

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, OCTOBER 2, 2018
7:00 P.M.**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III. DISCUSSION:

1. THE AMERICAN HEART ASSOCIATION HONORING BROOK PARK FIREFIGHTERS' WITH THE 2018 MISSION LIFELINE EMS RECOGNITION AWARD. **Note:** Moved by **motion** from the 9/4/18 Council agenda.

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN EASEMENT AGREEMENT BETWEEN VARBROS, LLC AND THE CITY OF BROOK PARK FOR ACCESS TO THE STORM WATER MANAGEMENT AREA LOCATED AT 16025 BROOKPARKK ROAD IN A U7-B DISTRICT AND DECLARING AN EMERGENCY. Introduced by Council as a Whole

IV. LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCE AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; PUBLISHING THE ENACTMENT OF SUCH NEW MATTER, REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio (**Annual Codification Updates**)

V. SAFETY COMMITTEE - CHAIRMAN, STEMM:

1. AN ORDINANCE AUTHORIZING THE CITY OF BROOK PARK'S PARTICIPATION IN THE STATE OF OHIO PURCHASING PROGRAM FOR THE PURCHASE OF THREE 2018 FORD EXPLORERS 4-DOOR AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

VI. ADJOURNMENT:

Posted: 9/28/18

Note: Due to the inability to accurately forecast the conclusion time of Caucus work session meetings, the regularly scheduled Brook Park City Council meeting will begin following the conclusion of the regularly scheduled Caucus Prior to meeting.

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN EASEMENT AGREEMENT
BETWEEN VARBROS, LLC AND THE CITY OF BROOK PARK FOR
ACCESS TO THE STORM WATER MANAGEMENT AREA LOCATED AT
16025 BROOKPARK ROAD IN A U7-B DISTRICT,
AND DECLARING AN EMERGENCY

WHEREAS, on September 10, 2018, the Planning Commission approved and referred to Council a request for an easement of the storm water management area at 16025 Brookpark Road "Varbros" which is located in a U7-B District; and

WHEREAS, the City of Brook Park needs to enter into an easement with Varbros, LLC for the access to the storm water management area for inspection, operation, maintenance and repair of said facilities; and

WHEREAS, this easement shall not be construed as an obligation of the City of Brook Park to maintain or repair the storm water management facility or the access easement; and

WHEREAS, the owners of the land for the storm water management area have agreed to grant the necessary easement to the City of Brook Park as shown in the attached Exhibit "A."

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

SECTION 1: The easement is further described in Exhibit "A," attached hereto and incorporated herein by reference and is hereby authorized and approved by the Council of the City of Brook Park.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its

committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason that it is Council's desire to approve said Easement Agreement; 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

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

DATE



DIRECTOR OF LAW

STORM WATER MANAGEMENT AND ACCESS EASEMENT

We the undersigned:

Varbros LLC

Owner of the property shown and described hereon does hereby grant to the Varbros LLC and the City of Brook Park a perpetual easement as described herein and as shown on the attached exhibit.

Varbros LLC

- A.) Storm water management and access easement is herein created for the access to the storm water management facilities and construction and repair of such facilities. Varbros LLC shall be responsible for all inspections and maintenance of the access easement and storm water quality and management systems. At a minimum, an annual inspection shall be completed by Varbros LLC in accordance with all applicable Federal, State, and Local Codes by the 1st of April and the annual inspection report shall be submitted to the City of Brook Park by the 1st of May. The City of Brook Park and its authorized agents shall have the right from time to time to enter upon these areas for the purposes of inspecting all systems and by written notice notify Varbros LLC of any deficiency and Varbros LLC shall have thirty (30) days to remedy the condition.
- B.) Access rights to Varbros LLC to the Storm Water Management Facility and Access Easement shall herein be granted by its use.

THE CITY OF BROOK PARK

Storm water management and access easement is herein created for the access, inspection, operation, maintenance and repair of said facilities. This easement shall not be construed as an obligation of the City of Brook Park to maintain or repair the storm water management facility or the access easement. This easement area is hereby restricted against the construction of any buildings of any type or other obstructions thereof, and further are restricted from the planting of trees and/or shrubbery upon or in close proximity thereto, which may restrict the accessibility for the maintenance of storm water management facility or access easement.

By: Varbros LLC

DAVID J. GIRO, PRESIDENT David J. Giro
Name, Title, Name of Property Owner

STATE OF OHIO)
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said County and State, personally appeared the above-named David J. Giro who acknowledged that he did sign the foregoing instrument and that the same is (his) free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at MARSHES, this 27th day of MARCH, 2018.



NASSER K. MORRA
NOTARY PUBLIC
STATE OF OHIO
Comm. Exp. Oct. 28, 2021

Nasser K. Morra

NOTARY

Recorded in
Medina County

Approved by the Council of the City of Brook Park by Ordinance No. _____
adopted this _____ day of _____, 20____.

Clerk of Council

Date

The legal form and correctness of the within instrument is hereby approved this _____ day of _____, 20____.

Carol Horvath, Law Director

LEGAL DESCRIPTION

Containing 0.9244 +/- Total Acres

Situated in the City of Brook Park, County of Cuyahoga, and State of Ohio and known as being part of Original Middleburgh Township Lot No. 1 in Section No. 10, Township 6 North, Range 14 West, and being part of a parcel conveyed to Varbros, LLC (AFN#: 200210010236) bounded as described as follows:

Commencing at a 3/4 inch rebar in a monument box and the Northwest corner of said Varbros lands and the centerline of Brookpark Road (100 ft.), thence along the West line of grantor South 03°08'14" West a distance of 50.08 Feet to the South right-of-way of Brookpark Road and the True Point of Beginning;

Thence through the lands of the grantor the following Eight Courses:

1. North 89°54'59" East along said South right-of-way, a distance of 48.92 Feet
2. South 11°06'30" West leaving said right-of-way, a distance of 207.99 Feet
3. South 03°08'14" West, a distance of 479.15 Feet
4. North 89°56'03" East, a distance of 392.23 Feet
5. North 59°39'00" East, a distance of 112.47 Feet to the Grantor's East line
6. South 04°23'34" West, along Grantor's East-Line, a distance of 175.92 Feet to the southeast corner thereof
7. South 89°54'59" West, along Grantor's south line, a distance of 106.87 Feet
8. North 00°03'57" West, a distance of 98.70 Feet

Thence South 89°56'03" West, a distance of 389.96 Feet to the Grantor's Westerly line;

Thence along the Grantor's west line North 03°08'14" East, a distance of 703.53 Feet to the True Point of Beginning containing 0.9244 Acres as described by Steven W. Clutter PS# 7655 for and on behalf of CESO, Inc.



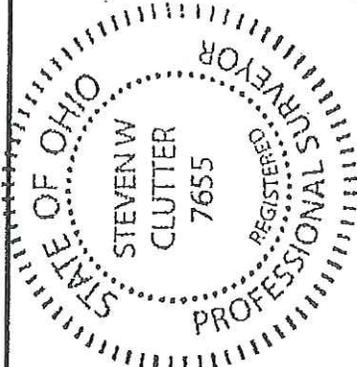
CESO, Inc.

Steven W. Clutter, PS

Date: March 21, 2018

Registered Surveyor No. OH-7655

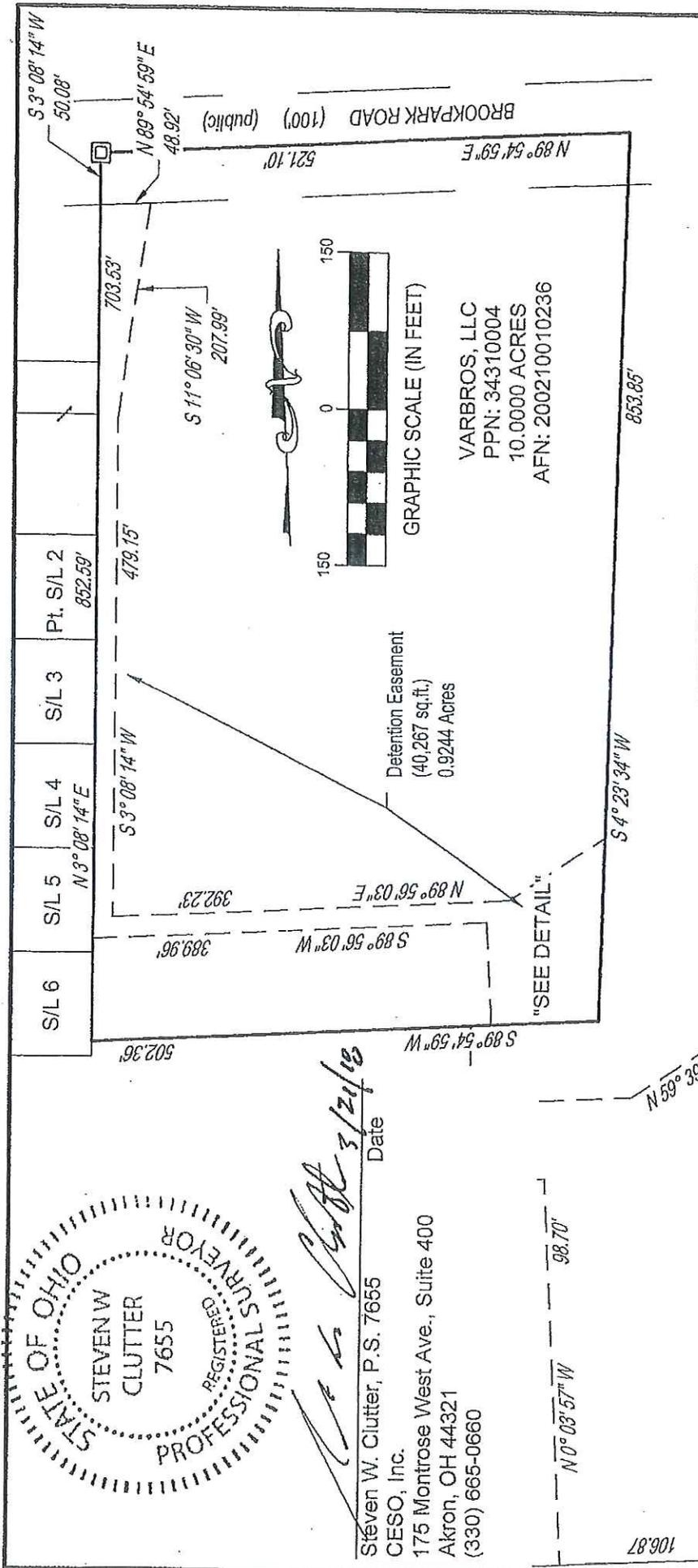




Steven W. Clutter
 Steven W. Clutter, P.S. 7655
 C.E.S.O., Inc.
 175 Montrose West Ave., Suite 400
 Akron, OH 44321
 (330) 665-0660

Date

3/21/18



DETENTION EASEMENT	
CAMPBELL CONSTRUCTION	
Original Lot 1, Sec. 10, T 6-N, R 14-W County of Cuyahoga, State of Ohio	
16025 Brookpark Road Brook Park, OH 44142	DATE: March 21, 2018
DESIGN: SWC	JOB NO.: 764789
DRAWN: TDC	SHEET NO.: 1 OF 1
CHECKED: SWC	

"DETAIL"
 1"=40'

W:\PROJECTS\CAMPBELL CONSTRUCTION\54789 - VARBROS 16025 BROOK PARK RD\04-SURVEY\PLAN\764789 - VARBROS 16025 BROOK PARK RD_DETENTION EASEMENT.DWG - 3/25/2018 8:55 AM

CITY OF BROOK PARK, OHIO

ORDINANCE NO. _____

INTRODUCED BY: COUNCIL PRESIDENT VECCHIO

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; PUBLISHING THE ENACTMENT OF SUCH NEW MATTER; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing has completed its annual updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances and resolutions of a general and permanent nature that have been passed by Council since the date of the last updating and revision of the Codified Ordinances (February 7, 2017) have been included in the Codified Ordinances of the City; and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State law;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOK PARK, STATE OF OHIO, that:

SECTION 1. The editing, arrangement and numbering or renumbering of the following ordinances or resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
10062-2016	2-22-17	509.15
10064-2016	2-22-17	153.06
10067-2017	3-7-17	1805.01
10068-2017	3-7-17	1809.01
10087-2017	6-20-17	Repeals Ch. 921
10088-2017	6-20-17	921.01 to 921.16, 921.99
10089-2017	6-20-17	Repeals Ch. 922
10090-2017	6-20-17	922.01 to 922.18, 922.99
11007-2017	12-5-17	1300.01

SECTION 2. The following sections are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

301.04, 301.22, 301.51, 303.04, 313.09, 331.03, 331.40, 333.01, 333.011, 333.03, 333.07, 333.10, 335.09, 351.07, 351.19, 371.13, 377.01, 377.03, 377.04, 377.08, 501.01, 513.01, 513.09, 525.05, 529.07, 537.051, 537.10, 537.18, 541.02, 549.01, 549.02, 549.04, 549.14, 549.15

SECTION 3. All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance, except as follows:

- (a) The enactment of the 2018 Replacement Pages for the Codified Ordinances shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to December 31, 2017.

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

SECTION 5. Pursuant to Ohio R.C. 731.23 and 731.25 and Section 123.01 of the Codified Ordinances, the Clerk of Council shall post a notice of the enactment of this ordinance, containing the title of this ordinance, together with a summary of the new matter contained in the 2017 Replacement Pages hereby approved, adopted and enacted, a copy of which Summary is attached hereto as Exhibit A, for a period of not less than fifteen days in the six public places provided in Section 123.01.

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 the City, and for the further reason that it is immediately necessary to have an up-to-date codification of the laws of the City, one which is consistent with current State law, where and as required by Article XVIII, Section 3, of the Ohio Constitution, with which to administer the affairs of the City, ensure law and order and avoid practical and legal entanglements; therefore this ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

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 the City, and for the further reason that it is immediately necessary to have an up-to-date codification of the laws of the City, one which is consistent with current State law, where and as required by Article XVIII, Section 3, of the Ohio Constitution, with which to administer the affairs of the City, ensure law and order and avoid practical and legal entanglements; therefore provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

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

DATE



DIRECTOR OF LAW

EXHIBIT A

SUMMARY OF NEW MATTER CONTAINED IN THE 2018 REPLACEMENT PAGES FOR THE CODIFIED ORDINANCES OF BROOK PARK, OHIO

New matter in the Codified Ordinances of Brook Park, Ohio, as contained in the 2018 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
301.04	Definition of "bicycle; motorized bicycle or moped".
301.22	Definition of "pedestrian".
301.51	Definition of "vehicle".
303.04	Road workers, motor vehicles and equipment excepted.
313.09	Driver's duties upon approaching ambiguous or non-working traffic signal.
331.03	Overtaking, passing to left; driver's duties.
331.40	Stopping at grade crossings.
333.01	Driving or physical control of vehicle while under the influence of alcohol or drugs; evidence.
333.011	Immobilizing or disabling device violations.
333.03	Maximum speed limits; assured clear distance ahead.
333.07	Street racing prohibited.
333.10	Operation restricted for mini-trucks and low-speed, under-speed, or utility vehicles.
335.09	Display of license plates; registration; obstructions.
351.07	Unattended vehicle; duty to stop engine, remove key, set brake and turn wheels.
351.19	Parking on posted private property.
371.13	Operation of personal delivery device on sidewalks and crosswalks.
377.01	Definitions relating to snowmobiles, off-highway motorcycles and all-purpose vehicles.
377.03	Code application; prohibited operation.
377.04	Permitted operation.
377.08	Registration of vehicles.
501.01	Definitions relating to general offenses.
513.01	Definitions relating to drugs.
513.09	Controlled substance or prescription labels.
525.05	Failure to report a crime; injury or knowledge of death.
529.07	Open container prohibited.
537.051	Menacing by stalking.
537.10	Telecommunication harassment.
537.18	Contributing to unruliness or delinquency of a child.
541.02	Arson.
549.01	Definitions relating to weapons and explosives.
549.02	Carrying concealed weapons

<u>Section</u>	<u>New or amended matter regarding:</u>
549.04	Improperly handling firearms in a motor vehicle.
549.14	Possession of an object indistinguishable from a firearm in a school safety zone.
549.15	Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession.

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE CITY OF BROOK PARK'S PARTICIPATION
IN THE STATE OF OHIO PURCHASING PROGRAM,
FOR THE PURCHASE OF THREE 2018 FORD EXPLORERS 4-DOOR,
AND DECLARING AN EMERGENCY

WHEREAS, Section 125.04(B) of the Ohio Revised Code provides the opportunity for political subdivisions in the State of Ohio to participate in contracts of the Ohio Department of Administrative Services for the purchase three Ford Explorers 4-Door;

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

SECTION 1: The Mayor is hereby requests authority, in the name of the City of Brook Park to participate in the Ohio Department of Administrative Services contract for the purchase of three 2018 Ford Explorers 4-door. Specifically the City of Brook Park requests authority to purchase said vehicles.

SECTION 2: The Mayor of the City of Brook Park is hereby authorized to be bound by all terms and conditions as the Department of Administrative Services prescribes.

SECTION 3: The Mayor of the City of Brook Park is authorized to directly pay vendors, under each such contract of the Ohio Department of Administrative Services in which the City of Brook Park participates, for items it receives pursuant to the contract.

SECTION 4: The money needed for the aforesaid transaction shall be paid from the Capital Fund No. 401.

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 to allow the City to participate in the Ohio Department of Administrative Services in purchasing three Ford Explorers 4-Door; therefore this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

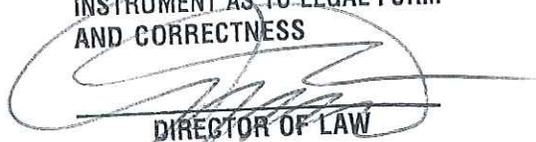
PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

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



DIRECTOR OF LAW

DATE