

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

A. ROLL CALL OF MEMBERS

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. SPECIAL CAUCUS MEETING HELD ON SEPTEMBER 6, 2016
2. REGULAR COUNCIL MEETING HELD ON SEPTEMBER 6, 2016

D. REPORTS OF STANDING COMMITTEES:

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

E. REPORTS OF SPECIAL COMMITTEES:

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

F. REPORTS OF BOARDS AND COMMISSIONS:

G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

H. REPORTS AND COMMUNICATIONS FROM THE MAYOR:

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

J. OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):

K. MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

L. REMARKS FROM THE AUDIENCE ON THE ORDINANCES AND/OR RESOLUTIONS THAT PERTAIN TO ITEMS ON THE AGENDA:

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

N. SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 9903-2014, AMENDING SETION 143.02 (a) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'COMPOSITION: EXECUTIVE HEAD', AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne
2. ORDINANCE NO. 10068-2017, AMENDING SECTION 1809.01 (i) (2) OF THE BROOK PARK CODIFIED ORDINANCES RETURN AND PAYMENT OF TAX AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne
3. ORDINANCE NO. 10069-2017, AMENDING CERTAIN SECTIONS OF CHAPTER 153 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'EMPLOYEES GENERALLY' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne
4. RESOLUTIION NO. 4-2017, URGING FIRSTENERGY TO CONTINUE HEALTH CARE COVERAGE FOR RETIREES OF THE UTILITY WORKERS UNION OF AMERICA OF THE CLEVELAND AND ASHTABULA DIVISION AND DECLARING AN EMERGENCY. Introduced by Council President Astorino.

O. THIRD READING OF ORDINANCES AND RESOLUTIONS:

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

P. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

NOTE: EXECUTIVE SESSION - PENDING AND/OR IMMINENT COURT ACTION

PERSONNEL MATTERS - HIRING OF PERSONNEL BY COUNCIL

Q. ADJOURNMENT:

**SYNOPSIS OF ORDINANCES AND RESOLUTIONS
FOR THE COUNCIL MEETING OF MARCH 7, 2017**

SECOND READING:

Res. No. 4-2017

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

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

Ord No. 9903-2014

AN ORDINANCE AMENDING SECTION 143.02(a) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'COMPOSITION: EXECUTIVE HEAD,' AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance amending Section 143.02(a) of our ordinances in which we are changing the number of officers in the Fire Department.

Ord No. 10068-2017

AN ORDINANCE AMENDING SECTION 1809.1(i)(2) OF THE BROOK PARK CODIFIED ORDINANCES RETURN AND PAYMENT OF TAX, AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance amending our codified ordinances section 1809.1(i)(2) changing the verbiage to read payment to be considered shall be on the date of timestamp assigned by electronic system receiving that payment.

Ord No. 10069-2017

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 153 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'EMPLOYEES GENERALLY,' AND DECLARING AN EMERGENCY.

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

THIRD READING:

Ord. No. 10067-2017

AN ORDINANCE AMENDING SECTION 1805.01(2)(A)(B) OF THE BROOK PARK CODIFIED ORDINANCES COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES, AND DECLARING AN EMERGENCY.

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

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

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 (i) (2)
OF THE BROOK PARK CODIFIED ORDINANCES
RETURN AND PAYMENT OF TAX,
AND DECLARING AN EMERGENCY

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

SECTION 1: Section 1809.01(i) (2) of the Brook Park Codified Ordinances, as enacted by Ordinance No. 9984-2015 passed December 15, 2015, and reading as follows:

RETURN AND PAYMENT OF TAX.

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

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

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

is hereby amended to read as follows:

RETURN AND PAYMENT OF TAX.

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

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

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

SECTION 2: Former Section 1809.01(i)(2) of the Brook Park Codified Ordinances as enacted by Ordinance No. 9984-2015, passed December 15, 2015, is hereby repealed.

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

SECTION 4: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to amend 1809.01(i)(2); therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: _____

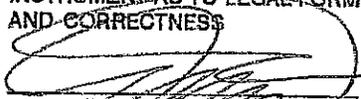
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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


DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10069-2017INTRODUCED BY: MAYOR COYNE

AN ORDINANCE
AMENDING CERTAIN SECTIONS OF CHAPTER 153
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'EMPLOYEES GENERALLY,'
AND DECLARING AN EMERGENCY

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

SECTION 1: Section 153.01(a)(3) of the Brook Park Codified Ordinances, as enacted by Ordinance No. 8311-1997 passed February 4, 1997, and reading as follows:

153.01(a)(3)

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

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

is hereby amended to read:

153.01(a)(3)

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

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

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

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

153.021

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

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

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

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

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

is hereby amended to read:

153.021

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

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

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

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

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

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

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

153.12 HOLIDAYS.

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

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

is hereby amended to read:

153.12 HOLIDAYS.

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

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

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

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

153.145 OVERTIME.

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

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

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

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

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

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

is hereby amended to read:

153.145 OVERTIME.

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

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

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

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

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

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

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

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

153.18 WAGE, SALARY, BENEFIT AND CONTRACT REVIEW COMMITTEE.

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

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

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

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

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

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

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

SECTION 11: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 12: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason of amending certain sections of Chapter 153 of the Brook Park Codified Ordinances; therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: _____

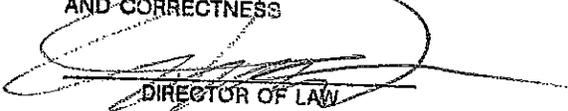
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

P/C 2/7/17 Legislative
Cau 2/14/17
1st R 2/21/17
2nd R 3/7/17
3rd R
B/C

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 4-2017

INTRODUCED BY: COUNCIL PRESIDENT ASTORINO

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

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

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

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

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

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

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

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

SECTION 1: That the Council of the City of Brook Park is supporting the Utility Workers Union of America, Local 270 and demanding FirstEnergy fulfill the moral obligation to its active

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

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

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

SECTION 4: This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for further reason to urge FirstEnergy to keep their health care benefits for retirees; therefore, provided that this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

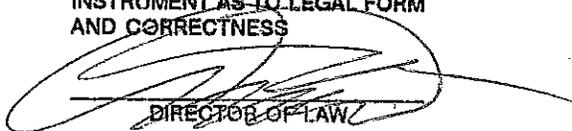
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

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

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10067-2017

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE
AMENDING SECTION 1805.01(2) (A) and (B)
OF THE BROOK PARK CODIFIED ORDINANCES
COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES,
AND DECLARING AN EMERGENCY

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

SECTION 1: Section 1805.01(2)(A) and (B) of the Brook Park Codified Ordinances, as enacted by Ordinance No. 9984-2015 passed December 15, 2015, and reading as follows:

1805.01 COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES.

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

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

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

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

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

is hereby amended to read as follows:

1805.01 COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES.

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

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

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

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

SECTION 2: Former Section 1805.01(2)(A) and (B) the Brook Park Codified Ordinances as enacted by Ordinance No. 9984-2015, passed December 15, 2015, is hereby repealed.

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

SECTION 4: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to amend 1805.01(2)(A) and (B); therefore, this

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

PASSED: _____

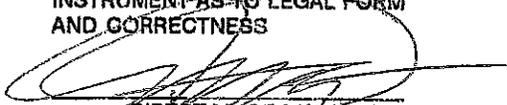
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW