any witness appearing in support of such charge or charges.

be submitted to a vote of the qualified electors of the City at the General Election to be held on Tuesday, November 3, 2015, at the regular places of voting in the City between the hours of 6:30 A.M. and 7:30 P.M.

SECTION 2: The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article XV, Section 15.02(b) be amended to provide that Council may by at least four (4) votes of all Members of Council remove any Member of Council, including the President of Council, or any other elected official, from office for gross misconduct, malfeasance, nonfeasance, or misfeasance?"

Under said wording shall appear the words "Yes" and "No," and each voter shall indicate his vote by following the proper voting procedure for the voting instrument provided on that occasion.

SECTION 3: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

SECTION 4: The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

SECTION 5: To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

SECTION 6: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7: 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 there is an immediate need to submit this Ordinance to the Cuyahoga Board of Elections for it to be placed on the November 3, 2015, ballot: 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

~~B/C 5/5/15 Finance~~
~~CA 5/19/15~~
1st R _____
2nd R _____
3rd R _____
B/C 5/19/15 Caucus
CAUCUS 2/28/17

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCILMEN D'AMICO, PATTEN, HIGGINS, BURGIO
AND SALVATORE

AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE
OF AN AMENDMENT TO ARTICLE XVI SECTION 16.01;
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, with not less than five of its members concurring that:

SECTION 1: The question of the creation of Article XVI Section 16.01 of the Charter of the City of Brook Park, Ohio so that as amended the same shall read as follows:

"SECTION 16.01 Methods and Procedures."

Council may by the affirmative vote of not less than four (4) of its members, submit to the electors at the next regular general election any proposed amendment or amendments to this Charter; or upon filing at any time up to December 31, 1967, of a petition signed by electors of the City numbering not less than twenty (20) percent of the total vote cast in the City at the last preceding general election, or after December 31, 1967, upon the filing of a petition signed by electors of the City numbering not less than ten (10) percent of the total vote cast in the City at the last preceding general election, setting forth any proposed amendment or amendments to the electors in accordance, in each instance, with the provisions of the Constitution and general laws of the State of Ohio now or hereafter in effect.

The aforesaid petition shall be filed with the Clerk of Council who shall present it to the council at its next regular meeting.

be submitted to a vote of the qualified electors of the City at the General Election to be held on Tuesday, November 3, 2015, at the regular places of voting in the City between the hours of 6:30 A.M. and 7:30 P.M.

SECTION 2: The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article XVI Section 16.01 be amended to provide that Council by the affirmative vote of not less than four (4) of its Members submit to the electorate any proposed amendments to the Charter of the City of Brook Park?"

Under said wording shall appear the words "Yes" and "No," and each voter shall indicate his vote by following the proper voting procedure for the voting instrument provided on that occasion.

SECTION 3: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

SECTION 4: The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

SECTION 5: To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

SECTION 6: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7: 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 there is an immediate need to submit this Ordinance to the Cuyahoga Board of Elections for it to be placed on the November 3, 2015, ballot: 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 10/12/14
Cau 5/15/15
1st R 6/21/16
2nd R 10/4/16
3rd R 1/17/17
B/C 5/19/15
Cau 5/129/15
Cau 2/23/16
B/C 2/23/16
Cau 6/14/16
B/C 6/21/16
Cau 10/14/16 - tabled 90 days
Cau 1/24/17
3rd R 2/7/17
B/C 2/7/17
CAucus 2/28/17

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10026-2016

INTRODUCED BY: COUNCILMAN TROYER

AN ORDINANCE
AMENDING SECTION 121.01(a) and (b)
OF THE BROOK PARK CODIFIED ORDINANCES, RELATING
TO THE PRESIDENT OF COUNCIL AND MEMBERS OF COUNCIL,
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 121.01(a) and (b) of the Brook Park Codified Ordinances, passed by Ordinance No. 8346-1997, passed May 20, 1997; Ordinance No. 8708-2000, passed February 6, 2001; Ordinance 9000-2003, passed June 17, 2003; Ordinance No. 9581-2009, passed May 19, 2009, and reading as follows:

COUNCIL SALARY

121.01(a) The salary of the President of Council for one year commencing January 1, 2010, until duly changed, is hereby fixed at fifteen thousand seven hundred thirty-five dollars (15,735) per annum, payable in monthly installments. The salary of the President of Council for one year commencing January 1, 2011, until duly changed, is hereby fixed at fifteen thousand seven hundred thirty-five dollars (\$15,735) per annum, payable in monthly installments. The salary of the President of Council for one year commencing January 1, 2012, until duly changed, is hereby fixed at sixteen thousand two hundred seven dollars (\$16,207) per annum payable in monthly installments. The salary of the President of Council for one year commencing January 1, 2013 until duly changed, is hereby fixed at sixteen thousand six hundred ninety-three dollars (\$16,693)per annum, payable in monthly installments.

is hereby amended to read:

121.01(a) The salary of the President of Council commencing January 1, 2018 until duly changed is hereby fixed at \$12,500.00 per annum payable in monthly installments.

121.01(b) The salary of the members of Council for one year commencing January 1, 2010, until duly changed, is hereby fixed at fourteen thousand four hundred forty-six dollars (\$14,446) per annum, payable in monthly installments. The salary of the members of Council for one year commencing January 1, 2011, until duly changed, is hereby fixed at fourteen thousand four hundred forty-six dollars (\$14,446) per annum, payable in monthly installments. The salary of the members of Council for one year commencing January 1, 2012, until duly changed, is hereby fixed at fourteen thousand eight hundred seventy-nine dollars (\$14,879) per annum, payable in monthly installments. The salary of the members of Council for one year commencing January 1, 2013, until duly changed, is hereby fixed at fifteen thousand three hundred twenty-five dollars (\$15,325) per annum, payable in monthly installments.

is hereby amended to read:

121.01(b) The salary of the members of Council for one year commencing January 1, 2018, until duly changed, is hereby fixed at twelve thousand five hundred dollars (\$12,500) per annum, payable in monthly installments.

SECTION 2: Former Section 121.01(a) and (b) of the Brook Park Codified Ordinances, as passed by passed by Ordinance No. 8346-1997, passed May 20, 1997; Ordinance No. 8708-2000, passed February 6, 2001; Ordinance 9000-2003, passed June 17, 2003; Ordinance No. 9581-2009, passed May 19, 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 public peace, health, safety and welfare of said City, and for the further reason to amend Section 121.01(a) and (b) 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 12/20/16 *FINANCE*
Cau 1/24/17
1st R 2/7/17
2nd R
3rd R
B/C
Cau 2/14/17 - amended
B/C 2/14/17
Cau 2/28/17

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10068-2017

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE
AMENDING SECTION 1809.01(h) & (i)
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(h)&(i) 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.

(h) (1) For taxable years beginning after 2015, the Municipality shall not require a taxpayer to remit tax with respect to net profits if the amount due is ten dollars (10.00) or less.

(2) Any taxpayer not required to remit tax to the Municipality for a taxable year pursuant to division (h)(1) of this section shall file with the Municipality an annual net profit return under division (f)(3) and (f)(3) and (f)(4) of this section.

(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) (1) For taxable years beginning after 2015, the Municipality shall not require a taxpayer to remit tax with respect to net profits if the amount due is ten dollars (10.00) or less.

(2) Any taxpayer not required to remit tax to the Municipality for a taxable year pursuant to division (h)(1) of this section shall file with the Municipality an annual net profit return under division (f)(3) and (f)(3) and (f)(4) of this section.

(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(h)&(i) 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(h)&(i); 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

DATE

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

P/C 2/21/17 Finance
Cau 2/28/17
1st R _____
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCILMAN TROYER

AN ORDINANCE
AMENDING CHAPTER 131.01
OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED
'SALARY'

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

SECTION 1: Chapter 131.01 of the Brook Park Codified Ordinances, amended by Ord. 8344-1997, passed 5-20-97; Ord. 8767-2001, passed 3-6-01; Ord. 9191-2005, passed 6-28-05; Ord. 9579-2009, passed 5-19-09, and reading as follows:

131.01 SALARY AND EXPENSE ALLOWANCE.

- (a) Salary for the Mayor for the calendar year commencing January 1, 2010, and thereafter until duly changed, is one hundred four thousand five hundred thirty-nine dollars (\$104,539) per annum, payable in biweekly installments. The Director of Finance is hereby authorized to pay, on behalf of the Mayor, all monthly hospitalization and/or medical insurance premiums that shall become due for the Mayor under the City's Group Hospitalization Plan from and after January 1, 2010, until duly changed, and should the City adopt a Group Life Insurance Plan, the premiums for such coverage shall be paid on behalf of the Mayor by the Director of Finance in the same manner as payments under the Group Hospitalization Plan from and after January 1, 2010.
- (b) The salary of the Mayor for the calendar year commencing January 1, 2011, and thereafter until duly changed, is one hundred four thousand five hundred thirty-nine dollars (\$104,539) per annum, payable in biweekly installments.

- (c) The salary of the Mayor for the calendar year commencing January 1, 2012, and thereafter until duly changed, is one hundred seven thousand six hundred seventy-five dollars (\$107,675) per annum, payable in biweekly installments.
- (d) The salary for the Mayor for the calendar year commencing January 1, 2013, and thereafter until duly changed, is one hundred ten thousand nine hundred five dollars (\$110,905) per annum, payable in biweekly installments.
- (e) Effective January 1, 2010, the full-time Mayor shall be provided any and all benefits as provided to all full-time employees generally.
- (f) The Mayor is authorized to participate in the Ford Automobile Executive Program, effective January 1, 2010, and thereafter until duly changed, at the Mayor's own expense.

is hereby amended to read:

131.01 SALARY AND EXPENSE ALLOWANCE.

- (a) The salary for the Mayor for the calendar year commencing January 1, 2018, and thereafter until duly changed, is ninety-three thousand six hundred sixty dollars (\$93,660.00) per annum, payable in biweekly installments. The Director of Finance/Taxation is hereby authorized to pay, on behalf of the Mayor, all monthly hospitalization and/or medical insurance premiums that shall become due for the Mayor under the City's Group Hospitalization Plan from and after January 1, 2010, until duly changed, and should the City adopt a Group Life Insurance Plan, the premiums for such coverage shall be paid on behalf of the Mayor by the Director of Finance/Taxation in the same manner as payments under the Group Hospitalization Plan from and after January 1, 2010.
- (b) Effective January 1, 2010, the full-time Mayor shall be provided any and all benefits as provided to all full-time employees generally, excluding sick leave.
- (c) The Mayor is authorized to participate in the Ford Automobile Executive Program, effective January 1, 2010, and thereafter until duly changed, at the Mayor's own expense.

SECTION 2: Former Chapter 131.01 of the Brook Park

Codified Ordinances, as amended by Ord. 8344-1997, passed 5-20-97; Ord. 8767-2001, passed 3-6-01; Ord. 9191-2005, passed 6-28-05; Ord. 9579-2009, passed 5-19-09, 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 shall take effect at the earliest time allowed by law.

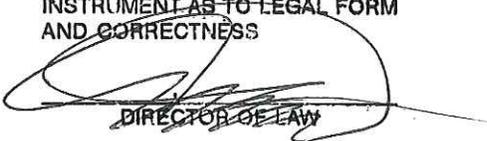
PASSED: _____

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

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCILMAN TROYER

AN ORDINANCE
AMENDING CHAPTER 137.01
OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED
'SALARY OF THE FINANCE/TAXATION DIRECTOR'

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

SECTION 1: Chapter 137.01 of the Brook Park Codified Ordinances passed by Ord. 8345-1997. Passed 5-20-97; Ord. 8768-2001. Passed 3-6-01; Ord. 9192-2005. Passed 6-28-05; Ord. 9580-2009. Passed 5-19-09; Ord. 9837-2013 passed 5-24-13, and reading as follows:

137.01 SALARY.

- (a) The salary for the Finance Director for the calendar year commencing January 1, 2014, and thereafter until duly changed is, ninety seven thousand eighty nine dollars (\$97,089) per annum, payable in biweekly installments.
- (b) Effective January 1, 1986, the full-time Director of Finance shall be provided with full hospitalization benefits equivalent to those offered to all regular full-time employees under the provisions of Section 153.06.
- (c) Effective January 1, 2010, the full-time Director of Finance shall be provided any and all benefits equivalent to those offered to all regular full-time employees generally.

is hereby amended to read:

137.01 SALARY.

- (a) The salary for the Finance/Taxation Director for the calendar year commencing January 1, 2018, and thereafter until duly changed is, seventy-three thousand five hundred dollars (\$73,500.00) per annum, payable in biweekly installments.

- (b) Effective January 1, 1986, the full-time Director of Finance/Taxation shall be provided with full hospitalization benefits equivalent to those offered to all regular full-time employees under the provisions of Section 153.06.
- (c) Effective January 1, 2010 the full-time Director of Finance/Taxation shall be provided any and all benefits equivalent to those offered to all regular full-time employees generally, excluding sick leave.

SECTION 2: Former Chapter 137.01 of the Brook Park Codified Ordinances, as enacted by Ord. 8345-1997. Passed 5-20-97; Ord. 8768-2001. Passed 3-6-01; Ord. 9192-2005. Passed 6-28-05; Ord. 9580-2009. Passed 5-19-09; Ord. 9837-2013. Passed 5-24-13, 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 shall take effect at the earliest time allowed by law.

PASSED: _____

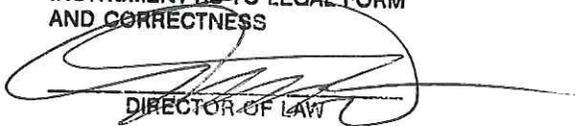
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

P/C 9/22/15 Recreation
CA 2/28/17
1st R _____
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

RESOLUTION NO. _____

INTRODUCED BY: COUNCILWOMAN POWERS

A RESOLUTION
REQUESTING THE MAYOR TO FILL THE
SWIMMING POOL INSIDE THE
JOHN A. POLOYNE COMMUNITY CENTER WITH WATER,
AND DECLARING AN EMERGENCY

WHEREAS, the swimming pool inside the John A. Poloyne Community Center has been drained due to the fact that this swimming pool has been closed; and

WHEREAS, if this swimming pool does not have any water in it that the walls could collapse causing damage;

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

SECTION 1: The Council is requesting the Mayor to fill the swimming pool inside the John A. Poloyne Community Center with water.

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: That 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 fill the swimming pool inside the John A. Poloyne Community Center with water; therefore, this Resolution shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: _____

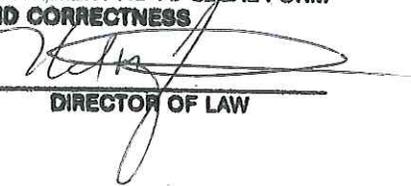
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

P/C 2/24/15 Safety
CA 2/28/17
1st R _____
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH THE CITY OF CLEVELAND FOR MUTUAL AID AND
ASSISTANCE IN EMERGENCY FIRE PROTECTION SERVICES,
AND DECLARING AN EMERGENCY

WHEREAS, Section 717.02 of the Ohio Revised Code permits the legislative authority of a municipal corporation to enter into a contract for mutual aid and assistance with other municipal corporations; and

WHEREAS, this Council and the Administration deem it most advantageous for municipal corporations to coordinate and cooperate for mutual assistance for the protection of life and property of their residents.

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

SECTION 1: The Mayor is hereby authorized to enter into an agreement with the City of Cleveland for interchange of emergency fire protection services, in accordance with the terms and provisions of the agreement as attached hereto and a part hereof as though fully rewritten herein and marked as Exhibit "A."

SECTION 2: That the Mayor is further authorized to execute whatever documents are necessary and approved by the Law Director to carry out the intent and purpose of this Ordinance.

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 that Council deems it necessary for the Mayor to enter into said agreement for emergency fire protection services with the City of Cleveland; therefore this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: _____

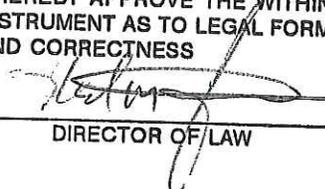
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

MEMORANDUM OF UNDERSTANDING
-between-
THE CITY OF CLEVELAND
-and-
THE CITY OF BROOK PARK
For the Interchange of Emergency Fire Protection Services

This Agreement is made this ___ day of _____, 2014 ("Effective Date"), between the **City of Cleveland** ("Cleveland"), a municipal corporation of the State of Ohio, through its Director of Public Safety, under the authority of Cleveland Codified Ordinance No. 135.26 (Exhibit A), and the **City of Brook Park** ("Brook Park"), a municipal corporation of the State of Ohio, through its Mayor under the authority of Ordinance No. _____, passed by Brook Park City Council on _____, 2014 (Exhibit B).

WHEREAS, the Parties desire to enhance their respective fire protection capabilities for the benefit of the public's safety and welfare.

NOW, THEREFORE, in consideration of the promises and obligations that are contained in this Agreement, the Parties agree as follows:

SECTION I. INTERCHANGE OF EMERGENCY FIRE SERVICES

For the purpose of affording additional emergency fire services to one Party by the other Party, including fire equipment and personnel, the Parties agree that in the event a Party is responding to a fire emergency within its jurisdiction that meets the Criteria set forth in this Agreement, that Party may request assistance from the other Party through the Chief of its Fire Department, his designee, or through another authorized public official of the requesting Party.

The Parties acknowledge and agree that a request for assistance from one Party will not result in the automatic provision of services by the other Party. Further, if a response for services is provided, the responding Party, in its sole discretion, shall determine the resources provided and the extent and length of the assistance. Each Party agrees that it will establish other measures for assistance to respond to fire emergencies within its jurisdiction including, but not limited to, fire protection service agreements with other entities.

SECTION II. CRITERIA FOR REQUESTING EMERGENCY FIRE ASSISTANCE

Requests for emergency fire services by a Party may be made when all of the following conditions exist (the "Criteria"):



A. The requesting Party is deploying or has deployed its own personnel and equipment to a fire-related emergency situation within its jurisdiction (the "Situation"); and,

B. The Situation is assessed and reported to the other Party by the requesting Party's Chief or his designee, as one exceeding the magnitude of a normal size fire emergency incident and that it poses a serious and immediate risk to surrounding properties and/or injury to persons; and,

C. Because of the magnitude of the Situation or because the requesting Party's standard response units are occupied at other simultaneous fire emergencies, the requesting Party does not have sufficient resources to effectively respond to the Situation.

SECTION III. REQUEST FOR ASSISTANCE

A. When a fire emergency meets the Criteria, the Party seeking assistance under this Agreement may contact the other Party's designated contact point and make its request. The requesting Party shall describe the emergency and its location, confirm it meets the Criteria, and provide such other information necessary for the responding Party to assess the situation and determine whether a response will be made, the equipment needed, and the scope of the response.

B. The responding Party will endeavor to assess the request and advise the requesting Party if it will respond and the anticipated extent of its response. The requesting Party is solely responsible for determining if alternative or additional aid of other entities providing emergency services is necessary.

C. If the requesting Party does not receive a response to its request for assistance within a ten minute time period, it shall assume that the assistance cannot or will not be provided and it is solely responsible for obtaining assistance from other entities it has pre-arranged such assistance with.

SECTION IV. NASA COMPLEX

The Parties acknowledge and agree that the Brook Park Fire Department is solely responsible for responding to fire and hazardous material emergencies at the NASA Complex located at 21000 Brook Park Road except for one building identified as "Building 152" located within the boundaries of the City of Cleveland for which Cleveland Fire is responsible (See Exhibit C attached hereto). In the event of a fire or hazardous materials emergency at the NASA Complex, each Party agrees to notify the other Party and either may request the assistance of the other as provided in this Agreement.

expense of loss or damage to its own equipment that may occur while in the other Party's territorial limits or while rendering assistance to the other Party.

SECTION X. LIABILITY

Neither Party will indemnify or hold harmless the other for any claims or for any damages awarded in any civil action arising from any action or omission of either Party's employees acting under this Agreement. Neither Party shall act or be deemed to be acting as agent for the other. Nothing in this Agreement is intended to and shall not be construed to constitute a waiver of either Party's defenses, including immunity.

In no case shall the Party rendering emergency fire services under this Agreement be liable for any damage to the other Party or any of its inhabitants or contractual obligees, for failure to answer any fire alarm, fire call or other emergency, or for lack of speed in answering any such call, or for any inadequacy of equipment, negligent operation of equipment, failure to extinguish any fire, or for any cause whatsoever arising from rendering such aid.

SECTION XI. TERM

This Agreement shall be in effect on the Effective Date first written above. It shall expire upon written agreement of the Parties or if either Party withdraws by giving the other Party at least 30 days prior written notice of withdrawal.

SECTION XII. NOTICES

Any notices or other written communications required by this Agreement shall be sufficient if sent by the parties in the U.S. Mail, postage pre-paid to the addresses noted below:

City of Cleveland
Chief of Fire
Division of Fire
1645 Superior Avenue
Cleveland, Ohio 44114

City of Brook Park -
Chief of Fire
Fire Department
6161 Angle Road
Brook Park, Ohio 44142

SECTION XIII. EXTENT OF AGREEMENT

This Agreement represents the entire agreement between Cleveland Division of Fire and Brook Park Fire Department regarding the provision of additional fire emergency assistance and supersedes all prior negotiations, representations or agreements either written or oral.

IN WITNESS WHEREOF, the Parties hereby have caused this Agreement to be executed.

CITY OF CLEVELAND

By: _____
Michael McGrath, Director
Department of Public Safety

CITY OF BROOK PARK

By: _____
Thomas J. Coyne, Mayor

APPROVED AS TO LEGAL FORM

Neal Jamison, Law Director
City of Brook Park

By: _____

Date: _____

Print Name and Title

Barbara Langhenry, Law Director
City of Cleveland

By: _____
Nancy Kelly, Assistant Director of Law

Date: _____

F/C Safety 3/4/14
CA Caucus 3/18/14
1st R 4-1-14
2nd R _____
3rd R _____
B/C 4/15/14 4/15/14 Caucus
Caucus 2/28/17

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 9903-2014

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE
AMENDING SECTION 143.02 (a)
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 143.02(a) of the Brook Park Codified Ordinances, as enacted by Ordinance No.7590-1991, passed May 28, 1991, and Ordinance No. 9650-2010, passed June 15, 2010, and reading as follows:

143.02 COMPOSITION; EXECUTIVE HEAD.

(a) The Fire Department shall be composed of the following officers and members:

- (1) One Fire Chief
- (2) One Assistant Fire Chief
- (3) One Fire Prevention Officer with rank of lieutenant
- (4) Six Fire Lieutenants
- (5) One Assistant Fire Prevention Officer

(6) Not more than forty full-time firemen, who shall be on duty at such periods during the week, either day or night, and during such reasonable hours as the Fire Chief shall designate under such general rules and regulations as the Director of Public Safety prescribes.

(7) Such additional firemen as Council shall provide from time to time.

is hereby amended to read:

143.02 COMPOSITION; EXECUTIVE HEAD.

(a) The Fire Department shall be composed of the following officers and members:

- (1) One Fire Chief.
- (2) One Assistant Fire Chief.
- (3) Not more than six Fire Lieutenants.
- (4) Not more than three Assistant Fire Prevention Officers.
- (5) Not more than forty full-time firemen, who shall be on duty at such periods during the week, either day or night, and during such reasonable hours as the Fire Chief shall designate under such general rules and regulations as the Director of Public Safety prescribes.
- (6) Such additional firemen as Council shall provide from time to time.

SECTION 2: Former Section 143.02(a) of the Brook Park Codified Ordinances as enacted by Ordinance No.7590-1991, passed May 28, 1991, and Ordinance No. 9650-2010, passed June 15, 2010, 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 143.02(a) 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