

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, DECEMBER 11, 2018
7:00 P.M.**

I. ROLL CALL OF MEMBERS

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING HELD ON NOVEMBER 13, 2018.

IV. DISCUSSION:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR REQUESTS FOR QUALIFICATIONS (RFQ) FOR GUARANTEED ENERGY PERFORMANCE CONTRACTORS FOR THE IMPLEMENTATION OF A GUARANTEED ENERGY CONSERVATION PROGRAM AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH A SUCCESSFUL VENDOR AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella - PER COUNCIL PRESIDENT VECCHIO. **In attendance: Drake Wahlers - Leopardo Group.**
2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF CITY RADIOS AND APPURTENANCES, IN ORDER TO REPLACE OBSOLETE RADIOS AND UPGRADE THE CITY'S RADIO COMMUNICATION SYSTEM, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella - PER COUNCIL PRESIDENT VECCHIO.
3. AN ORDINANCE AMENDING SECTION 153.241 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'MISCELLANEOUS BENEFITS FOR POLICE AND FIRE CHIEFS AND CAPTAINS' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella - PER COUNCIL PRESIDENT VECCHIO.

IV. DISCUSSION: CONT.

4. AN ORDINANCE AMENDING SECTIONS 1323.03 OF THE BROOK PARK CODIFIED ORDINANCES AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella - PER COUNCIL PRESIDENT VECCHIO.

5. AN ORDINANCE AMENDING CHAPTER 1414 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'RESIDENTIAL RENTAL HOUSING REGISTRATION' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella - PER COUNCIL PRESIDENT VECCHIO.

6. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BEREA SCHOOL DISTRICT FOR EXCHANGE OF APPROXIMATELY 18 ACRES OF LAND KNOWN AS BROOK PARK MEMORIAL (P.P.N. 343-17-001) AND 10 ACRES OF LAND KNOWN AS BROOKVIEW ELEMENTARY (P.P.N. 344-15-008, 344-20-086 AND 344-15-178) FOR A LEASEHOLD OF A BASEBALL FIELD LOCATED AT 16900 HOLLAND ROAD AND OTHER CONSIDERATION, PURSUANT TO ORC 3113.04 AND ORC 3113.41 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella - PER COUNCIL PRESIDENT VECCHIO.

7. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH BEREA CITY SCHOOL DISTRICT OF A BASEBALL FIELD LOCATED AT 16900 HOLLAND ROAD, PURSUANT TO ORC 3113.04 AND ORC 3113.41 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella - PER COUNCIL PRESIDENT VECCHIO.

8. DIVISION OF LIQUOR CONTROL - **C STCK NEW 1445591** FOR CHORNAK, INC. DBA NAKS EATERY & DRINKERY LOCATED AT 5690 SMITH ROAD, BROOK PARK, OHIO, 44142 FOR A D5 & D6 **Postmark date 12/27/2018.**

IV. DISCUSSION: CONT.

9. PAYMENT TO BOXCAST FOR LIVESTREAMING OF THE 2019 CAUCUS AND COUNCIL MEETINGS (**Annual expenditure in the amount of \$2,400.00 paid in monthly installments**) - PER COUNCIL PRESIDENT VECCHIO.

10. PROPOSED 2018-2019 COUNCIL RULE CHANGE – Councilman Poindexter - PER COUNCIL PRESIDENT VECCHIO.
 - a) COUNCIL RULE NO. 7 - ORDER OF BUSINESS

V. FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. AN ORDINANCE AUTHORIZING THE CITY OF BROOK PARK TO PROVIDE A GRANT TO HARDFACE TECHNOLOGIES BY POSTLE INDUSTRIES FOR A BUILDING EXPANSION LOCATED AT 5440 AND 5500 WEST 164TH STREET, BROOK PARK, OHIO. Introduced by Mayor Gammella - PER COUNCIL PRESIDENT VECCHIO. **In attendance: Daniel Weinhardt - CFO/Marketing Director, Lisa Korba - Accountant/Office Manager, Mike Huber - Business Development Manager and Steve Stefancic - Hardbanding Sales Development - POWER POINT PRESENTATION**

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE SALE OF (+ -) 3.303 ACRES OF LAND LOCATED AT 16400 AND 16500 BROOKPARK ROAD, PERMANENT PARCEL NOS. 344-30-008 AND 344-30-009 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella - PER COUNCIL PRESIDENT VECCHIO. **In attendance: Joe Reigrut - Company Wrench, Rick Wellman - Company Wrench, Rick Nelden - Fogg Building Methods, Tim Breckner - Colliers International and Conor Toomey - Colliers International - POWER POINT PRESENTATION.**

VI. ADJOURNMENT:

Posted 12/7/18

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE MAYOR TO ADVERTISE FOR
REQUESTS FOR QUALIFICATIONS (RFQ) FOR
GUARANTEED ENERGY PERFORMANCE CONTRACTORS FOR THE
IMPLEMENTATION OF A GUARANTEED ENERGY CONSERVATION
PROGRAM, AND AUTHORIZING THE MAYOR TO
ENTER INTO A CONTRACT WITH A SUCCESSFUL VENDOR,
AND DECLARING AN EMERGENCY

WHEREAS, the Mayor and the Council desire to perform a feasibility study to identify projects that will reduce owning and operating costs for the City of Brook Park; and

WHEREAS, the Mayor and Council have been advised that an energy conservation program may provide funding that allows for guaranteed savings to the city maintenance and operating budgets to fund upgrades and modernization to infrastructure which is financed over a period of time;

WHEREAS, the City of Brook Park is requesting qualifications for the identification, design and implementation of energy efficiency improvements on a self-funding performance contracting basis in accordance with Local Energy Conservation Act (House Bill 420); and

WHEREAS, the purpose for issuing this request is to identify and select a qualified provider, or energy services company, to perform the implementation of an energy savings performance contract; and

WHEREAS, the Director of Public Service is authorized and directed to advertise twice in a newspaper of general circulation within the Municipality and to post such Request for Qualifications on the City of Brook Park's web page; and

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

SECTION 1: This Council authorizes and directs the Director of Public to issue a Request for Qualifications for Guaranteed Energy Performance Contractors and to advertise twice in a newspaper of general circulation within the Municipality and to post such Request for Qualifications on the City's web page.

SECTION 2: The Mayor is further authorized and directed to enter into a contract for same.

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 to proceed to seek proposals for energy conservation program to reduce operating costs; 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

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT FOR THE PURCHASE OF CITY RADIOS AND
APPURTENANCES, IN ORDER TO REPLACE OBSOLETE RADIOS
AND UPGRADE THE CITY'S RADIO COMMUNICATIONS SYSTEM,
WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY

WHEREAS, Council by and through Ordinance No.9203-2005 authorized the Mayor to enter into an agreement for the City of Brook Park to join a Southwest Regional Communications Network Council of Governments ("Southwest COG"), in order to foster cooperation between the various cities that are members of such Council of Governments, to establish, own, operate and administer a regional communications network for public safety and public service purposes; and

WHEREAS, the member communities of the Southwest COG are now collectively faced with the costly challenge of needing to replace a large number of radios that are obsolete, no longer manufactured, and have no replacement parts that are being made available; and

WHEREAS, as a member of the Southwest COG, the City of Brook Park must now participate in replacing and upgrading the City's obsolete mobile radios in order to remain compatible with the Southwest COG system; and

WHEREAS, the Ohio Department of Administrative Services awarded a State Term telecommunications contract (Contract No. 573077-0-1, Index No. STS-073) to Motorola Solutions, Inc.; and

WHEREAS, in order to ensure continuity and functional interoperability with the existing system, it is critical to replace and upgrade such radios and appurtenances with Motorola radio; and

WHEREAS, said vendor has agreed to provide such new radios, and appurtenances to the City at a cost below State Term contract pricing.

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 as set out in Article VII, Section 7.03 of the Charter, that there is an immediate and present emergency in the operation of the City of Brook Park, in that it is immediately necessary to enter into a contract, without public bidding with MOTOROLA SOLUTIONS, INC. for the replacement of obsolete equipment, and purchase of upgraded radios, and appurtenances for the City in order to continue to meet the operational needs of the City on a prompt basis and to ensure the public health and welfare.

SECTION 2: The money needed for the reasons aforesaid, this Council approves and authorizes the Mayor to enter into a contract with MOTOROLA SOLUTIONS, INC., without public bidding, in an amount not to exceed \$140,616.37 for the purchase of upgraded radios, and appurtenances, all as more fully set forth in the proposal attached hereto as Exhibit A and incorporated herein by reference, and as to be reflected in a contract to be in a form approved by the Law Director

SECTION 3: That the funds for the purpose of this Ordinance have been appropriated and shall be paid from the General Fund No. 401, Capital.

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 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 without undue delay; therefore provided this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

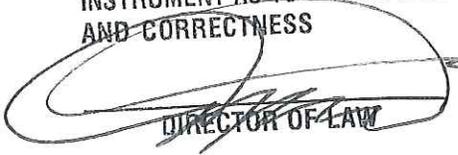
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

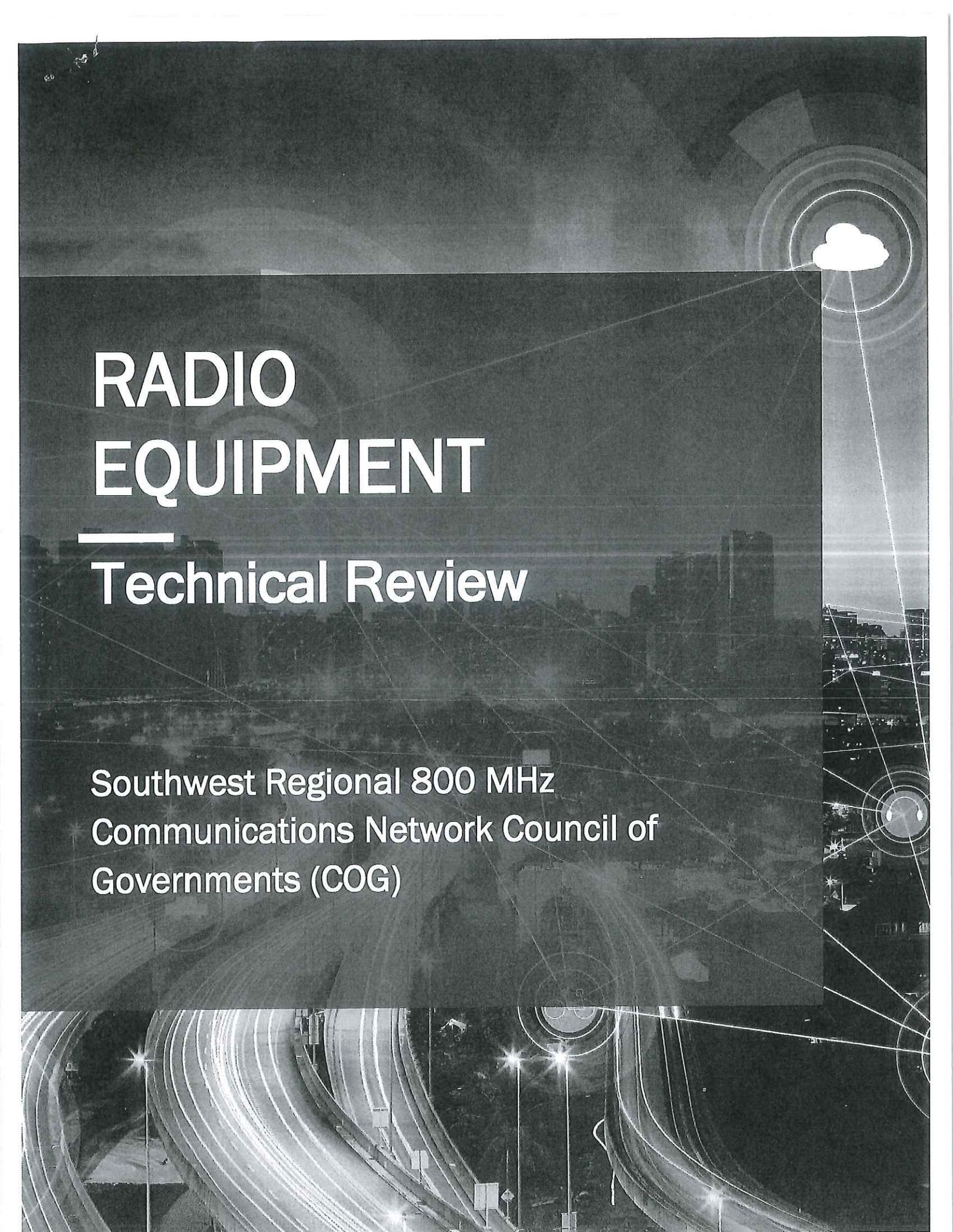
APPROVED: _____
MAYOR

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

DATE



DIRECTOR OF LAW



RADIO EQUIPMENT

Technical Review

Southwest Regional 800 MHz
Communications Network Council of
Governments (COG)



Radio Equipment Upgrade Technical Review

What Is The Problem?

The Southwest Regional Radio Communications Network Council of Governments (“COG”) is collectively facing a challenge of needing to replace a large number of public safety radios that are no longer manufactured and have no replacement parts being made.

On May 13, 2013, Motorola announced that the XTS and XTL P25 radios would no longer be available for purchase after October 31, 2013. The XTS and XTL accessories would continue to be available with depot repair support until the end of 2018. We are now reaching the end of support on December 31, 2018.

The APX P25 Radios are the replacements for XTS/XTL radios used mostly by our law enforcement departments. Many, if not most of the fire departments in the COG have already upgraded to APX P25 radios.

In an emergency, first responders may be a few feet or several miles away. When every second counts, we need a radio you can rely on to get the job done. Since coordinating response and protecting lives is at the heart of each COG member’s mission, every two-way radio transmission is crucial. Every radio has one job and one job only: to keep people safe.

Motorola radios are used by 10s of thousands of agencies around the world. With uncompromising real-world performance and legendary reliability, the solution continues to evolve, adding practical innovations and performance-driven capabilities that enable government agencies to protect the communities they work in and support neighboring communities through interoperability.

In the past we have been able to secure grants or other outside funding to pay for the radios. While we continue to seek that funding, no such funding has been obtained or located for application. Therefore, our communities are facing large expenses to replace the obsolete equipment.



How Did We Get Here?

In the early 1990's, the City of Brook Park had a consulting firm evaluate the state of radio communication within the city at the time. It was found that, because of the use of different radio bands and frequencies by each city department, there was no interoperability between city departments and the reliability of the public safety infrastructure was only 65%. The city was faced with old and outdated equipment that needed to be replaced. For nearly a decade, the political subdivisions of southwestern Cuyahoga County had envisioned a shared communications network capable of serving the unique requirements of each user agency whether it was public safety or public service.

The City of Brook Park became the initial sponsor of the Southwest Regional 800 MHz Communications Network. In December of 1993, Motorola was awarded a contract to provide a "state of the art" analog and digital voice communications system. The City of Brook Park proposed to share the system's infrastructure among the surrounding communities. It desired to recapture a reasonable 50% of its infrastructure investment by allocating sponsor buy-in of interested communities based on percentage of population. At the time of proposal, the Cities of Parma Heights and North Royalton were the only ones to become members. This was followed shortly afterwards by the City of Strongsville.

The Council of Governments was faced with a 1 million dollar upgrade cost in 2001. The City of Brook Park obtained a FEMA Assistance to Firefighters grant to replace the entire infrastructure. After this grant award, several other cities realized the potential of a shared radio system and once again became interested in joining. This was followed in the next couple of years by the award of several grant funds to purchase subscriber radios by these departments. This action resulted in the joining of Berea, Middleburg Heights, Olmsted Falls, and Olmsted Township into the COG.

On August 26, 2006, a full scale exercise across Cuyahoga County was conducted to test and evaluate tactical radio communications between public safety entities of which many of the COG public safety forces participated. This exercise was evaluated by the US Department of Homeland Security. Among 75 metropolitan areas evaluated, Cuyahoga County ranked second to the bottom beating American Samoa for interoperability. This was apparent in the

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fact that there were 47 different radio systems throughout Cuyahoga County making it very difficult for public safety agencies to communicate among each other.

BENEFITS OF COMBINED RADIO SYSTEM

The next year and a half, between 2006 and 2008, there was a considerable amount of work done to get to the point of merging the COG's radio system together with the City of Cleveland's radio system for the benefit of all entities involved. By entering into a contract with the City of Cleveland to merge the two systems together, the COG has benefited as follows:

- Shared investment / Cost savings
 - Our system was at the end of its life cycle
 - We were facing the following costs:
 - \$5.55 Million to replace infrastructure
 - \$1.8 Million for subscriber radios
 - That's a \$7.35 Million cost to our COG communities to upgrade
- Technology leap: 47 Disparate Systems to 4 Interoperable Compatible Systems.
- The system is now using the industry P25 standard
- Efficient use of frequencies
- Organized system expansion
- Inter and intra agency communications among ourselves and neighboring communities
- Increased system reliability
- Multiple levels of system redundancy
- User compatibility
- Enhanced radio coverage
- Secure voice encryption
- Increased potential for grant funding
 - County and regional asset
 - Other cities are already willing to join the system
 - Brook Park is the anchor
 - "We build it, they will come"
 - Snowball effect for interoperability between public safety agencies



Do We Have To Do This?

The merger of the Southwest Regional Radio Network (“SWRRN”) with the Cleveland Radio System (the “System”) as to the “interoperability” was achieved under a Contract Agreement (“Agreement”) between the systems and each member commencing in early 2013. Under this Agreement, each community has agreed to use only system-approved equipment (see Section 3.1 et seq. of the 2013 Contract).

Participation in the System requires the maintenance of a specific grade of service and the maintenance of audio patches and gateway interoperability between the System and SWRRN. An ongoing template of design and maintenance of services and functions requires specific equipment modules which must be maintained and must be synchronized by mutually interactive equipment of similar capacities and standards of interoperability. An individual communities’ equipment must not only perform, but it also must inter-perform.

The Advisory Committee created by the Agreement can enforce compliance or place requirements on the community to withdrawal from the system if compliance is not met.

Why Motorola Radios?

Motorola is known in public safety as the most reliable and trustworthy product when it comes to radio system. This is key to providing our residents the best of services when their and our safety forces lives are on the line. In addition here are some of the key reason why staying committed to the Motorola solution is paramount to the mission of each community:

- Compatibility of accessories for the entire fleet.
- Functional Interoperability with existing platforms.
- No requirement of re-training of emergency personnel on radio system. In a high-stress situation familiar equipment becomes second nature.
- Standardized templates and settings throughout might be problematic if different equipment is attempted to be incorporated.
- While there is a potential that other P25 radios might work - there are limits to the functionality.



What Are Our Options?

Each member community should assess its staffing and other technical equipment requirements to maintain intraoperative capacity. Based on this mandate - a significant financial commitment is inherent.

While this whitepaper will not discuss the detailed costs or financing schemes available for each community we have included a potential Master Contract (Exhibit A) which could be used by each individual community's financing and governing teams to find the best solution for their respective communities.

The following schedule provides a breakdown by quantities of device required by each member of the COG:

| Community | Units |
|--------------------|-------|
| Berea | 0 |
| Brook Park | 56 |
| Middleburg Heights | 146 |
| North Royalton | 109 |
| Olmsted Falls | 35 |
| Olmsted Township | 36 |
| Parma Heights | 21 |
| Strongsville | 165 |
| Total | 568 |

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AMENDING SECTION 153.241
OF THE BROOK PARK CODIFIED ORDINANCES,
ENTITLED 'MISCELLANEOUS BENEFITS FOR POLICE AND
FIRE CHIEFS AND CAPTAINS,'
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 153.241 of the Brook Park Codified Ordinances, as enacted by Ordinance No.9655-2010, passed June 15, 2010, and reading as follows:

153.241 MISCELLANEOUS BENEFITS FOR POLICE AND FIRE CHIEFS AND CAPTAINS.

(a) Clothing Allowance. Police Chief, Police Captain, Fire Chief and Assistant Fire Chief shall be provided a clothing allowance of eight hundred twenty-five dollars (\$825.00) annually, to be provided by four hundred twenty-five dollars (\$425.00) through City purchase orders, a cash payment of two hundred dollars (\$200.00) on July 1 for uniform maintenance and a cash payment of two hundred dollars (\$200.00) on December 1 for uniform maintenance, provided, however, that the Director of Public Safety may convert any of the above payments for maintenance to purchase orders where the Director determines that the Chief, Assistant Chief or Captain fails to meet the Division's standards for dress.

(b) Vacations. Vacation shall be taken in the calendar year following the calendar year in which it is earned, except that Police Chief, Police Captain, Fire Chief and Assistant Fire Chief may accumulate up to three times their annual vacation, provided that in no event shall such accumulation exceed ten weeks.

Accrued time in the vacation account of each Police Chief, Police Captain, Fire Chief or Assistant Fire Chief shall be paid to such officer at the rate of one-fifty second (1/52) of his or her current salary for each week, eight times his or her current hourly earning rate for each day, and the appropriate percentage of eight times his or her current hourly earning rate for each partial day, at the time of the Police Chief's, Police Captain's, Fire Chief's

or Assistant Fire Chief's, retirement, termination or resignation, or to his or her estate in the case of the Police Chief's, Police Captain's, Fire Chief's or Assistant Fire Chief's death.

(c) Contributions to Police and Firemen's Disability and Pension Fund. There shall be a pension "pick-up" plan which the Police Chief's, Police Captain's, Fire Chief's and Assistant Fire Chief's gross salary shall be reduced by the full amount of said contribution. The Police Chief's, Police Captain's Fire Chief's and Assistant Fire Chief's which are picked up by the City shall be treated in the same manner as contributions made by them prior to the commencement of the pick-up program and will, therefore, be included in compensation for the purposes of the Police and Firemen's Disability and Pension Fund benefit calculations, and for the purpose of fixing salaries and compensation of Police Chief, Police Captain, Fire Chief and Assistant Fire Chief, as set forth in this chapter. The City's contribution to the Police and Firemen's Disability and Pension Fund will be calculated on the full salary of Police Chief, Police Captain, Fire Chief and Assistant Fire Chief before the pick up is deducted from gross salary.

The City agrees that it will pay contributions required by the Police and Firemen's Disability and Pension Fund. Further, the City agrees that, if hospitalization insurance coverage is terminated by the Police and Firemen's Disability and Pension Fund, it shall reinstate affected Police Chief, Police Caption, Fire Chief and Assistant Fire Chief to the current City insurance plan.

is hereby amended to read:

153.241 MISCELLANEOUS BENEFITS FOR POLICE CHIEF, POLICE CAPTAIN, FIRE CHIEF AND ASSISTANT FIRE CHIEF.

(a) Clothing Allowance. Police Chief, Police Captain, Fire Chief and Assistant Fire Chief shall be provided a clothing allowance of eight hundred twenty-five dollars (\$825.00) annually, to be provided by four hundred twenty-five dollars (\$425.00) through City purchase orders, a cash payment of two hundred dollars (\$200.00) on July 1 for uniform maintenance and a cash payment of two hundred dollars (\$200.00) on December 1 for uniform maintenance, provided, however, that the Director of Public Safety may convert any of the above payments for maintenance to purchase orders where the Director determines that the Chief, Assistant Chief or Captain fails to meet the Division's standards for dress.

(b) Vacations. Vacation shall be taken in the calendar year following the calendar year in which it is earned, except that Police Chief, Police Captain, Fire Chief and Assistant Fire Chief may accumulate up to three times their annual vacation, provided that in no event shall such accumulation exceed ten weeks.

Accrued time in the vacation account of each Police Chief, Police Captain, Fire Chief or Assistant Fire Chief shall be paid to

such officer at the rate of one-fifty second (1/52) of his or her current salary for each week, eight times his or her current hourly earning rate for each day, and the appropriate percentage of eight times his or her current hourly earning rate for each partial day, at the time of the Police Chief's, Police Captain's, Fire Chief's or Assistant Fire Chief's, retirement, termination or resignation, or to his or her estate in the case of the Police Chief's, Police Captain's, Fire Chief's or Assistant Fire Chief's death.

(c) Contributions to Police and Firemen's Disability and Pension Fund. There shall be a pension "pick-up" plan which the Police Chief's, Police Captain's, Fire Chief's and Assistant Fire Chief's gross salary shall be reduced by the full amount of said contribution. The Police Chief's, Police Captain's Fire Chief's and Assistant Fire Chief's which are picked up by the City shall be treated in the same manner as contributions made by them prior to the commencement of the pick-up program and will, therefore, be included in compensation for the purposes of the Police and Firemen's Disability and Pension Fund benefit calculations, and for the purpose of fixing salaries and compensation of Police Chief, Police Captain, Fire Chief and Assistant Fire Chief, as set forth in this chapter. The City's contribution to the Police and Firemen's Disability and Pension Fund will be calculated on the full salary of Police Chief, Police Captain, Fire Chief and Assistant Fire Chief before the pick up is deducted from gross salary.

The City agrees that it will pay contributions required by the Police and Firemen's Disability and Pension Fund. ~~Further, the City agrees that, if hospitalization insurance coverage is terminated by the Police and Firemen's Disability and Pension Fund, it shall reinstate affected Police Chief, Police Caption, Fire Chief and Assistant Fire Chief to the current City insurance plan.~~

SECTION 2: Former Section 153.241 of the Brook Park Codified Ordinances as enacted by Ordinance No. 9655-2010, 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 153.241 of the Brook Park Codified Ordinances; provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage

and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

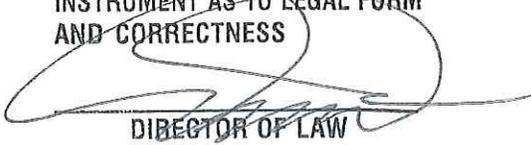
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

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

DATE


DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AMENDING SECTIONS 1323.03
OF THE BROOK PARK CODIFIED ORDINANCES,
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 1323.03 passed by Ordinance No. 4579-1974, April 2, 1974 and Ordinance No. 9555-2009, January 20, 2009 of the Brook Park Codified Ordinances, and reading as follows:

1323.03 REOCCUPANCY CERTIFICATE FOR VACATED DWELLING, BUILDING OR STRUCTURE.

(a) Whenever any dwelling, building or structure has been sold or vacated by its former occupant, or a change in its former occupant or a change in its use is contemplated, no person, firm or corporation, shall reoccupy such dwelling, building or structure, until and unless a Certificate of Re-occupancy has been issued, therefore, under the same terms and conditions as required for an original Certificate.

(b) Before a dwelling, building or structure is sold, deed, land contract or otherwise, the owner shall apply for a Re-occupancy Permit, and if the dwelling, building or structure is to be sold "as is", shall furnish to the new owner a copy of all violations found upon inspection which must be corrected before a Re-occupancy Permit can be issued.

is hereby amended to read:

1323.03 REOCCUPANCY CERTIFICATE FOR VACATED DWELLING, BUILDING OR STRUCTURE,

(a) Whenever any dwelling, building or structure has been sold or vacated by its former occupant, or a change in its former occupant or a change in its use is contemplated, no person, firm or corporation, shall reoccupy such dwelling, building or structure, until and unless a Certificate of Re-

occupancy has been issued, therefore, under the same terms and conditions as required for an original Certificate.

(b) Before a dwelling, building or structure is sold, deed, land contract or otherwise, the owner shall apply for a Re-occupancy Permit, and if the dwelling, building or structure is to be sold "as is", shall furnish to the new owner a copy of all violations found upon inspection which must be corrected before a Re-occupancy Permit can be issued.

(c) The scope of the inspection shall be limited to such areas as are in plain view.

SECTION 4: Former Section 1323.03 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 4579-1974, passed April 2, 1974, and Ordinance No. 9555-2009, passed January 20, 2009 is hereby expressly repealed.

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 public peace, health, safety and welfare of said City, and for the further reason to amend section 1323.03, of the Brook Park Codified Ordinances; therefore provided this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

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

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AMENDING CHAPTER 1414
OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED
'RESIDENTIAL RENTAL HOUSING REGISTRATION,'
AND DECLARING AN EMERGENCY

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

SECTION 1: Chapter 1414 of the Brook Park Codified Ordinances, passed by Ordinance No. 9897-2014, passed April 5, 2014 and reading as follows:

1414 RESIDENTIAL RENTAL HOUSING REGISTRATION

1414.01 PURPOSE.

The purposes of this chapter are to protect the public health, safety and welfare by establishing residential rental housing registration, to impose certain responsibilities and duties upon owners and operators; to authorize and establish procedures for the interior and exterior inspection of rental housing properties; to provide for the issuance of a rental license; to establish a fee schedule for inspection and to fix penalties for violations of this chapter. This chapter is hereby declared to be remedial and essential for the public interest, and it is intended that this chapter be liberally construed to effectuate the purposes as stated herein.

1414.02 DEFINITIONS.

As used in this Chapter:

(a) DESIGNATED CITY OFFICIAL: Means the Building Commissioner of the City of Brook Park, Ohio and/or his/her designee.

(b) DWELLING: Means any building or portion of a building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that is occupied for living purposes.

(c) DWELLING UNIT: Means a space within a dwelling, comprised of a living, cooking and dining area, a sleeping room or rooms, storage closets and bathing and toilet facilities, all used

by only one family.

(d) OWNER: Means the person claiming, or in whom is invested, the ownership, dominion, or title of real property including but not limited to: holder of fee-simple title, holder of life-estate, holder of leasehold estate for an interim term of five years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of leasehold estate or a tenancy for initial term of less than five years.

(e) PERSON: Means an individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest or any other legal or community entity.

(f) PROPERTY MANAGER: Means a person other than the owner that has managing control of a rental unit.

(g) RENT: Means the offering, holding out or actual leasing of a rental unit to an occupant other than the owner and generally involves the payment of a rental amount although other forms of consideration may be involved or no consideration at all may be involved.

(h) RENTAL UNIT: Means any dwelling unit; or any rented room within a single family or two family dwelling, duplex, condominium or townhouse where either money or other valuable consideration is paid for occupancy of such unit, or a person, not the record owner, is occupying the unit, whether or not such person pays money or other valuable considerations therefore.

(i) TENANT: Means any person who rents or leases a rental unit for living or dwelling purposes with the consent of the landlord.

1414.03 RENTAL REGISTRATION REQUIREMENTS AND FEES.

(a) Each owner of a rental unit within the City shall register each such rental unit with the designated City official within 30 days of the effective date of this Ordinance and shall renew such registration annually. Each new owner of a rental unit within the City shall make application for registration with the designated City official within 30 days after the date of acquiring ownership of a rental unit. A separate registration shall be required for each rental unit.

1. Each application for rental registration shall be accompanied by a nonrefundable fee of one hundred dollars (\$100.00) per rental unit with a maximum fee for rental units of two thousand dollars (\$2,000.00).
2. If an owner fails to timely register a rental unit, the registration fee shall be tripled per unit. The owner shall also be subject to the penalty provisions as set forth below.

(b) Application for rental registration shall be made upon a form provided by the City for such purpose, and shall indicate at least the following information:

1. Owner's name, address, and work and home telephone number. No post office boxes will be accepted. A state of Ohio photo identification will be required for identification purposes only;
2. If owner is a partnership, the name and address of all partners, the principal business address, and telephone number of each partner;
3. If owner is a corporation, the person registering must state whether it is organized under the laws of this State or is a foreign corporation, and must show the mailing address (No Post Office boxes), business location, telephone number, name and address of the person in charge of the local office of such corporation, if any, and the names and addresses of the registered agent, all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation;
4. Name, address, and telephone number of the property manager, if applicable; (No Post Office boxes)
5. Street address of the rental unit;
6. Number of person(s) occupying the rental unit;
7. Whether there has been a change of occupancy or an additional tenant of the rental unit since the date of last registration;
8. Signature of the owner or owner's agent; and
9. Signature of the primary or principal tenant.

(c) The designated City official shall cause a general inspection of the rental unit. After the inspection the City Official will either issue a certificate of registration or provide notification to the owner that the application does not comply with the requirement or that the rental unit does not comply with building and maintenance code requirements.

(d) A certificate of registration shall expire on March 31 of each year.

(e) Registration is not assignable or transferable, and shall be reapplied for with each change in ownership or transfer of title.

(f) Nothing in this chapter shall be construed to proscribe and/or eliminate any requirements in Chapter 1323 of the Codified Ordinances, entitled "Certificate of Occupancy" from being fulfilled.

1414.04 RENTAL REGISTRATION RENEWAL.

(a) The owner of the rental unit shall renew the registration of a rental unit on or before March 1st of each year. At the time of renewal, on a form prescribed by the Building Commissioner, the owner shall supplement the information provided to reflect any changes in tenants or otherwise from the initial application. The renewal shall be received by March 1st, and the fee for said renewal shall be one hundred dollars (\$100.00) per unit. Any renewal fee received after March 1st shall be assessed a late fee of three hundred dollars (\$300.00) per unit.

(b) If there are any changes from the original application, the registration becomes null and void and the owner of the rental unit shall be required to register for a new application.

1414.05 INSPECTION REQUIREMENTS.

(a) The designated City official shall be authorized to make or cause to be made inspections once every year. In order to verify and ensure compliance with building and maintenance code requirements such inspections may also be made whenever the designated City official has reasonable cause to believe that any violations of this code exists therein or thereon.

1414.06 VOIDING REGISTRATIONS.

Any rental registration shall be null and void if:

(a) The rental unit for which the registration was granted and the use to which it is put does not comply in all respects with this code and with all other applicable laws and ordinances;

(b) Any false statement or representation has been made by the applicant or owner in connection with the application or issuance of the rental registration;

(c) The owner of the registration does anything prohibited by this code or by any other law or ordinance relating to such building or its use; or

(d) An owner or tenant fails to allow and cooperate with the designated City official conducting inspections as set forth herein.

1414.07 RULES AND REGULATIONS.

The Building Commissioner shall have the power to adopt rules and regulations not inconsistent with the terms of this Chapter for carrying out and enforcing the payment, collection and remittance of the fee herein levied, and the enforcement of the registration and inspection process. Copies of which rules and regulations shall be made available in the office of the Building Commissioner. The Building Commissioner shall have the authority to amend the rules and regulations of the rental registration. Such amendments to the rental registration shall be given by public notice 30 days prior to the effective date of change.

1414.08 ECONOMIC DEVELOPMENT FUND.

Revenues collected from rental registration fees shall be placed in the Economic Development Fund.

1414.99 PENALTIES.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the first degree, punishable under Chapter 501 of the Codified Ordinances. A separate violation shall be committed for each rental unit not properly registered, even if owned by one owner.

is hereby amended to read:

1414 RESIDENTIAL RENTAL HOUSING REGISTRATION

1414.01 PURPOSE.

The purposes of this chapter are to protect the public health, safety and welfare by establishing residential rental housing registration, to impose certain responsibilities and duties upon owners and operators; to authorize and establish procedures for the exterior inspection of rental housing properties; to provide for the issuance of a rental license; to establish a fee schedule for inspection and to fix penalties for violations of this chapter. This chapter is hereby declared to be remedial and essential for the public interest, and it is intended that this chapter be liberally construed to effectuate the purposes as stated herein.

1414.02 DEFINITIONS.

As used in this Chapter:

(a) DESIGNATED CITY OFFICIAL: Means the Building Commissioner of the City of Brook Park, Ohio and/or his/her designee.

(b) DWELLING: Means any building or portion of a building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that is occupied for living purposes.

(c) DWELLING UNIT: Means a space within a dwelling, comprised of a living, cooking and dining area, a sleeping room or rooms, storage closets and bathing and toilet facilities, all used

by only one family.

(d) OWNER: Means the person claiming, or in whom is invested, the ownership, dominion, or title of real property including but not limited to: holder of fee-simple title, holder of life-estate, holder of leasehold estate for an interim term of five years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of leasehold estate or a tenancy for initial term of less than five years.

(e) PERSON: Means an individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest or any other legal or community entity.

(f) PROPERTY MANAGER: Means a person other than the owner that has managing control of a rental unit.

(g) RENT: Means the offering, holding out or actual leasing of a rental unit to an occupant other than the owner and generally involves the payment of a rental amount although other forms of consideration may be involved or no consideration at all may be involved.

(h) RENTAL UNIT: Means any dwelling unit; or any rented room within a single family or two family dwelling, duplex, condominium or townhouse where either money or other valuable consideration is paid for occupancy of such unit, or a person, not the record owner, is occupying the unit, whether or not such person pays money or other valuable considerations therefore.

(i) TENANT: Means any person who rents or leases a rental unit for living or dwelling purposes with the consent of the landlord.

(j) INSPECTION: The scope of the inspection shall be limited to such areas as are in plain view.

1414.03 RENTAL REGISTRATION REQUIREMENTS AND FEES.

(a) Each owner of a rental unit within the City shall register each such rental unit with the designated City official within 30 days of the effective date of this Ordinance and shall renew such registration annually. Each new owner of a rental unit within the City shall make application for registration with the designated City official within 30 days after the date of acquiring ownership of a rental unit. A separate registration shall be required for each rental unit.

1. Each application for rental registration shall be accompanied by a nonrefundable fee of one hundred dollars (\$100.00) per rental unit with a maximum fee for rental units of two thousand dollars (\$2,000.00).

2. If an owner fails to timely register a rental unit, the registration fee shall be tripled per unit. The owner shall also be subject to the penalty provisions as set

forth below.

(b) Application for rental registration shall be made upon a form provided by the City for such purpose, and shall indicate at least the following information:

1. Owner's name, address, and work and home telephone number. No post office boxes will be accepted. A state of Ohio photo identification will be required for identification purposes only;
2. If owner is a partnership, the name and address of all partners, the principal business address, and telephone number of each partner;
3. If owner is a corporation, the person registering must state whether it is organized under the laws of this State or is a foreign corporation, and must show the mailing address (No Post Office boxes), business location, telephone number, name and address of the person in charge of the local office of such corporation, if any, and the names and addresses of the registered agent, all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation;
4. Name, address, and telephone number of the property manager, if applicable; (No Post Office boxes)
5. Street address of the rental unit;
6. Number of person(s) occupying the rental unit;
7. Whether there has been a change of occupancy or an additional tenant of the rental unit since the date of last registration;
8. Signature of the owner or owner's agent; and
9. Signature of the primary or principal tenant.

(c) The designated City official shall cause a general exterior inspection of the rental unit. After the inspection the City Official will either issue a certificate of registration or provide notification to the owner that the application does not comply with the requirement or that the rental unit does not comply with building and maintenance code requirements.

(d) A certificate of registration shall expire on March 31 of each year.

(e) Registration is not assignable or transferable, and shall be reapplied for with each change in ownership or transfer of title.

(f) Nothing in this chapter shall be construed to proscribe and/or eliminate any requirements in Chapter 1323 of the Codified Ordinances, entitled "Certificate of Occupancy" from being fulfilled.

1414.04 RENTAL REGISTRATION RENEWAL.

(a) The owner of the rental unit shall renew the registration of a rental unit on or before March 1st of each year. At the time of renewal, on a form prescribed by the Building Commissioner, the owner shall supplement the information provided to reflect any changes in tenants or otherwise from the initial application. The renewal shall be received by March 1st, and the fee for said renewal shall be one hundred dollars (\$100.00) per unit. Any renewal fee received after March 1st shall be assessed a late fee of three hundred dollars (\$300.00) per unit.

(b) If there are any changes from the original application, the registration becomes null and void and the owner of the rental unit shall be required to register for a new application.

1414.05 INSPECTION REQUIREMENTS.

(a) The designated City official shall be authorized to make or cause to be made inspections once every year. In order to verify and ensure compliance with the property maintenance code requirements such inspections may also be made whenever the designated City official has reasonable cause to believe that any violations of this code exists therein or thereon.

1414.06 VOIDING REGISTRATIONS.

Any rental registration shall be null and void if:

(a) The rental unit for which the registration was granted and the use to which it is put does not comply in all respects with this code and with all other applicable laws and ordinances;

(b) Any false statement or representation has been made by the applicant or owner in connection with the application or issuance of the rental registration;

(c) The owner of the registration does anything prohibited by this code or by any other law or ordinance relating to such building or its use; or

1414.07 RULES AND REGULATIONS.

The Building Commissioner shall have the power to adopt rules and regulations not inconsistent with the terms of this Chapter for carrying out and enforcing the payment, collection and remittance of the fee herein levied, and the enforcement of the registration and inspection process. Copies of which rules and regulations shall be made available in the office of the Building Commissioner. The

Building Commissioner shall have the authority to amend the rules and regulations of the rental registration. Such amendments to the rental registration shall be given by public notice 30 days prior to the effective date of change.

1414.08 ECONOMIC DEVELOPMENT FUND.

Revenues collected from rental registration fees shall be placed in the Economic Development Fund.

1414.100 PENALTIES.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the first degree, punishable under Chapter 501 of the Codified Ordinances. A separate violation shall be committed for each rental unit not properly registered, even if owned by one owner.

SECTION 2: Former Section 1414 of the Brook Park Codified Ordinance as passed by 9897-2014, passed April 5, 2014 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 to enact Chapter 1414 of the Park Codified Ordinances; therefore provided this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

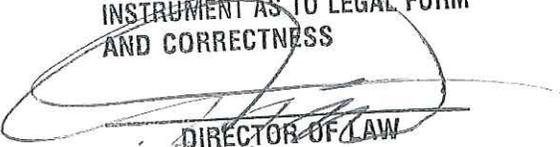
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

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

DATE


DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A
MEMORANDUM OF UNDERSTANDING WITH THE
BEREA SCHOOL DISTRICT FOR EXCHANGE OF APPROXIMATELY
18 ACRES OF LAND KNOWN AS BROOK PARK MEMORIAL (P.P.N. 343-17-001)
AND 10 ACRES OF LAND KNOWN AS BROOKVIEW ELEMENTARY
(P.P.N. 344-15-008, 344-20-086 AND 344-15-178) FOR
A LEASEHOLD OF A BASEBALL FIELD LOCATED AT 16900 HOLLAND ROAD AND
OTHER CONSIDERATION, PURSUANT TO ORC 3113.04 AND ORC 3113.41 AND
DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park (the City) is the owner of a baseball field located at 16900 Holland Road which is suitable for OHSAA varsity competition and,

WHEREAS, Berea City School District is the owner of two properties known as Brook Park Memorial ("Memorial" on approximately 18 acres) and Brookview Elementary ("Elementary" on approximately 10 acres) and consisting of the land and all improvements, rights, privileges and easements belonging to or in any way appertaining thereto (collectively "the District's Premises"), and

WHEREAS, The District is developing a new elementary school in Brook Park consisting of a new 100,000 square foot elementary on its property that will serve the District's students, and

WHEREAS, City and District want to memorialize a School Resource Officer (SRO) program and,

WHEREAS, City and District have agreed to exchange the Memorial and Elementary for a leasehold interest in the Baseball Field, waiver of building permit fees and certain allocation of expenses associated with the SRO, pursuant to Ohio Revised Code

Sections 3313.40 and 3313.41, subject to the terms and conditions hereinafter set forth in the attached Memorandum of Understanding, and,

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 a Memorandum of Understand with the Berea School District, for the exchange of approximately 18 acres of land known as Brook Park Memorial, and 10 acres of land known as Brookview Elementary for a leasehold of a baseball field located at 16900 Holland Drive and other consideration pursuant to ORC 3113.04 and ORC 3113.41 as described in the attached Memorandum of Understanding, a copy of which is attached hereto as Exhibit "A".

SECTION 2: The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof and the Director of Finance/Taxation is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance/Taxation is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1 hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes expressed in Section 1 hereof, said amounts to be charged to the appropriately designated Fund.

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 to authorize the Mayor to enter into a Memorandum of Understanding with the School District for the exchange of land pursuant to ORC 3113.04 and ORC 3113.41; therefore provided this ordinance receives the affirmative vote of at least five (5) members elected to Council. It shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

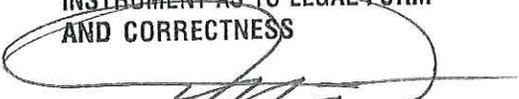
PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

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



DIRECTOR OF LAW

DATE

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (this "Agreement"), dated as of January 1, 2019 is made between the **Berea City School District** (hereinafter collectively called "District"), and the **City of Brook Park** (hereinafter called "City" and together, with the District "the Parties").

Recitals:

- A. City is the owner of a baseball field located at 16900 Holland Road which is suitable for OHSAA varsity competition.
- B. District is the owner of two properties known as Brook Park Memorial ("Memorial on approximately 18 acres) and Brookview Elementary ("Elementary" on approximately 10 acres) as described on **Exhibits A and Exhibit B to be attached hereto**, and incorporated by reference) and consisting of the land and all improvements, rights, privileges and easements belonging to or in any way appertaining thereto (collectively "the District's Premises").
- C. District is developing a new elementary school in Brook Park consisting of a new 100,000 square foot elementary on its property that will serve the District's students (the Project). The District's varsity baseball field was taken out of service as part of the District's ongoing construction projects.
- D. City and District want to memorialize the School Resource Officer (SRO) program as described herein and on **Exhibit C** attached hereto.
- E. City and District have agreed to exchange the Memorial and Elementary for a leasehold interest in the Baseball Field, waiver of building permit fees and certain allocation of expenses associated with the SRO, pursuant to Ohio Revised Code Sections 3313.40 and 3313.41, subject to the terms and conditions hereinafter set forth and to be developed in a subsequent real estate purchase agreement.

NOW, THEREFORE, the City and District agree as follows:

1. **Baseball Field.** The City agrees to lease to the District the Baseball Field for a period of 50 years as described in **Exhibit D**. The District's leasehold shall be exclusive during the baseball season. The District shall have a license to use driveways, parking lots and restrooms facilities as needed and to facilitate the use of the baseball field. The City will provide a location for storage of maintenance equipment, bases and other related equipment. The District may make improvements to the Baseball Field as described in **Exhibit E**.

The City will reimburse the District for those Exhibit E improvements as described in the Lease.

2. **Memorial and the Elementary Schools.** The District will transfer to the City via quitclaim deeds the Memorial and Elementary Schools. The District shall retain the right to use the Schools until they are no longer needed for School District purposes. In all events, the two schools will be transferred no later than 90 days after the new Brook Park Elementary School opens. The District may remove from the Memorial and Elementary Schools technology and educational materials and equipment.



3. **Permit Fees.** The City agrees to waive all permit or building fees for the construction of a new Elementary School to be located at the site of Ford Middle School.

4. **Conveyance.** All conveyances will be by quitclaim deed (the "Deed"), free and clear from all liens and encumbrances, except the following (collectively, the "Permitted Exceptions") (i) all real estate taxes and assessments, both general and special ("Taxes"), not yet due and payable; (ii) any title and survey exceptions which are not objected to by the City or which are objected to by the City, but which the District does not agree to cure or is not required to cure pursuant to the purchase agreement; (iii) zoning and building ordinances; (iv) those matters mutually agreed upon by District and City as set forth in the purchase agreement; when and if closing occurs, good, marketable, indefeasible, fee simple title to the Premises.

5. **Condition of the Premises.** The District Premises shall be delivered free of all trash, debris, and parties in possession to the City at Closing.

6. **School Resource Officer.** The City shall pay 100% of the costs of a School Resource Officer until the end of calendar 2025. Beginning in 2026, the Parties shall share the costs of the SRO. The parties shall execute a SRO Agreement in the form of Exhibit C.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date above first written.

For Berea City School District ("District")

By: _____

Its: Superintendent of Schools

For City of Brook Park ("City")

By: _____

Its: Mayor

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A
LEASE AGREEMENT WITH BEREA CITY SCHOOL DISTRICT OF A BASEBALL
FIELD LOCATED AT 16900 HOLLAND ROAD PURSUANT TO ORC 3113.04 AND
ORC 3113.41 AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park (the City) is the owner of a baseball field located at 16900 Holland Road which is suitable for OHSAA varsity competition and,

WHEREAS, Berea City School District is the owner of two properties known as Brook Park Memorial ("Memorial" on approximately 18 acres) and Brookview Elementary ("Elementary" on approximately 10 acres) and consisting of the land and all improvements, rights, privileges and easements belonging to or in any way appertaining thereto (collectively "the District's Premises"), and

WHEREAS, City and District have agreed to exchange the Memorial and Elementary for a leasehold interest in the Baseball Field, waiver of building permit fees and certain allocation of expenses associated with the SRO, pursuant to Ohio Revised Code Sections 3313.40 and 3313.41, and,

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 negotiate and enter into a lease for a baseball field located at 16900 Holland Drive for the District's use for OHSAA varsity competition, a copy of which is attached hereto as Exhibit "A".

SECTION 2: The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof and the Director of Finance/Taxation is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance/Taxation is hereby

further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1 hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes expressed in Section 1 hereof, said amounts to be charged to the appropriately designated Fund.

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 to authorize the Mayor to enter into a Lease Agreement with the School District for the exchange of land pursuant to ORC 3113.04 and ORC 3113.41; 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

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

| | | | | |
|---|---|---|---|--|
| 1445591 <small>PERMIT NUMBER</small> | | STCK <small>TYPE</small> | CHORNAK INC | |
| 09 17 2018 <small>ISSUE DATE</small> | | DBA NAKS EATERY & DRINKERY | | |
| 09 17 2018 <small>FILING DATE</small> | | 5690 SMITH RD | | |
| D5 D6 <small>PERMIT CLASSES</small> | | BROOK PARK OHIO 44142 | | |
| 18 <small>TAX DISTRICT</small> | 110 <small>PERMIT CLASSES</small> | C <small>PERMIT CLASSES</small> | F21413 <small>RECEIPT NO.</small> | |

FROM **11/26/2018**

| | | | |
|-------------------------------|--|----------------------------|-----------------------|
| <small>PERMIT NUMBER</small> | | <small>TYPE</small> | 19 NOV 28 AM 10:55:45 |
| <small>ISSUE DATE</small> | | | |
| <small>FILING DATE</small> | | | |
| <small>PERMIT CLASSES</small> | | | |
| <small>TAX DISTRICT</small> | | <small>RECEIPT NO.</small> | |



MAILED **11/26/2018**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **12/27/2018**

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **C STCK 1445591**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF BROOK PARK CITY COUNCIL
6161 ENGLE ROAD
BROOK PARK OHIO 44142

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. **For best results, search only ONE criteria at a time.** If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

| | SEARCH CRITERIA |
|------------------------------|--------------------------------------|
| Permit Number | <input type="text" value="1445591"/> |
| Permit Name / DBA | <input type="text"/> |
| Member / Officer Name | <input type="text"/> |

[Search](#)[Reset](#)[Main Menu](#)

| Member/Officer Name | Shares/Interest | Office Held |
|---|-----------------|-------------|
| Permit Number: 1445591; Name: CHORNAK INC; DBA: DBA NAKS EATERY & DRINKERY; Address: 5690 SMITH RD BROOK PARK 44142 | | |
| CHERYL CHORNAK | 100.00 | |
| TIMOTHY CHORNAK | 0.00 | PRESIDENT |

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- [Ohio Department of Commerce](#)

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Department of Commerce

Division of Liquor Control

John R. Kasich, Governor
Jacqueline T. Williams, Director

6606 Tussing Road
Reynoldsburg, OH 43068-9006

www.com.ohio.gov

How To Object

Objections (to new permit, or transfer of ownership and/or location of an existing permit):

Who can file an objection?

- Local legislative authority (city council if within a municipal corporation, township trustees, or county commissioners)
- Public institutions (schools, churches, libraries, public playgrounds, and township parks) within a 500-foot radius of the proposed permit premises

Once notified by the Division, the local legislative authority and/or public institutions have 30 days to submit their objection and request a hearing. Only the local legislative authority may request an extension beyond 30 days.

Permit Renewal Objections:

Only the local legislative authority can object to annual permit renewals by taking the following actions:

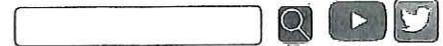
- Adopt a resolution stating the reason for the objection and forward a copy to the Division no later than 30 days before the expiration date of the permit.
- Provide a statement to accompany the resolution from the chief legal officer stating that they have reviewed the resolution and, in their opinion, it is based on substantial legal grounds.

Requests for hearing should be mailed to:

**Ohio Department of Commerce
Division of Liquor Control
Licensing Office
6606 Tussing Rd. P.O. Box 4005
Reynoldsburg, Ohio 43068-9005**

Concerned Citizens:

Citizens cannot file objections directly, but can make their concerns known to their local legislative authority and ask that they object and request a hearing. See the following for community options for dealing with a problem liquor permit establishment: http://www.com.state.oh.us/documents/liqr_ProblemPremises.pdf.



LIQUOR CONTROL

SPIRITS

LICENSING

RESOURCES

CONTACT US

PLEASE NOTE: The Ohio Department of Commerce web services will be intermittently unavailable from January 19, 2018 @ 5 PM until January 22, 2018 @ 8 AM

Manufacturer

| Permit Class | Permit Fee | Description |
|--------------|-------------------|--|
| A1 | \$3,906 | ORC 4303.02 Manufacturer of Beer – producing more than 31 million gallons per year, wherever produced, and sell beer products to wholesale permit holders. |
| A1A | \$3,906 | ORC 4303.021 Beer, and any intoxicating liquor by the glass or container on A-1 or A-2 permit premises only until 2:30am. |
| A1c | \$1,000 | ORC 4303.022 Manufacturer of Beer - producing up to 31 million gallons per year wherever produced, for sale on premises at retail for on premises consumption, and sell beer products to retail and wholesale permit holders. |
| A2 | \$76 | ORC 4303.03 Manufacturer of wine. |
| A-2f | \$76 | ORC 4303.031 Ohio farm winery that grows and manufactures wine, from grapes, fruits, or other agricultural products on land it owns and uses only for agriculture. |
| A3 | \$2 to \$3,906 | ORC 4303.04 Manufacture, import and sell alcohol and spirituous liquor |
| A3A | \$2 to \$400 | ORC 4303.041 Manufacturer of less than 100,000 gallons of spirituous liquor and sale to a personal consumer. |
| A4 | \$3,906 | ORC 4303.05 Manufacture and sell certain prepared and bottled drinks, import for blended purposes |
| A5 | \$1,000 per plant | ORC 4303.051 Manufacturer of ice cream containing not less than one-half of one percent alcohol by volume and not more than six percent of alcohol by volume. This holder may sell ice cream for consumption on the premises where manufactured or in sealed containers for consumption off premises. This law will become effective September 29, 2017. |
| B2A | \$25 | ORC 4303.07 Sale of wine to retail permit holder. |
| S | \$25 | ORC 4303.232 Sale of wine to personal consumer via mail order. |
| W | \$1,563 | ORC 4303.231 To operate a warehouse for the storage of beer or intoxicating liquor within the state and to sell such products from the warehouse to a B permit holder with Consent to Import on file or to other customers outside this state. |

Distributor

| Permit Class | Permit Fee | Description |
|--------------|------------|---|
| B1 | \$3,125 | ORC 4303.06 Distributor of beer, ale, stout, other malt liquor. |
| B2 | \$500 | ORC 4303.07 Distributor of bottled wine. |
| B3 | \$124 | ORC 4303.08 Distributor of sacramental wine. |
| B4 | \$500 | ORC 4303.09 Distributor of mixed beverages. |
| B5 | \$1,563 | ORC 4303.10 Distributor and Importer and bottler of wine. |

Retail Store Carryout

| Permit Class | Permit Fee | Description |
|--------------|------------|---|
| C1 | \$252 | ORC 4303.11 Beer only in original sealed container for carry out only. |
| C2 | \$376 | ORC 4303.12 Wine and mixed beverages in sealed containers for carry out. |
| C2X | \$252 | ORC 4303.121 Beer in original sealed containers for carry out. |
| D8 | \$500 | ORC 4303.184 Sale of tasting samples of beer, wine, and mixed beverages, but not spirituous liquor, at retail, for consumption on premises. |

Restaurant / Night Club

| Permit Class | Permit Fee | Description |
|--------------|------------|--|
| D1 | \$376 | ORC 4303.13 Beer only for on premises consumption or in original sealed containers for carry out only until 1:00am. |
| D2 | \$564 | ORC 4303.14 Wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00am. |
| D2X | \$376 | ORC 4303.141 (Grandfathered Permit) Beer only for on premises consumption or in original sealed containers for carryout only until 1:00am. |

| | | |
|-----|---------|---|
| D3 | \$750 | <u>ORC 4303.15</u> Spirituous liquor for on premises consumption only until 1:00am. |
| D3X | \$300 | <u>ORC 4303.151</u> (Grandfathered Permit) Wine only for on premises consumption until 1:00am. |
| D3A | \$938 | <u>ORC 4303.16</u> Extend issued permit privileges until 2:30am. |
| D5 | \$2,344 | <u>ORC 4303.18</u> Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am. |
| D5I | \$2,344 | <u>ORC 4303.181</u> (Same as D5). Restaurant meeting certain criteria. |
| D7 | \$469 | <u>ORC 4303.183</u> (Same as D5). RESORT area only. |

>Club

| Permit Class | Permit Fee | Description |
|--------------|------------|---|
| D4 | \$469 | <u>ORC 4303.17</u> Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am. |
| D4A | \$750 | <u>ORC 4303.171</u> Airline club only - Beer and any intoxicating to members and guests until 2:00am. |
| D5C | \$1,563 | <u>ORC 4303.181</u> (Same as D5)(This class can no longer be applied for.) |
| D5D | \$2,344 | <u>ORC 4303.181</u> (Same as D5) located at airport. |

Hotel And Motel

| Permit Class | Permit Fee | Description |
|--------------|------------|---|
| D5A | \$2,344 | <u>ORC 4303.181</u> (Same as D5) for hotel or motel with 50 or more rooms for transient guests. |

Enclosed Shopping Mall

| Permit Class | Permit Fee | Description |
|--------------|------------|--|
| D5B | \$2,344 | <u>ORC 4303.181</u> (Same as D5) for enclosed shopping mall. |

River Boats

| Permit Class | Permit Fee | Description |
|--------------|------------|--|
| D5E | \$1,219 | <u>ORC 4303.181</u> (Same as D5). Historical river boat owned by charitable organization only. |

Marinas

| Permit Class | Permit Fee | Description |
|--------------|------------|---|
| D5F | \$2,344 | <u>ORC 4303.181</u> (Same as D5). Marina restaurant only. |

Museums

| Permit Class | Permit Fee | Description |
|--------------|------------|---|
| D5G | \$1,875 | <u>ORC 4303.181</u> (Same as D5). National sports museum only. |
| D5H | \$1,875 | <u>ORC 4303.181</u> (Same as D5 - except sales till one am). Non-Profit organization exempt from federal income taxation, that owns a fine arts museum, community arts center or community theater. |

Community Entertainment District/Revitalization

| Permit Class | Permit Fee | Description |
|--------------|------------|---|
| D5J | \$2,344 | <u>ORC 4303.181</u> (Same as D5). Community Entertainment District. |
| D5L | \$2,344 | <u>ORC 4303.181</u> (Same as D5). Revitalization District. |

Sunday Sales

| Permit Class | Permit Fee | Description |
|--------------|--------------------|--|
| D6 | \$400-c \$500-d | <u>ORC 4303.182</u> Sale of intoxicating liquor on Sunday between the hours 10:00am or 11:00am and midnight. |

Other

| Permit Class | Permit Fee | Description |
|--------------|------------|--|
| D5K | \$1,875 | <u>ORC 4303.181</u> (Same as D5 - except sales till one am). Certain non profit organizations that own and operate a botanical garden. |

| | | |
|-----|-------------|--|
| D5M | \$2,344 | ORC 4303.181 (Same as D5). Restaurant affiliated with center for the preservation of wild animals. |
| D5N | \$20,000.00 | ORC 4303.181(N) (Same as D5). Casino Operator or Casino Management Company. |
| D5O | \$2344.00 | ORC 4303.181(O) (Same as D5). Restaurant located in a casino. |
| E | \$500 | ORC 4303.19 Railroad car or airline to sell beer or any intoxicating liquor at retail in glass or from container for consumption in such car or aircraft. |
| G | \$100 | ORC 4303.21 Retail drug store (alcohol for medicinal, industrial, mechanical, chemical, or scientific purposes). |
| H | \$300 | ORC 4303.22 Carrier by rail or for hire motor carrier who also holds a license issued by the public utilities commission to transport beer, intoxicating liquor, and alcohol, or any of these, in this state or delivery or use in this state. |
| I | \$200 | ORC 4303.23 Wholesale druggist (purchase - import alcohol for sale at wholesale and retail). |

Temporary Permits

| Permit Class | Permit Fee | Description |
|--------------|-----------------------------|---|
| F | \$40 | ORC 4303.20 Valid for beer only until 1:00am. (Temporary - 5 days). |
| F1 | \$250 | ORC 4303.201 Temporary "Special Function" permit (3 days) (allows B.Y.O.B. by a nonprofit organization at Municipal Convention Center). |
| F2 | \$150 \$160 (Jointly) | ORC 4303.202 Temporary permit (four consecutive days) beer and any intoxicating liquor by glass or container on premises only until 1:00am. (1 every 30 days in same name) |
| F3 | \$300 | ORC 4303.203 Alcohol Beverage Industry Education. |
| F4 | \$60 | ORC 4303.204 Certain non profit organizations for an event that includes the introduction, showcasing or promotion of wines produced in Ohio; to furnish at no charge 2 oz. samples and sale for on premises consumption and carry out of wine from participating A2 permit holders. The fee is \$60 (per day). |
| F5 | \$180 | ORC 4303.205 Beer and Intoxicating liquor issued to a Riverboat at a festival sponsored by a nonprofit organization (6 days - one per calendar year). |
| F6 | \$50 | ORC 4303.206 Sale of wine by a 501(c)(3) nonprofit organization (72 consecutive hours - 6 per year). |
| F7 | \$450 | ORC 4303.207 Beer, wine, mixed beverages, and spirituous liquor issued to a nonprofit organization at a "qualified golf event", meeting certain criteria until 1AM. (8 days - two(2) per calendar year). |
| F8 | \$1700 | ORC 4303.208 Temporary permit to a not-for-profit organization for sales on publicly owned property located in Hamilton County only. |
| F9 | \$1700 | ORC 4303.209 Temporary Permit to a nonprofit corporation that operates park on property leased from a municipal or non-profit corporation that provides or manages entertainment programming having an agreement meeting certain - in Franklin County only. |
| F-10 | \$100 | ORC 4303.2010 Sales of tasting samples of wine manufactured by an A-2 or S permit holder conducted at a registered farmers market, or in sealed containers for consumption off premises. |

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CONTACT US

Division of Liquor Control
 6606 Tussing Road
 Reynoldsburg, OH 43068
 Phone 614.644.2360
 Email Web.liqr@com.state.oh.us

Webmaster
 Contact the Webmaster for Questions
 or Comments on the Website:
webmaster@com.state.oh.us

CONNECT WITH US



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RESOURCES

[We Don't Serve Teens](#)
[Liquor Laws & Rules](#)
[Ohio Liquor Control Commission](#)
[Ohio Ethics Commission](#)
[Law On Open Containers](#)
[Law On Gambling](#)

ABOUT LIQUOR CONTROL

[Director Jacqueline T. Williams](#)
[FAQs](#)



Hearing Procedure:

- Hearings are held at the Division's offices in Reynoldsburg, the county seat of the permit holder/applicant, or via video conference where available.
- The objector must appear for the objection to be considered. The hearing is public and citizens may attend but cannot present evidence or provide testimony unless designated to do so by the objector or permit holder/Applicant.
- An attorney from the Division conducts the hearing, but does not make a decision. A report is submitted to the Division's superintendent who decides whether to overrule or sustain the objection.
- The permit holder/applicant or legislative authority can appeal the decision to the Ohio Liquor Control Commission (<http://www.lcc.ohio.gov/>). Public institutions have no legal right to appeal the Division's decisions.

Evidence:

The Division's decision are guided by statutes, rules and legal cases. Evidence must be pertinent to the advisability of granting or renewing the permit. Speculative testimony not supported by sufficient evidence has been ruled by Ohio courts to be insufficient reason not to allow a business to operate. The burden of proof is on the objecting party, and the evidence presented must be reliable, probative and substantial:

- Reliable - Evidence that is dependable and can be confidently trusted
- Probative - Relevant evidence that tends to prove the issue in question
- Substantial - Evidence with some weight, importance and value

Statutory Basis to Sustain Objection:

The grounds for which the Division can deny a permit or reject a permit renewal are provided in Ohio Revised Code Section 4303.292 (<http://codes.ohio.gov/orc/4303.292>).

Examples:

- Conviction for a crime relating to the ability to operate a liquor establishment by the applicant, any partner, member, officer, director, manager or shareholder owning five percent or more of the capital stock.
- An applicant's unfavorable enforcement record and/or operation in disregard of laws, regulations or local ordinances.
- The location of the establishment substantially and adversely interfering with the public decency, sobriety, peace, or good order of the neighborhood, or the normal, orderly conduct of a public institution.
- Saturation in the neighborhood such that the permit applied for would be detrimental to and substantially interfere with the morals, safety or welfare of the public.

See the Division's website at www.com.ohio.gov/liqr for more information on presenting a successful objection case. Please contact the Division's Legal Section at 614-644-2489 with any questions regarding the objection process.

1-800-750-0750 (TTY/TDD)
www.com.ohio.gov/liqr

Ohio | Department
of Commerce

RULE 7: ORDER OF BUSINESS

The business of all regular meetings of the Council shall be transacted in the following order, unless the Council shall, by a majority vote (4), suspend the rule and change the order.

- A. ROLL CALL OF MEMBERS**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF MINUTES OF PRECEDING MEETINGS**
- D. REPORTS OF STANDING COMMITTEES**
- E. REPORTS OF SPECIAL COMMITTEES**
- 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 ANY SUBJECT MATTER**
Amended/Verbal Approval 10/3/17 Council)
- M. INTRODUCTION OF ORDINANCES AND RESOLUTIONS (FIRST READING)**
- N. SECOND READING OF ORDINANCES AND RESOLUTIONS**
- O. THIRD READING OF ORDINANCES AND RESOLUTIONS**
- P. ADJOURNMENT (1/4/16 Amended/Adopted- Organizational meeting).**

is hereby amended to read:

RULE 7: ORDER OF BUSINESS

- A. ROLL CALL OF MEMBERS**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF MINUTES OF PRECEDING MEETINGS**
- D. REPORTS OF STANDING COMMITTEES**
- E. REPORTS OF SPECIAL COMMITTEES**
- 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 ANY SUBJECT MATTER**
(Amended/Verbal Approval 10/3/17 Council)
- M. RESPONSE TO AUDIENCE**
- N. INTRODUCTION OF ORDINANCES AND RESOLUTIONS (FIRST READING)**
- O. SECOND READING OF ORDINANCES AND RESOLUTIONS**
- P. THIRD READING OF ORDINANCES AND RESOLUTIONS**
- Q. ADJOURNMENT (1/4/16 Amended/Adopted- Organizational meeting).**

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE AUTHORIZING
THE CITY OF BROOK PARK TO PROVIDE A GRANT TO
HARDFACE TECHNOLOGIES BY POSTLE INDUSTRIES
FOR A BUILDING EXPANSION
LOCATED AT 5440 AND 5500 WEST 164TH STREET, BROOK PARK, OHIO

WHEREAS, Postle Industries is a family owned business that has operated since 1969 when John Postle formed a welding distributor entity out of his home; and

WHEREAS, Postle Industries moved in the early 1990's to West 161st and in the late 1990's to Sheldon Road and then again in 2007 to West 164th Street when John's two sons took over the company; and

WHEREAS, Postle projects that their sales will grow from the \$7 million in 2016 to \$15.0 million in 2018 to \$23.0 million in 2021 and increase employees to 57, with a Brook Park payroll from \$1.3 million in 2016 to an expected \$2.4 million in 2022; and

WHEREAS, Postle Industries developed a premier hardbanding product, and is currently selling their products at an annual revenue level of more than \$15.0 Million with 43 employees of which 34 work out of Brook Park; and

WHEREAS, Postle Industries needs a \$10,000.00 grant for a building expansion, creating access between two buildings and movement of material; and

WHEREAS, the estimated cost of the 20 foot long driveway and the installation of two (2) garage doors is \$75,000.00; and

WHEREAS, financial assistance from the City of Brook Park is necessary to secure Postle Industries proposed investment and expansion within the city; and

WHEREAS, the City of Brook Park, having the appropriate authority for the stated type of project, is desirous of providing with the purposes of Section 13 of Article VIII of the Ohio Constitution to create or preserve jobs and employment opportunities, to eradicate and mitigate blight within the City, and to improve the economic welfare of the people of the State; and

WHEREAS, the Mayor of the City of Brook Park has investigated the request of Hardface Technologies by Postle Industries for building expansion and recommends the same to the City Council on the basis that Postle Industries are qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City of Brook Park;

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

SECTION 1: This Council agrees to provide a building expansion grant to Hardface Technologies by Postle Industries to be applied exclusively for the building expansion and connection of two buildings at 5440 West 164th Street and 5500 West 164th Street, Brook Park, Ohio 44142.

SECTION 2: The money needed for the aforesaid building expansion creating access between two buildings, installing garage doors and a 20 foot driveway, shall be paid by the City from funds appropriated for Postle Industries, upon the completion of the improvements currently situated upon 5440 West 164th and 5500 West 164th Street, Brook Park, Ohio, said funds shall be exclusively applied to the costs, expenses and fees arising from and/or incurred by Postle Industries in furtherance of the building expansion.

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 Sections 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 provide grant for the building expansion;

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

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

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



DIRECTOR OF LAW

DATE

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT FOR THE SALE OF (+-) 3.303 ACRES OF LAND
LOCATED AT 16400 AND 16500 BROOKPARK ROAD,
PERMANENT PARCEL NOS. 344-30-008 AND 344-30-009,
AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park has owned Permanent Parcel Nos. 344-30-008 since January 2000 and 344-30-009 since April, 2001; and

WHEREAS, the "Property" has been non-productive and vacant since the City acquired ownership; and

WHEREAS, the City of Brook Park is desirous of selling parcels of property located on/at 16400 and 16500 Brookpark Road, comprising the totality of Permanent Parcel Nos. 344-30-008 and 344-30-009 (herein the "Property") to foster development and employment on these parcels to further and advance the economic interests of the City; and

WHEREAS, Brad Hutchinson of Company Wrench, has executed a Letter of Intent to Purchase the Property from the City of Brook Park to construct a 10,000 square foot office, sales/leasing, and maintenance facility; and

WHEREAS, the Wrench Company is Ohio based company focusing on the sales, rental, parts, service and manufacturing of construction and demolition equipment and operates nine (9) locations around the county and generates approximately \$80,000,000 in annual revenue; and

WHEREAS, the Wrench Company will provide 7-10 new full-time positions in the City at an initial payroll of at least \$375,000; and

WHEREAS, the City Council and Mayor request that a right of first offer (ROFO) clause is to be inserted within the purchase and sale agreement ensuring that in the event of a contemplated future sale of the subject property (PPN: 344-30-008 and 344-30-009) buyer shall first offer the property for sale to the City of Brook Park before offering the property for sale on the open market. The property shall be offered for sale at then Full Market Value (FMV), and City shall have ten (10) business days to respond; and

WHEREAS, the City Council and Mayor, request that a performance clause be inserted into the sales contract stating that the buyer shall begin construction of the Wrench Company located at 16400 and 16500 Brookpark Road, PPN: 344-30-008 and 344-30-009, within 6 months of the purchase of the afore mentioned property. If the Wrench Company does not begin construction within 12 months of land purchase, after the 12 months the City of Brook Park reserves the right to purchase the property from the buyer at the approximate amount of \$550,000.00, based on the original sale net proceeds, with the seller paying all closing costs;

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 negotiate and enter into contract for the sale of the Property to further the economic best interests of the City.

SECTION 2: The City of Brook Park shall sell said property for the sum of \$550,000.00 with the sale proceeds to be determined at time of closing.

SECTION 3: The proceeds from the sale of the Property shall be used and earmarked to further economic development of jobs and business within the City and shall be placed into the Economic Development Fund No. 243 of the City for said purposes;

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

SECTION 5: This 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 authorize the Mayor to negotiate and enter into a contract for the sale of Permanent Parcel Nos 344-30-008 and 344-

30-009; 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: _____

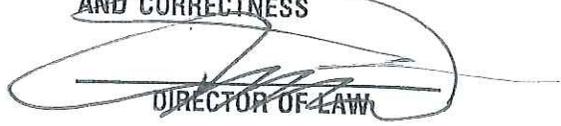
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

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

DATE



DIRECTOR OF LAW