

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, OCTOBER 1, 2019
7:00 P.M.**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III. DISCUSSION:

1. A RESOLUTION DESIGNATING THE MONTH OF OCTOBER, 2019 AS BREAST CANCER AWARENESS IN THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore - PER COUNCIL PRESIDENT VECCHIO.
2. ADDITIONAL MONIES FOR CRACK-SEALING - City Engineer Piatak - PER COUNCIL PRESIDENT VECCHIO.

IV. FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. A RESOLUTION SUPPORTING THE OHIO MUNICIPAL LEAGUE (OML) ON H.B. 49 AND H.B. 5 (CENTRALIZED TAX COLLECTION) AND ASKING THE OML TO INCLUDE BROOK PARK AS A MUNICIPALITY SUPPORTING THE OML AMICUS BRIEF BEFORE THE OHIO SUPREME COURT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

V. LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. AN ORDINANCE AMENDING SECTION 331.38 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN' AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio.

V. LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI: CONT.

2. AN ORDINANCE AMENDING SECTION 933.04 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'CONTAINER PLACEMENT FOR COLLECTION; REMOVAL AND DECLARING AN EMERGENCY. Introduced by Councilman Scott.

3. AN ORDINANCE AMENDING SECTIONS 933.99 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PENALTY' AND DECLARING AN EMERGENCY. Introduced by Councilman Scott.

4. AN ORDINANCE AMENDING ORDINANCE NO. 11066-2019, AUTHORIZING THE MAYOR TO ACCEPT ADDITIONAL FUNDS UP TO \$500,000.00 IN ENVIRONMENTAL GRANT FUNDS FROM THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT AND/OR THE STATE OF OHIO BUREAU OF UNDERGROUND STORAGE TANK REMOVAL (BUSTR) TO PERFORM AN ENVIRONMENTAL IMPACT STUDY AND/OR TO FACILITATE AND ADMINISTER THE ENVIRONMENTAL REMEDIATION OF THE PROPERTY KNOWN AS 6286 ENGLE ROAD, PPN 342-09-011, AND TO TAKE ALL FURTHER NECESSARY ACTION TO REMEDIATE THE PROPERTY AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

VI. ADJOURNMENT:

Posted 9/27/19

P/C _____
CA PRIOR 10-1-19 _____
1st R _____
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

RESOLUTION NO. _____

INTRODUCED BY: COUNCILMEN SALVATORE

A RESOLUTION
DESIGNATING THE MONTH OF OCTOBER, 2019
AS BREAST CANCER AWARENESS IN THE CITY OF BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY

WHEREAS, breast cancer is the most common cancer in women in the United States and second leading cause of death in women; and

WHEREAS, the City of Brook Park and Southwest General Health Center have designated the month of October as Breast Cancer Awareness month; and are now joined by the cities of Berea, Middleburg Heights and Strongsville, in recognizing and designating the month of October, 2019 as Breast Cancer Awareness Month; and

WHEREAS, the City of Brook Park and Southwest General Health Center, in conjunction with the Cities of Berea, Middleburg Heights and Strongsville remind and urge women to schedule a mammogram screening; and

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

SECTION 1: That this Council does hereby designate the month of October, 2019 as Breast Cancer Awareness Month in Brook Park and will show our support in lighting up our pavilion with pink lights, displaying banners in our City, and city hall employees will wear pink awareness T-shirts every Friday in October as designated by Mayor Gammella.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City and to designate October, 2019 as Breast Cancer Awareness Month, provided that this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

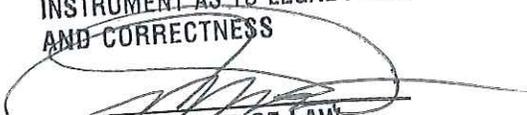
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

P/C Finance 9-3-19
CA Price 10-1-19
1st R _____
2nd R _____
3rd R _____
B/C _____

RESOLUTION NO. _____

INTRODUCED BY: MAYOR GAMMELLA

A RESOLUTION

SUPPORTING THE OHIO MUNICIPAL LEAGUE (OML) ON H.B. 49 AND H.B. 5 (CENTRALIZED TAX COLLECTION) AND ASKING THE OML TO INCLUDE BROOK PARK AS A MUNICIPALITY SUPPORTING THE OML AMICUS BRIEF BEFORE THE OHIO SUPREME COURT, AND DECLARING AN EMERGENCY

WHEREAS, On June 28, 2017, the State passed Am. Sub. H.B. No. 49, the omnibus budget for 2018-2019 biennium. H.B. 49 created a system imposing centralized collection of municipal net profits taxes; and

WHEREAS, This process means municipalities experience up to a 60-day delay before recovering one penny of revenue and 90 days before municipalities are told who paid and who did not. H.B. 49's centralized collection provisions followed the General Assembly's passage, with 2015 Sub. H. B. No. 5, of a prescriptive municipal income tax code. H.B. 5 amended R.C. 715.013 to prohibit municipalities from collecting an income tax unless the municipalities do so in accordance with the State-prescribed code in Chapter 718 of the Revised Code. The drafters of H.B. 49 built upon this tactic with uncodified Section 803.100 of H.B. 49, which purports to require municipalities to enact the provisions of R.C. 718.80 through 718.95 to implement the centralized collection program; and

WHEREAS, On November 16, 2017, over 160 cities and villages from throughout Ohio filed an action in the Franklin County Court of Common Pleas seeking declaratory and injunctive relief against the enforcement of the centralized collection provisions of H.B. 49 and the prescriptive income tax code of H.B. 5. The action alleged that the provisions of H.B. 49 and H.B. 5 are unconstitutional under the Home Rule Amendment and that the centralized collection provisions of H.B. 49 are unconstitutional because they violate Ohio Constitution Article II, Section 15(D), the One-Subject Rule. The municipalities also alleged that the centralized collection provisions of H.B. 49 violate the Ohio Constitution because they violate municipal property rights (e.g., by converting municipal tax revenues). The municipalities moved for preliminary injunction to prevent implementation of the centralized collection provisions, on which the trial court held a two-day hearing. Prior to the hearing, the trial court assumed jurisdiction over a similar challenge by 27 municipalities that the Lorain County Court of Common Pleas had transferred to Franklin

County. Following the preliminary injunction hearing, the trial court issued a decision on the merits of all claims, including those of the Lorain County plaintiffs. The trial court made no findings of fact and determined, as a matter of law, that H.B. 5 and the centralized collection provisions of H.B. 49 did not violate the Ohio Constitution. The 163 municipalities appealed; and

WHEREAS, The Tenth District Court of Appeals consolidated the 163-municipalities' case and the Lorain County plaintiffs' case for argument and decision. The Tenth District issued its Decision affirming the trial court on January 29, 2019. The coalition of 163 municipalities timely filed an application for reconsideration of February 8, 2019, as did the Lorain County plaintiffs. The Tenth District denied those applications for reconsideration on April 4, 2019; and

WHEREAS, the Ohio Supreme Court has accepted jurisdiction over this appeal on the following question of law:

PROPOSITION OF LAW NO. 1: The Home Rule Amendment grants municipal corporations a general power of municipal taxation, and where a State law engulfs municipal corporations' general power of taxation, that State law is unconstitutional.

WHEREAS, the Ohio Supreme Court also accepted the similar proposition from the Elyria plaintiffs' group:

PROPOSITION OF LAW NO. 1: A State-administered, centralized system for reporting and collection municipal net profits taxes, paid for by a tax on municipalities violates the Home Rule Amendment of the Ohio Constitution.

WHEREAS, the Ohio Municipal League is filing an Amicus Brief in this case supporting the Municipal coalition and

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

SECTION 1: That the City of Brook Park supports the Ohio Municipal League in filing an amicus brief in the Ohio Supreme Court on the issue of whether "The Home Rule Amendment grants municipal corporations a general power of municipal taxation, and where a State law engulfs municipal corporations' general power of taxation, that State law is unconstitutional." And whether "A State-administered, centralized system for reporting and collecting municipal net profits taxes, paid for by a tax on municipalities, violates the Home Rule Amendment of the Ohio Constitution."

SECTION 2: That the City of Brook Park requests the Ohio Municipal League so indicate its support in its Amicus Brief.

SECTION 3: That the Clerk of Council is directed to mail a copy of this Resolution to Garry E. Hunter, OML Legal Counsel, 175 S. Third Street, Suite 510, Columbus, Ohio 43215 and to email a copy to ghunter@omaaohio.org.

SECTION 4: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal 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 Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of said City, and for the further reason that Council deems it necessary to support the Ohio Municipal League in their Amicus Brief before the Ohio Supreme Court.

PASSED: _____

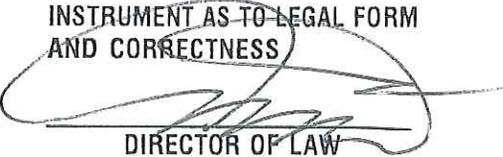
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

PIC 9-17-19 legislative
CA PRICE 10-1-19
1st R _____
2nd R _____
3rd R _____
E/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCIL PRESIDENT VECCHIO

AN ORDINANCE
AMENDING SECTION 331.38
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN,'
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 331.38 of the Codified Ordinances of the City of Brook Park is hereby amended to read as follows:

331.38 STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN.

(a) The driver of a vehicle, upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed. It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (b) of this section.

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771 or a substantially equivalent municipal ordinance, and an automatically extended stop warning sign of a type approved by the State Board of Education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Board.

(c) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with division (a) above.

(d) School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

(e) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child's or person's residence side of the road.

(f) (1) Whoever violates division (a) of this section may be fined an amount not to exceed ~~five hundred dollars~~ ~~(\$500.00)~~ **one thousand dollars (\$1,000)**. A person who is issued a citation for a violation of division (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.

(2) In addition to and independent of any other penalty provided by law, the court or Mayor ~~may~~ **shall** impose upon an offender who violates this section a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7). When a license is suspended under this section, the court or Mayor shall cause the offender to deliver the license to the court, and the court or Clerk of the Court immediately shall forward the license to the Registrar of Motor Vehicles, together with notice of the court's action.

(g) As used in this section:

(1) "Head start agency" has the same meaning as in Ohio R.C. 3301.32.

(2) "School bus" as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the

State Board of Education, is painted the color and displays the markings described in Ohio R.C. 4511.77, and is equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.77, irrespective of whether or not the bus has 15 or more children aboard at any time. The term does not include a van owned and operated by a head start agency, irrespective of its color, lights or markings.

SECTION 2: Former Section 331.38 of the Brook Park Codified Ordinances according to ORC 4511.75, enacted June 30, 2005, 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 331.38 of the Brook Park Codified Ordinances; 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.

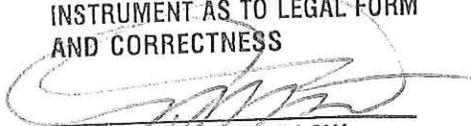
PASSED: _____

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

PIC 9-3-19 LEGISLATIVE
CA PRICE 10-1-19
1st R _____
2nd R _____
3rd R _____
E/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCILMAN SCOTT

AN ORDINANCE
AMENDING SECTION 933.04
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'CONTAINER PLACEMENT FOR COLLECTION; REMOVAL'
AND DECLARING AN EMERGENCY

WHEREAS, there is a need to amend Section 933.04 to provide clarification for when waste containers must be brought from the collection site; and

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

SECTION 1: Section 933.04 of the Codified Ordinances of the City of Brook Park is hereby amended to read as follows:

933.04 CONTAINER PLACEMENT FOR COLLECTION; REMOVAL.

Combustible and noncombustible wastes shall be set out in proper waste containers on collection days at such places, on the premises or on the sidewalk adjacent thereto, as shall be in accordance with the rules prepared by the Director of Public Service. Waste containers may be placed not earlier than 5:00 p.m. the evening before the scheduled pick-up, and shall be promptly removed therefrom, **not later than twenty-four hours** after the same have been emptied.

SECTION 2: Former Section 933.04 of the Brook Park Codified Ordinances as enacted by Ordinance No. 8083-1995, passed July 5, 1995, 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 933.04 of the Brook Park Codified Ordinances; therefore, provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

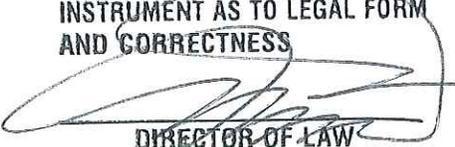
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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


DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

10 9-3-19 LEGISLATIVE
CA PRIOR 10-1-19
1st R _____
2nd R _____
3rd R _____
NO _____

ORDINANCE NO: _____

INTRODUCED BY: COUNCILMAN SCOTT

AN ORDINANCE
AMENDING SECTIONS 933.99
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'PENALTY'
AND DECLARING AN EMERGENCY

WHEREAS, there is a need to amend Section 933.99;

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

SECTION 1: Section 933.99 of the Codified Ordinances of the City of Brook Park is hereby amended to read as follows:

933.99 PENALTY.

Whoever violates section 933.04 of this chapter shall receive a warning letter from the Building Department on the first offense; and on the second offense, shall be guilty of a misdemeanor of the first degree, punishable under Chapter 501 of the Codified Ordinances. Whoever violates any provision other than section 933.04, shall be guilty of a misdemeanor of the first degree, punishable under Chapter 501 of the Codified Ordinances.

SECTION 2: Former Section 933.99 of the Brook Park Codified Ordinances as enacted by Ordinance No. 6025-1981, passed August 18, 1981, 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 933.99 of the Brook Park Codified Ordinances; 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: _____

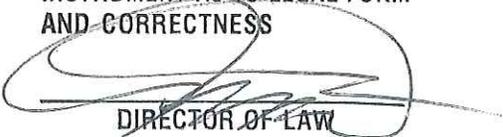
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

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

DATE


DIRECTOR OF LAW

PIC 9-17-19 legislative
CA PRIOR 10-1-19
1st R _____
2nd R _____
3rd R _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE AMENDING ORDINANCE NO. 11066-2019, AUTHORIZING THE MAYOR TO ACCEPT ADDITIONAL FUNDS UP TO \$500,000.00 IN ENVIRONMENTAL GRANT FUNDS FROM THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT AND/OR THE STATE OF OHIO BUREAU OF UNDERGROUND STORAGE TANK REMOVAL (BUSTR) TO PERFORM AN ENVIRONMENTAL IMPACT STUDY AND/OR TO FACILITATE AND ADMINISTER THE ENVIRONMENTAL REMEDIATION OF THE PROPERTY KNOWN AS 6286 ENGLE RD., PPN 342-09-011 AND TO TAKE ALL FURTHER NECESSARY ACTION TO REMEDIATE THE PROPERTY AND DECLARING AN EMERGENCY

WHEREAS, Ordinance No. 11066-2019, passed March 5, 2019, authorized the Mayor to accept funds up to \$248,000.00 in environmental grant funds from the State of Ohio;

WHEREAS, pursuant to Resolution No. 7-2017, passed February 21, 2017 the Mayor applied for grant funds from the State of Ohio to environmentally remediate 6286 Engle Rd, PPN 342-09-011 (herein "the Property").

WHEREAS, the City has been awarded an increase up to \$500,000.00 in grant funds from the State of Ohio to conduct an environmental impact study and to remediate environmental contamination on the Property;

WHEREAS, in order to environmentally remediate the Property, the State of Ohio requires the City to accept up to \$500,000.00 and pay up to the same amount, as necessary, to the contractors engaged directly in the environmental remediation of the Property and to facilitate the remediation of the Property.

WHEREAS, the owner of the Property, MNA Properties, Inc. by and through the Mary N. Abdallah Revocable Trust, Mary N. Abdallah Trustee (herein Owner) has agreed to indemnify and hold the City harmless for all sums in excess of \$500,000.00 that may be incurred or arise out of the environmental remediation of the Property;

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

SECTION 1: That the Mayor is authorized to accept funds from the State of Ohio up to \$500,000.00 and expend said funds in furtherance of the performance of an environmental impact study and/or remediation of the Property.

SECTION 2: The Mayor is authorized to enter into an indemnification and hold harmless agreement with the Owners of the Property to protect the City in the event the costs arising out of said environmental impact study and/or remediation exceed \$500,000.00.

SECTION 3: No tax or revenue funds of the City of Brook Park shall be encumbered or expended to facilitate the payment of costs or expense arising out of the performance of the environmental impact study and/or remediation exceed of the Property.

SECTION 4: It is found and determined that all formal actions of this Council concerning and relating to this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including 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 that the City of Brook Park implement the HMAP; provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

DATE

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


DIRECTOR OF LAW

Reference Material

P/C 2/19/19 Legislative
Caucus Prior 3/5/19
1st R 3/5/19
2nd R
3rd R
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11066-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE AMENDING ORDINANCE NO. 10094-2017, AUTHORIZING THE MAYOR TO ACCEPT ADDITIONAL FUNDS UP TO \$248,000.00 IN ENVIRONMENTAL GRANT FUNDS FROM THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT AND/OR THE STATE OF OHIO BUREAU OF UNDERGROUND STORAGE TANK REMOVAL (BUSTR) TO PERFORM AN ENVIRONMENTAL IMPACT STUDY AND/OR TO FACILITATE AND ADMINISTER THE ENVIRONMENTAL REMEDIATION OF THE PROPERTY KNOWN AS 6286 ENGLE RD., PPN 342-09-011 AND TO TAKE ALL FURTHER NECESSARY ACTION TO REMEDIATE THE PROPERTY AND DECLARING AN EMERGENCY

WHEREAS, Ordinance No. 10094-2017, passed August 15, 2017 authorized the Mayor to accept funds up to \$99,943.42 in environmental grant funds from the State of Ohio;

WHEREAS, pursuant to Resolution No. 7-2017, passed February 21, 2017 the Mayor applied for grant funds from the State of Ohio to environmentally remediate 6286 Engle Rd, PPN 342-09-011 (herein "the Property").

WHEREAS, the City has been awarded an increase up to \$248,000.00 in grant funds from the State of Ohio to conduct an environmental impact study and to remediate environmental contamination on the Property;

WHEREAS, in order to environmentally remediate the Property, the State of Ohio requires the City to accept up to \$248,000.00 and pay up to the same amount, as necessary, to the contractors engaged directly in the environmental remediation of the Property and to facilitate the remediation of the Property.

WHEREAS, the owner of the Property, MNA Properties, Inc. by and through the Mary N. Abdallah Revocable Trust, Mary N. Abdallah Trustee (herein Owner) has agreed to indemnify and hold the City harmless for all sums in excess of \$248,000.00 that may be incurred or arise out of the environmental remediation of the Property;

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

SECTION 1: That the Mayor is authorized to accept funds from the State of Ohio up to \$248,000.00 and expend said funds in furtherance of the performance of an environmental impact study and/or remediation of the Property.

SECTION 2: The Mayor is authorized to enter into an indemnification and hold harmless agreement with the Owners of the Property to protect the City in the event the costs arising out of said environmental impact study and/or remediation exceed \$248,000.00.

SECTION 3: No tax or revenue funds of the City of Brook Park shall be encumbered or expended to facilitate the payment of costs or expense arising out of the performance of the environmental impact study and/or remediation exceed of the Property.

SECTION 4: It is found and determined that all formal actions of this Council concerning and relating to this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including 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 that the City of Brook Park supports the environmental analysis and remediation of the Property; 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: March 5, 2019

Michael Keenan
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
CLERK OF COUNCIL

APPROVED: [Signature]
MAYOR

3/5/19
DATE

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

[Signature]
DIRECTOR OF LAW
Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 11046-2019 passed on the 5th day of March 2019 by said council.
Michelle Blazak
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall, 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days, commencing March 6, 2019
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council

Stamm	Menchini	Orcutt	Scott	Burgio	Poindexter	Salvatore	Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>							