

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, OCTOBER 15, 2019
7:30 P.M.**

A. ROLL CALL OF MEMBERS:

B. PLEDGE OF ALLEGIANCE:

C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. CAUCUS PRIOR TO MEETING HELD ON OCTOBER 1, 2019.
2. REGULAR COUNCIL MEETING HELD ON OCTOBER 1, 2019.

D. REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee - Chairman, Poindexter
Finance Committee - Chairman, Scott
Legislative Committee - Chairman, Mencini
Parks & Recreation Committee - Chairman, Salvatore
Planning Committee - Chairman, Burgio
Safety Committee - Chairman Stemm
Service Committee - Chairman, Orcutt
Board of Zoning Appeals - Chairman, Scott

E. REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center - Trustee, Salvatore
Berea Board of Education Committee - McDonnell, Poindexter

F. REPORTS OF BOARDS AND COMMISSIONS:

G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

1. A PROCLAMATION HONORING GOOD SAMARITAN, ANDRES SERAFIN

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:

M. INTRODUCTION OF ORDINANCES AND RESOLUTIONS: FIRST READING:

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.

2. ORDINANCE NO. 11121-2019, AMENDING SECTION 933.04 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'CONTAINER PLACEMENT FOR COLLECTION; REMOVAL' AND DECLARING AN EMERGENCY. Introduced by Councilman Scott, Council as a Whole and Mayor Gammella.

3. ORDINANCE NO. 11122-2019, ENACTING CHAPTER 554 OF THE GENERAL OFFENSES CODE OF THE CITY OF BROOK PARK ENTITLED 'CIGARETTES AND TOBACCO VENDORS: SALES TO PERSONS UNDER TWENTY-ONE, IN ORDER TO LOCALLY PROHIBIT THE SALE TO, OR POSSESSION BY, PERSONS UNDER TWENTY-ONE OF CIGARETTES, TOBACCO PRODUCTS, ELECTRONIC CIGARETTES AND VAPING DEVICES AND DECLARING AN EMERGENCY. Introduced by Councilman Scott, Council as a Whole and Mayor Gammella.

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

4. ORDINANCE NO. 11123-2019, AMENDING CERTAIN SECTIONS OF CHAPTER 132 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'BOARD OF CONTROL' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
5. ORDINANCE NO. 11124-2019, REPEALING ORDINANCE NO. 11113-2019 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
6. ORDINANCE NO. 11125-2019, AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
7. ORDINANCE NO. 11126-2019, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE SPECIFICATIONS AND TO ADVERTISE FOR BIDS AND FURTHER AUTHORIZING, THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST AND/OR BEST BIDDER FOR THE DISPOSAL OF SOLID WASTE IN AN EPA APPROVED COMPOSTING FACILITY AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
8. ORDINANCE NO. 11127-2019, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH LIBERTY FORD FOR THE PURCHASE OF A NEW 2020 FORD F-250 4X4 REGULAR CAB TRUCK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
9. ORDINANCE NO. 11128-2019, AUTHORIZING THE SERVICE DIRECTOR TO PURCHASE TIRES FOR POLICE, FIRE AND SERVICE VEHICLES, WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

N. SECOND READING OF ORDINANCES AND RESOLUTIONS:

O. THIRD READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 11113-2019, AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

P. ADJOURNMENT:

**SYNOPSIS OF ORDINANCES AND RESOLUTIONS
FOR THE COUNCIL MEETING OF OCTOBER 15, 2019**

FIRST READING:

Ord. No. 11120-2019 AN ORDINANCE AMENDING 331.38 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED, 'STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN,' AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance amending 331.38 of our ordinances to change the amount of a violation from \$500 to \$1,000 and that the court or mayor shall impose a suspension of their driver's license.

Ord. No. 11121-2019 AN ORDINANCE AMENDING 933.04 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'CONTAINER PLACEMENT FOR COLLECTION; REMOVAL,' AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance amending Section 933.04 of our ordinances to require that waste containers must be removed after pick-up within a 24 hour period after they are emptied.

Ord. No. 11122-2019 AN ORDINANCE ENACTING CHAPTER 554 OF THE GENERAL OFFENSES CODE OF THE CITY OF BROOK PARK ENTITLED 'CIGARETTES AND TOBACCO VENDORS: SALES TO PERSONS UNDER TWENTY-ONE' IN ORDER TO LOCALLY PROHIBIT THE SALE TO, OR POSSESSION BY, PERSONS UNDER TWENTY-ONE OF CIGARETTES, TOBACCO PRODUCTS, ELECTRONIC CIGARETTES AND VAPING DEVICES, AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance enacting new chapter 554 of our ordinances to prohibit the sale or possession of cigarettes, tobacco products, and vaping devices to persons under 21 years old.

Ord. No. 11123-2019 AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 132 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'BOARD OF CONTROL,' AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance amending Chapter 132 of our ordinances to allow for purchases that do not exceed \$2,500 to be exempt from public bidding.

Ord. No. 11124-2019 AN ORDINANCE REPEALING ORDINANCE NO. 11113-2019, AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance repealing a previously passed ordinance that did not have the proper exhibits attached.

Ord. No. 11125-2019 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND THE CITY OF BROOK PARK, AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing and directing the Mayor to enter a community cost-share contract with Northeast Ohio Regional Sewer District for the Elmdale Drainage Improvement Project.

Ord. No. 11126-2019 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE SPECIFICATIONS, AND TO ADVERTISE FOR BIDS, AND FURTHER AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST AND/OR BEST BIDDER FOR THE DISPOSAL OF SOLID WASTE IN AN EPA APPROVED COMPOSTING FACILITY, AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing the Service Director to prepare specifications and advertise for the disposal of solid waste and further authorizing the Mayor to enter into a contract for same.

Ord No. 11127-2019 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH LIBERTY FORD FOR THE PURCHASE OF A NEW 2020 FORD F-250 4X4 REGULAR CAB TRUCK, AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing the Mayor to enter into a contract with Liberty Ford for the purchase of a new 2020 Ford F-250 4x4.

Ord. No. 11128-2019 AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PURCHASE TIRES FOR POLICE, FIRE AND SERVICE VEHICLES WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing the Service Director to purchase tires for Police, Fire and Service vehicles from Sylvester Tire and Truck for an amount not to exceed \$60,000.

THIRD READING:

Ord. No. 11113-2019 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER ITO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) AND THE CITY OF BROOK PARK, AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing and directing the Mayor to enter a community cost-share contract with Northeast Ohio Regional Sewer District for the Elmdale Drainage Improvement Project (without appropriate exhibit).

PREPARED BY THE BROOK PARK LEGAL DEPARTMENT
October 10, 2019



14751 Lancelot Lane East • North Royalton, Ohio 44133

City of Brook Park
6161 Engle Road
Brook Park, OH 44142

Invoice

No. **7080**
Date 10/01/19

19 OCT 1 PM 2:03:41

Attn: accounts payable

Michelle Blazak City Council Office

Terms: 30 days

QUANTITY	DESCRIPTION	AMOUNT
12,500	Brook Park Proposed Charter Amendments art, printing, bindery, wafer seal, address, tray & mail	\$3218.75
	Postage	\$2732.54
TOTAL AMOUNT DUE		\$5951.29
THANK YOU!		

PRINTING PRESS • 14751 Lancelot Lane East, North Royalton, Ohio 44133

Claudia

New invoice date to follow.

Nichelle



6131205

525914

Order Confirmation

Ad Order Number 0009358818

Customer

CITY OF BROOK PARK
 Account:40015554
 CITY OF BROOK PARK
 6161 ENGLE RD,
 BROOK PARK OH 44142 USA
 (216)433-1300

FAX:2164330822

kanzalone@cityofbrookpark.com

Payor Customer

CITY OF BROOK PARK
 Account: 40015554
 CITY OF BROOK PARK
 6161 ENGLE RD,
 BROOK PARK OH 44142 USA
 (216)433-1300

PO Number

Sales Rep. Toni Ponso

Order Taker Toni Ponso

Order Source E-Mail

Special Pricing

Tear Sheets 0	TearsheetsCost	\$0.00	Net Amount	\$1,630.86
Proofs 0			Tax Amount	\$0.00
Affidavits 0	AffidavitsCost	\$0.00	Total Amount	\$1,630.86
Blind Box			Payment Method	Invoice
Promo Type			Payment Amount	\$0.00
Materials			Amount Due	\$1,630.86
Invoice Text				

Ad Schedule

Product	Plain Dealer::Full_OH	Placement/Class	Legals
# Inserts	1	POS/Sub-Class	Public Notices
Cost	\$1,630.86	AdNumber	0009358818-01
Ad Type	OH CLS Legal Display	Ad Size	2 X 77 li
Pick Up #		Ad Attributes	
External Ad #		Color	<NONE>
Production Method	OH_Team Built Ad	Production Notes	
Run Dates	Sort Text		
10/27/2019			

Product	Cleveland.com	Placement/Class	Legals
# Inserts	1	POS/Sub-Class	Public Notices
Cost	\$0.00	AdNumber	0009358818-02
Ad Type	OH CLS Legal Liner	Ad Size	1 X 5 li
Pick Up #		Ad Attributes	
External Ad #		Color	<NONE>
Production Method	AdBooker	Production Notes	
Run Dates	Sort Text		
10/27/2019	PLEASECLICKONIMAGETOVIEWCITYOFBROOKPARKNOTICEOFPROPOSEDCHARTERAMENDMENT'SAPPEARINGO		

0009358818-02

Ad Content Proof

PLEASE CLICK ON IMAGE TO VIEW CITY OF
 BROOK PARK NOTICE OF PROPOSED CHAR-
 TER AMENDMENTS APPEARING ON THE NO-
 VEMBER, 2019 BALLOT

CITY OF BROOK PARK
OFFICIAL NOTICE OF PROPOSED CHARTER AMENDMENTS

Public notice is hereby given that the following separate Proposals will be submitted to the electors of the City of Brook Park at the General Election to be held on November 5, 2019 in accordance with Ordinance No.'s 11107-2019, 11108-2019, 11110-2019, 11111-2019 adopted by City Council on August 20, 2019 and Ordinance No. 11109-2019 adopted by City Council on September 3, 2019.

PROPOSAL SHALL ARTICLE II, SECTION 2.01 OF THE CHARTER OF THE CITY OF BROOK PARK BE AMENDED TO PROVIDE THAT IF A MUNICIPAL POWER EXERCISED IS NOT PRESCRIBED IN THE CHARTER OR BY ORDINANCE OR RESOLUTION OF THE COUNCIL, IT WILL BE GOVERNED BY THE CONSTITUTION AND THE LAWS OF THE STATE OF OHIO?

_____ YES _____ NO

PROPOSAL SHALL ARTICLE IV, SECTION 4.05 (b) OF THE CHARTER OF THE CITY OF BROOK PARK BE AMENDED TO HAVE SPECIAL MEETING NOTICES SERVED TO THE MAYOR AND COUNCIL EITHER PERSONALLY, ELECTRONICALLY OR OTHERWISE DETERMINED BY COUNCIL RULES?

_____ YES _____ NO

PROPOSAL SHALL ARTICLE IX, SECTION 9.04 OF THE CHARTER OF THE CITY OF BROOK PARK BE AMENDED TO INCLUDE QUALIFICATIONS FOR DIVISION HEADS WITHIN THE SERVICE DEPARTMENT AS MAY BE SET FORTH IN CITY ORDINANCES?

_____ YES _____ NO

PROPOSAL SHALL ARTICLE XI, SECTION 11.04(a) OF THE CHARTER OF THE CITY OF BROOK PARK BE AMENDED TO HAVE A MAJORITY OF COUNCIL MEMBERS APPROVE THE MAYOR'S APPOINTMENTS TO THE BOARD OF ZONING AND BUILDING APPEALS?

_____ YES _____ NO

PROPOSAL SHALL ARTICLE XIII, SECTION 13.01 OF THE CHARTER OF THE CITY OF BROOK PARK BE AMENDED TO INCREASE THE DAYS FOR COUNCIL TO SUBMIT AN INITIATIVE TO A VOTE OF THE ELECTORS FROM 60 TO 90 DAYS FROM THE FILING OF SUCH SUPPLEMENTAL PETITION?

_____ YES _____ NO

The foregoing separate proposals shall become effective upon their approval by a majority of the electors voting thereon. Ordinance Nos. 11107-2019, 11108-2019, 11109-2019, 11110-2019 and 11111-2019 are on file in the Office of the Clerk of Council of the City of Brook Park, for inspection by any person interested therein.

By the Order of the City Council of the City of Brook Park, Ohio.

Michelle Blazak
Clerk of Council

Note: Charter Proposals must appear in paper ten (10) days before General Election of November 5, 2019, therefore, the date of the legal notice to appear would be Saturday, October 26, 2019.

CITY OF BROOK PARK, OHIO

PIC 9-17-19 legislative
CA Prior 10-1-19
1st R 10-15-19
2nd R _____
3rd R _____
D/C _____

ORDINANCE NO: 1120-2019

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

M/C 9-3-19 LEGISLATIVE
CA PRICE 10-1-19
1st R 10-15-19
2nd R _____
3rd R _____
E/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11121-2019

INTRODUCED BY: COUNCILMAN SCOTT, *CJW + MAYOR GARNIELLA*

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: _____

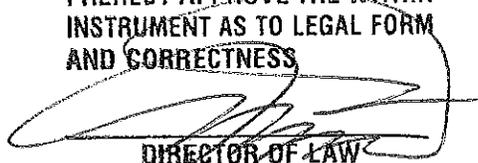
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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


DIRECTOR OF LAW

110 9-3-19 LEGISLATIVE
CA 10-8-19
1st R 10-15-19
2nd R _____
3rd R _____
"IC _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11122-2019

INTRODUCED BY: COUNCILMAN SCOTT, *Edward Mayor Gamvella*

AN ORDINANCE

ENACTING CHAPTER 554 OF THE GENERAL OFFENSES CODE OF THE CITY OF BROOK PARK ENTITLED "CIGARETTES AND TOBACCO VENDORS: SALES TO PERSONS UNDER TWENTY-ONE". IN ORDER TO LOCALLY PROHIBIT THE SALE TO, OR POSSESSION BY, PERSONS UNDER TWENTY-ONE OF CIGARETTES, TOBACCO PRODUCTS, ELECTRONIC CIGARETTES AND VAPING DEVICES, AND DECLARING AN EMERGENCY.

WHEREAS, tobacco use is the foremost preventable cause of premature death in the United States, responsible for nearly half a million deaths per year in the United States and costing the nation approximately \$300 billion in healthcare and lost worker productivity costs each year; and

WHEREAS, if smoking continues at the current rate among youth in the United States, 5.6 million of today's Americans under the age of 18 will die early from smoking-related illness; and

WHEREAS, evidence shows that people who begin smoking at an early age are more likely to develop a severe addiction to nicotine than those who start at a later age; and

WHEREAS, electronic nicotine delivery system use among minors has recently tripled and use of these systems is associated with and may encourage the use of conventional tobacco products; and

WHEREAS, data from the Cuyahoga County Youth Risk Behavior Survey in 2017 indicates that over 35% of students in Cuyahoga County reported having used an electronic vapor product and over 15% of students in Cuyahoga County reported current use of an electronic vapor product; and

WHEREAS, raising the minimum legal sales age for all tobacco products to 21 will reduce access to these products by youth, as youth often acquire such products from older friends: over 80% of people purchasing tobacco for minors are between 18 and 20 years old; and

WHEREAS, over 330 communities and six (6) states have enacted tobacco 21 policies, covering 25% of the nation's population; and

WHEREAS, raising the age for tobacco sales to 21 and over in the City of Brook Park would lessen the accessibility of tobacco to minors and would assist the City's interest in furthering the health, safety and general welfare of the City's residents.

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

SECTION 1: Chapter 554 of the Brook Park Codified Ordinances, entitled "**CIGARETTE AND TOBACCO VENDORS: SALES TO PERSONS UNDER TWENTY-ONE**" is hereby enacted to read as follows:

CIGARETTE AND TOBACCO VENDORS: SALES TO PERSONS UNDER TWENTY-ONE

554.01 DEFINITIONS. For the purpose of this Chapter:

(a) "Distribute" means to furnish, give, or provide Tobacco Products to the ultimate consumer of the Tobacco Product.

(b) "Permit" means an annual permit issued by the City or the City's Permitting Agent for retail sale of Tobacco Products pursuant to Section 554.03 herein.

(c) "Permittee" means the holder of a valid permit under this Chapter.

(d) "Permitting Agent" means an entity with which the City of Brook Park has contracted to administer permit applications, enforcement, and/or provisions contained in this Chapter.

(e) "Person Under 21" means a natural person who has not yet reached the age of twenty-one (21) years of age.

(f) "Proof of Age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under R.C. §§ 4507.50 to 4507.52 that shows that a person is twenty-one (21) years of age or older (i.e., not a Person Under 21).

(g) "Tobacco Product" means any product that is made from tobacco or derived from tobacco or that contains nicotine, whether natural or synthetic, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, snorted,

sniffed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, cigarettes, e-liquids, cigars, little cigars, pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco Product" also means electronic devices, including any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including, but not limited to, e-cigarettes, e-cigars, e-pipes, vapor products, or ehookahs. Tobacco Product includes any component, part, or accessory used in the consumption of tobacco products, whether or not it contains nicotine including, but not limited to, filters, cartridges, pods, pens, rolling papers, or pipes. "Tobacco Product" does not include any of the following: (1) Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1); (2) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h); or (3) Any product that is a "combination product" as described in 21 U.S.C. 353(g).

524.02 SALE TO PERSONS UNDER 21 PROHIBITED.

(a) No Permittee or agent of Permittee shall sell or otherwise distribute to any Person Under 21 any Tobacco Product within the City.

(b) Before selling or otherwise distributing any Tobacco Product to another person, the person selling or distributing the Tobacco Product shall verify the age of any person who appears to be under thirty (30) years of age by a Proof of Age.

(c) No person shall sell or otherwise distribute Tobacco Products by or from a vending machine except in an area within a business, office, or other place not open to the general public or in an area to which Persons Under 21 are not permitted.

(d) It shall not be a violation of this Section to sell or otherwise distribute any product that has been approved as a tobacco cessation aid by the United States Food and Drug Administration.

554.03 ANNUAL PERMIT REQUIRED.

(a) No person shall engage in retail sales or distribution of Tobacco Products within the City without a valid Permit issued by the City or its Permitting Agent.

(b) The following items shall be required in applying for a Permit, or renewing a Permit under this Section:

1. A valid vendor's license from the Ohio Department of Taxation;

2. If applicable, a license required by Revised Code Chapter 5743;

3. The location where the Permit applicant proposes to engage in retail sales of Tobacco Products;

4. A nonrefundable Permit administration fee of One Hundred Dollars (\$100.00); and

5. Such other information as determined by the City or its Permitting Agent to be necessary to administer the permitting system provided herein and to effectuate the purposes of this Chapter.

(c) A Permit granted under this Section shall be valid from the date of issuance until December 31 of the year of issuance.

(d) Permit administration fees, reinstatement fees, and civil penalties collected in administering this Chapter may be collected by the City or its Permitting Agent and shall be credited to the City's General Fund to defray the costs of administration and enforcement of this Chapter. Alternatively, the City and its Permitting Agent may agree that the Permitting Agent will retain all or a portion of the fees as compensation for its services as the Permitting Agent.

(e) For purposes of this Section, "valid Permit" means a Permit issued under this Section that has not expired, that is not within a period of suspension or failure-to-reinstate status, and that has not been revoked under this Chapter or any provision of applicable law.

(f) A separate Permit shall be required for each retail sales location regardless of whether or not a person owns or operates more than one retail sales location within the City.

(g) A penalty equal to 25 percent of the applicable permit fee shall be assessed and collected by the City or its permitting agent for permit fee renewal payments that are not received or postmarked by the first of January.

554.04 PERMIT REVOCATION, DENIAL, OR SUSPENSION.

(a) Application for a Permit may be denied for any of the following reasons:

1. The Permit applicant had a Permit revoked within the previous three (3) years;

2. The Permit applicant is determined to have knowingly included false or misleading information in the Permit application or renewal Permit application;

3. The applicant's current Permit has been suspended and the period of suspension has not elapsed;

4. A business owned or operated by the Permit applicant engaging in the sale of Tobacco Products within the City is

the subject of a court order or a city resolution or final order declaring such business to be a public nuisance, where said nuisance has not been abated, or where a court has ordered that sales of Tobacco Products shall cease pursuant to any temporary restraining order, preliminary injunction, or permanent injunction issued by said court;

5. The Permit applicant is in arrears with respect to any fine imposed for violation of this Chapter; and/or

6. The Permit applicant has failed to provide any of the items required under Subsection 529.03(b).

(b) For purposes of subdivision (a) of this Section, "applicant" shall include entities with common ownership or management to the entity or natural person listed on the application.

(c) A Permit may be suspended for a definite period, not to exceed six (6) months, as determined by the City or its Permitting Agent. Prior to reinstatement of the Permit following expiration of the suspension, the Permittee shall remit a One Hundred Dollars (\$100) Permit reinstatement administration fee. A Permit may be suspended for any of the following reasons:

1. A business owned or operated by the Permit applicant engaging in the sale of Tobacco Products within the City is the subject of a court order or city resolution or final order declaring such business to be a public nuisance where said nuisance has not been abated, or where the court has ordered that sales of Tobacco Products shall cease pursuant to any temporary restraining order, preliminary injunction, or permanent injunction issued by said court;

2. Substantiated evidence that Permittee or agent of Permittee has sold or otherwise distribute any Tobacco Product to any Person Under 21 within the City more than one time in the past twelve (12) months;

3. The finding by a federal or state agency or court that the Permit applicant has violated a federal or state rule or regulation governing the sale of Tobacco Products;

4. Entry of a City or its Permitting Agent is refused or inspection, or investigation is refused, hindered, or thwarted; and/or

5. The Permit is in arrears with respect to any fine imposed for any civil penalty levied under this Chapter.

(d) A Permit may be revoked for any of the following reasons:

1. The Permit applicant is determined to have knowingly included false or misleading information in the Permit

application or renewal Permit application;

2 Substantiated evidence that Permittee or agent of Permittee has sold or otherwise distribute any Tobacco Product to any Person Under 21 within the City more than one time in the past twelve (12) months;

3. Entry of a City or its Permitting Agent is refused, or inspection or investigation is refused, hindered, or thwarted;

4. A period of suspension imposed under Subsection(c) herein has elapsed and the Permittee remains in arrears of payment of such fine or penalty; and/or

5. The Permittee has been subject to three (3) or more suspensions in the previous twenty-four (24) month period. .

554.05 NON-TRANSFERABILITY.

A Permit is non-transferable. A new Permit will be issued at no cost to the Permittee who changes location. Any sale or transfer of ownership of Permittee's business will require a new application and subsequent permit issuance.

554.06 NON-RETALIATION.

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment, or customer because such employee, applicant, or customer reported violations of any provisions of this Chapter.

554.07 POSTING OF SIGNS; EDUCATION; OUTREACH.

(a) Effective as soon as allowed by law after the passage of this Ordinance, a sign stating "Under 21 Sales of Tobacco and Nicotine Products and Devices Prohibited by Law" and "Pursuant to Chapter 554 of the Brook Park Codified Ordinances" shall be posted. The font for "Pursuant to Chapter 554 of the Brook Park Codified Ordinances" shall be no smaller than 1/2 inch in height. The font for "Under 21 Sales of Nicotine Prohibited by Law" shall be no smaller than 1/6 of an inch in height. The sign shall be clearly and conspicuously posted at or near the point of sale of any location tobacco products and/or alternative nicotine products are sold.

(b) The City or its Permitting Agent shall collaborate with the community to prepare and distribute education materials, required signage to all vendors, hold education events, publicize and/or such other education events or efforts to foster awareness of the requirements of implementation and compliance with this Chapter. The City or its Permitting Agent shall make all reasonable efforts to conduct such education efforts within the first six (6) months of the program and at regular intervals as necessary thereafter.

554.08 ENFORCEMENT, APPEALS.

(a) The City and its Permitting Agent shall have authority to implement and enforce the provisions of this Chapter;

(b) The City and/or its Permitting Agent may conduct an inspection of a business prior to issuing a Permit. The City and/or its Permitting Agent may annually inspect each business holding a Permit upon proper identification and upon stating the purpose and necessity of an inspection. The City and/or its Permitting Agent may enter at reasonable times to inspect or investigate and examine or copy records to determine compliance with this Chapter. The City and/or its Permitting Agent may apply for and any judge of a court of record may issue an appropriate search warrant necessary to achieve the purposes of this Chapter within the court's territorial jurisdiction. If entry is refused or inspection or investigation is refused, hindered, or thwarted, the City and/or its Permitting Agent may suspend or revoke the Permit as set forth herein.

(c) In addition to the denial, suspension, or revocation of a permit, the City and/or its Permitting Agent may impose the following civil penalties for violations of this Chapter:

1. For a first violation, written warnings shall be provided to violators;
2. For a second violation, \$250.00;
3. For third violation within five (5) years of the first violation, \$500.00;
4. For a fourth violation within five (5) years of the first violation, \$1,000.00;
5. For a fifth violation within five (5) years of the first violation, administrative permit review to determine if the permit should be suspended or revoked.

(d) When the City and/or its Permitting Agent determines to issue a civil penalty for a violation, to deny a Permit application, or to suspend or revoke a Permit, the City and/or Permitting Agent shall notify Permittee of said determination by sending written notice of said determination by U.S. first-class mail to the address provided on the Permit application.

(e) The City and/or its Permitting Agent shall not be required to conduct an evidentiary hearing prior to issuing a determination provided for in Subsection (d) herein.

(f) The Permittee may file a written notice of appeal with the City Director of Law within fourteen calendar (14) days after the date the determination was mailed. The process to request said appeal shall be provided in the notice of the determination set forth in subsection (d) herein. The determination shall take effect following the expiration of time to file the notice of

appeal.

(g) An appeal hearing shall be heard by the License Appeals Board which shall follow the relevant hearings procedures set forth in Chapter 767. The burden of proof by preponderance of the evidence shall be upon the City and/or its Permitting Agent. The Nuisance Abatement Board of Review shall be the final, administrative decision maker.

554.09 INJUNCTIVE RELIEF.

(a) The provisions of Sections 554.01 through 554.08, are health ordinances applicable to real property in the City and may be enforced by civil action pursuant to the Revised Code.

(b) Repeated violations of this Chapter may constitute a public nuisance. The Law Director may bring a cause of action to abate such nuisance and enjoin the recurrence of such violations and for such other relief may be available at law or in equity or the City may seek relief pursuant to Chapter 767.

554.10 EFFECTIVE DATE.

Permits and other requirements set forth in this Chapter shall be effective as soon as allowed by law after the passage of this Ordinance.

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

SECTION 3: That the Mayor may enter into an agreement with the District Advisory Council of the Cuyahoga County Board of Health to serve as the permitting agent provided for under Chapter 554, on such terms as approved by the Director of Law.

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 further reason that Council desire to enact Chapter 554, therefore, provided this ordinance receives the affirmative vote of at least (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: _____

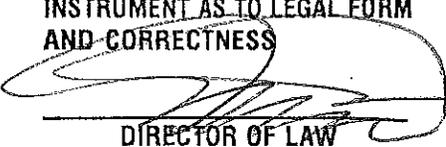
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

110 9-3-19 LEGISLATIVE
CA 10-8-19
1st R 10-15-19
2nd R _____
3rd R _____
110 _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11122-2019

INTRODUCED BY: COUNCILMAN SCOTT, *Edward Meyer Gamvella*

AN ORDINANCE

ENACTING CHAPTER 554 OF THE GENERAL OFFENSES CODE OF THE CITY OF BROOK PARK ENTITLED "CIGARETTES AND TOBACCO VENDORS: SALES TO PERSONS UNDER TWENTY-ONE". IN ORDER TO LOCALLY PROHIBIT THE SALE TO, OR POSSESSION BY, PERSONS UNDER TWENTY-ONE OF CIGARETTES, TOBACCO PRODUCTS, ELECTRONIC CIGARETTES AND VAPING DEVICES, AND DECLARING AN EMERGENCY.

WHEREAS, tobacco use is the foremost preventable cause of premature death in the United States, responsible for nearly half a million deaths per year in the United States and costing the nation approximately \$300 billion in healthcare and lost worker productivity costs each year; and

WHEREAS, if smoking continues at the current rate among youth in the United States, 5.6 million of today's Americans under the age of 18 will die early from smoking-related illness; and

WHEREAS, evidence shows that people who begin smoking at an early age are more likely to develop a severe addiction to nicotine than those who start at a later age; and

WHEREAS, electronic nicotine delivery system use among minors has recently tripled and use of these systems is associated with and may encourage the use of conventional tobacco products; and

WHEREAS, data from the Cuyahoga County Youth Risk Behavior Survey in 2017 indicates that over 35% of students in Cuyahoga County reported having used an electronic vapor product and over 15% of students in Cuyahoga County reported current use of an electronic vapor product; and

WHEREAS, raising the minimum legal sales age for all tobacco products to 21 will reduce access to these products by youth, as youth often acquire such products from older friends: over 80% of people purchasing tobacco for minors are between 18 and 20 years old; and

WHEREAS, over 330 communities and six (6) states have enacted tobacco 21 policies, covering 25% of the nation's population; and

WHEREAS, raising the age for tobacco sales to 21 and over in the City of Brook Park would lessen the accessibility of tobacco to minors and would assist the City's interest in furthering the health, safety and general welfare of the City's residents.

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

SECTION 1: Chapter 554 of the Brook Park Codified Ordinances, entitled "**CIGARETTE AND TOBACCO VENDORS: SALES TO PERSONS UNDER TWENTY-ONE**" is hereby enacted to read as follows:

'CIGARETTE AND TOBACCO VENDORS: SALES TO PERSONS UNDER TWENTY-ONE'

554.01 DEFINITIONS. For the purpose of this Chapter:

(a) "Distribute" means to furnish, give, or provide Tobacco Products to the ultimate consumer of the Tobacco Product.

(b) "Permit" means an annual permit issued by the City or the City's Permitting Agent for retail sale of Tobacco Products pursuant to Section 554.03 herein.

(c) "Permittee" means the holder of a valid permit under this Chapter.

(d) "Permitting Agent" means an entity with which the City of Brook Park has contracted to administer permit applications, enforcement, and/or provisions contained in this Chapter.

(e) "Person Under 21" means a natural person who has not yet reached the age of twenty-one (21) years of age.

(f) "Proof of Age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under R.C. §§ 4507.50 to 4507.52 that shows that a person is twenty-one (21) years of age or older (i.e., not a Person Under 21).

(g) "Tobacco Product" means any product that is made from tobacco or derived from tobacco or that contains nicotine, whether natural or synthetic, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, snorted,

sniffed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, cigarettes, e-liquids, cigars, little cigars, pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco Product" also means electronic devices, including any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including, but not limited to, e-cigarettes, e-cigars, e-pipes, vapor products, or ehookahs. Tobacco Product includes any component, part, or accessory used in the consumption of tobacco products, whether or not it contains nicotine including, but not limited to, filters, cartridges, pods, pens, rolling papers, or pipes. "Tobacco Product" does not include any of the following: (1) Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1); (2) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h); or (3) Any product that is a "combination product" as described in 21 U.S.C. 353(g).

524.02 SALE TO PERSONS UNDER 21 PROHIBITED.

(a) No Permittee or agent of Permittee shall sell or otherwise distribute to any Person Under 21 any Tobacco Product within the City.

(b) Before selling or otherwise distributing any Tobacco Product to another person, the person selling or distributing the Tobacco Product shall verify the age of any person who appears to be under thirty (30) years of age by a Proof of Age.

(c) No person shall sell or otherwise distribute Tobacco Products by or from a vending machine except in an area within a business, office, or other place not open to the general public or in an area to which Persons Under 21 are not permitted.

(d) It shall not be a violation of this Section to sell or otherwise distribute any product that has been approved as a tobacco cessation aid by the United States Food and Drug Administration.

554.03 ANNUAL PERMIT REQUIRED.

(a) No person shall engage in retail sales or distribution of Tobacco Products within the City without a valid Permit issued by the City or its Permitting Agent.

(b) The following items shall be required in applying for a Permit, or renewing a Permit under this Section:

1. A valid vendor's license from the Ohio Department of Taxation;

2. If applicable, a license required by Revised Code Chapter 5743;

3. The location where the Permit applicant proposes to engage in retail sales of Tobacco Products;

4. A nonrefundable Permit administration fee of One Hundred Dollars (\$100.00); and

5. Such other information as determined by the City or its Permitting Agent to be necessary to administer the permitting system provided herein and to effectuate the purposes of this Chapter.

(c) A Permit granted under this Section shall be valid from the date of issuance until December 31 of the year of issuance.

(d) Permit administration fees, reinstatement fees, and civil penalties collected in administering this Chapter may be collected by the City or its Permitting Agent and shall be credited to the City's General Fund to defray the costs of administration and enforcement of this Chapter. Alternatively, the City and its Permitting Agent may agree that the Permitting Agent will retain all or a portion of the fees as compensation for its services as the Permitting Agent.

(e) For purposes of this Section, "valid Permit" means a Permit issued under this Section that has not expired, that is not within a period of suspension or failure-to-reinstate status, and that has not been revoked under this Chapter or any provision of applicable law.

(f) A separate Permit shall be required for each retail sales location regardless of whether or not a person owns or operates more than one retail sales location within the City.

(g) A penalty equal to 25 percent of the applicable permit fee shall be assessed and collected by the City or its permitting agent for permit fee renewal payments that are not received or postmarked by the first of January.

554.04 PERMIT REVOCATION, DENIAL, OR SUSPENSION.

(a) Application for a Permit may be denied for any of the following reasons:

1. The Permit applicant had a Permit revoked within the previous three (3) years;

2. The Permit applicant is determined to have knowingly included false or misleading information in the Permit application or renewal Permit application;

3. The applicant's current Permit has been suspended and the period of suspension has not elapsed;

4. A business owned or operated by the Permit applicant engaging in the sale of Tobacco Products within the City is

the subject of a court order or a city resolution or final order declaring such business to be a public nuisance, where said nuisance has not been abated, or where a court has ordered that sales of Tobacco Products shall cease pursuant to any temporary restraining order, preliminary injunction, or permanent injunction issued by said court;

5. The Permit applicant is in arrears with respect to any fine imposed for violation of this Chapter; and/or

6. The Permit applicant has failed to provide any of the items required under Subsection 529.03(b).

(b) For purposes of subdivision (a) of this Section, "applicant" shall include entities with common ownership or management to the entity or natural person listed on the application.

(c) A Permit may be suspended for a definite period, not to exceed six (6) months, as determined by the City or its Permitting Agent. Prior to reinstatement of the Permit following expiration of the suspension, the Permittee shall remit a One Hundred Dollars (\$100) Permit reinstatement administration fee. A Permit may be suspended for any of the following reasons:

1. A business owned or operated by the Permit applicant engaging in the sale of Tobacco Products within the City is the subject of a court order or city resolution or final order declaring such business to be a public nuisance where said nuisance has not been abated, or where the court has ordered that sales of Tobacco Products shall cease pursuant to any temporary restraining order, preliminary injunction, or permanent injunction issued by said court;

2. Substantiated evidence that Permittee or agent of Permittee has sold or otherwise distribute any Tobacco Product to any Person Under 21 within the City more than one time in the past twelve (12) months;

3. The finding by a federal or state agency or court that the Permit applicant has violated a federal or state rule or regulation governing the sale of Tobacco Products;

4. Entry of a City or its Permitting Agent is refused or inspection, or investigation is refused, hindered, or thwarted; and/or

5. The Permit is in arrears with respect to any fine imposed for any civil penalty levied under this Chapter.

(d) A Permit may be revoked for any of the following reasons:

1. The Permit applicant is determined to have knowingly included false or misleading information in the Permit

application or renewal Permit application;

2 Substantiated evidence that Permittee or agent of Permittee has sold or otherwise distribute any Tobacco Product to any Person Under 21 within the City more than one time in the past twelve (12) months;

3. Entry of a City or its Permitting Agent is refused, or inspection or investigation is refused, hindered, or thwarted;

4. A period of suspension imposed under Subsection(c) herein has elapsed and the Permittee remains in arrears of payment of such fine or penalty; and/or

5. The Permittee has been subject to three (3) or more suspensions in the previous twenty-four (24) month period.

554.05 NON-TRANSFERABILITY.

A Permit is non-transferable. A new Permit will be issued at no cost to the Permittee who changes location. Any sale or transfer of ownership of Permittee's business will require a new application and subsequent permit issuance.

554.06 NON-RETALIATION.

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment, or customer because such employee, applicant, or customer reported violations of any provisions of this Chapter.

554.07 POSTING OF SIGNS; EDUCATION; OUTREACH.

(a) Effective as soon as allowed by law after the passage of this Ordinance, a sign stating "Under 21 Sales of Tobacco and Nicotine Products and Devices Prohibited by Law" and "Pursuant to Chapter 554 of the Brook Park Codified Ordinances" shall be posted. The font for "Pursuant to Chapter 554 of the Brook Park Codified Ordinances" shall be no smaller than 1/2 inch in height. The font for "Under 21 Sales of Nicotine Prohibited by Law" shall be no smaller than 1/6 of an inch in height. The sign shall be clearly and conspicuously posted at or near the point of sale of any location tobacco products and/or alternative nicotine products are sold.

(b) The City or its Permitting Agent shall collaborate with the community to prepare and distribute education materials, required signage to all vendors, hold education events, publicize and/or such other education events or efforts to foster awareness of the requirements of implementation and compliance with this Chapter. The City or its Permitting Agent shall make all reasonable efforts to conduct such education efforts within the first six (6) months of the program and at regular intervals as necessary thereafter.

554.08 ENFORCEMENT, APPEALS.

(a) The City and its Permitting Agent shall have authority to implement and enforce the provisions of this Chapter;

(b) The City and/or its Permitting Agent may conduct an inspection of a business prior to issuing a Permit. The City and/or its Permitting Agent may annually inspect each business holding a Permit upon proper identification and upon stating the purpose and necessity of an inspection. The City and/or its Permitting Agent may enter at reasonable times to inspect or investigate and examine or copy records to determine compliance with this Chapter. The City and/or its Permitting Agent may apply for and any judge of a court of record may issue an appropriate search warrant necessary to achieve the purposes of this Chapter within the court's territorial jurisdiction. If entry is refused or inspection or investigation is refused, hindered, or thwarted, the City and/or its Permitting Agent may suspend or revoke the Permit as set forth herein.

(c) In addition to the denial, suspension, or revocation of a permit, the City and/or its Permitting Agent may impose the following civil penalties for violations of this Chapter:

1. For a first violation, written warnings shall be provided to violators;
2. For a second violation, \$250.00;
3. For third violation within five (5) years of the first violation, \$500.00;
4. For a fourth violation within five (5) years of the first violation, \$1,000.00;
5. For a fifth violation within five (5) years of the first violation, administrative permit review to determine if the permit should be suspended or revoked.

(d) When the City and/or its Permitting Agent determines to issue a civil penalty for a violation, to deny a Permit application, or to suspend or revoke a Permit, the City and/or Permitting Agent shall notify Permittee of said determination by sending written notice of said determination by U.S. first-class mail to the address provided on the Permit application.

(e) The City and/or its Permitting Agent shall not be required to conduct an evidentiary hearing prior to issuing a determination provided for in Subsection (d) herein.

(f) The Permittee may file a written notice of appeal with the City Director of Law within fourteen calendar (14) days after the date the determination was mailed. The process to request said appeal shall be provided in the notice of the determination set forth in subsection (d) herein. The determination shall take effect following the expiration of time to file the notice of

appeal.

(g) An appeal hearing shall be heard by the License Appeals Board which shall follow the relevant hearings procedures set forth in Chapter 767. The burden of proof by preponderance of the evidence shall be upon the City and/or its Permitting Agent. The Nuisance Abatement Board of Review shall be the final, administrative decision maker.

554.09 INJUNCTIVE RELIEF.

(a) The provisions of Sections 554.01 through 554.08, are health ordinances applicable to real property in the City and may be enforced by civil action pursuant to the Revised Code.

(b) Repeated violations of this Chapter may constitute a public nuisance. The Law Director may bring a cause of action to abate such nuisance and enjoin the recurrence of such violations and for such other relief may be available at law or in equity or the City may seek relief pursuant to Chapter 767.

554.10 EFFECTIVE DATE.

Permits and other requirements set forth in this Chapter shall be effective as soon as allowed by law after the passage of this Ordinance.

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

SECTION 3: That the Mayor may enter into an agreement with the District Advisory Council of the Cuyahoga County Board of Health to serve as the permitting agent provided for under Chapter 554, on such terms as approved by the Director of Law.

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 further reason that Council desire to enact Chapter 554, therefore, provided this ordinance receives the affirmative vote of at least (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: _____

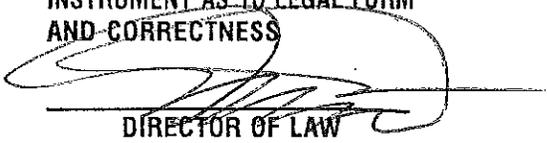
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

ADDENDUM TO
THE PUBLIC HALTH SERVICES AGREEMENT BETWEEN
THE CUYAHOGA COUNTY BOARD OF HEALTH & THE CITY OF BROOK PARK, OHIO

The parties hereby agree this ___ day of ___ 2019, that the Public Health Services Agreement, which was entered into on ____, by and between the Cuyahoga County Board of Health (hereinafter Board) and the City of Brook Park (hereinafter City) shall be amended as follows:

1. The City hereby designates, appoints and delegates to the Board all authority to act as its "Permitting Agent" pursuant to Chapter 554 of the Codified Ordinances of the City of Brook Park.
2. Exhibit "A" of the Public Services Agreement is hereby amended to include Tobacco 21 Permitting and Enforcement as a service provided by the Board.
3. As Permitting Agent, the Board shall be entitled and directed to:
 - a. Issue permits and collect permit fees pursuant to Section 554.03 of the Codified Ordinances of City.
 - b. Retain all of the permit fees as set forth in Section 554.03.
 - c. Conduct all required enforcement activities as set forth in Section 554.07 and 554.08 including assisting with education and signage, assessing fines and retaining fines paid by permittees.
 - d. Retain all fines and fees generated by the Tobacco 21 program and collected by the Board.
 - e. Retain fees and fines in a separate fund and account for them upon request to the City.
4. The Board agrees to cooperate with the City regarding any appeals and/or enforcement litigation.'
5. All other terms and conditions set forth in the aforementioned Public Health Services Agreement shall remain in full force and effect.
6. This Addendum shall be incorporated in and made part of the aforementioned Public Health Services Agreement between parties.

FOR THE BOARD:

Approved as to form.
Cuyahoga County Board of Health
General Counsel

Mayor David Smith, President District
Advisory Council

By: _____
Thomas P. O'Donnell

Date: _____

Date _____

FOR THE CITY:

Approved as to form
City of Brook Park
Law Director, Carol Horvath

Mayor

Date: _____

By: _____

Date: _____

P/C 9-17-19 legislative
CA 10-8-19 amended
1st R 10-15-19
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 1123-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AMENDING CERTAIN SECTIONS OF CHAPTER 132
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'BOARD OF CONTROL,'
AND DECLARING AN EMERGENCY

WHEREAS, there is a need to update certain Sections of Chapter 132 of the Brook Park Codified Ordinances; and

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

SECTION 1: Section 132.02 of the Codified Ordinances of the City of Brook Park is hereby amended to read as follows:

132.02 COMPOSITION.

The Board of Control shall be composed of five voting members as follows:

- (a) The Mayor, who shall serve as the Chairman;
- (b) The Chairman of the Council Finance Committee;
- (c) The Auditor ~~Finance Director~~; and
- (d) The Director of Public Service and the Director of Public Safety.

SECTION 2: Former Section 132.02 of the Codified Ordinances of the City of Brook Park, as enacted by Ordinance 6834-1986, passed April 1, 1986 is hereby expressly repealed.

SECTION 3: Section 132.03 of the Codified Ordinances of the City of Brook Park is hereby amended to read as follows:

132.03 PURPOSE AND DUTIES.

(a) Whenever competitive bidding is required, no contract shall be awarded by the City except upon approval of the Board of Control.

(b) Any purchase order exceeding ~~one~~ **twenty-five hundred** dollars ~~(\$1,000)~~ **(\$2,500)**, and any contract that does not require public bidding, but does exceed ~~one~~ **twenty-five hundred** dollars ~~(\$1,000)~~ **(\$2,500)**, shall require approval by the Board.

SECTION 4: Former Section 132.03 of the Codified Ordinances of the City of Brook Park, as enacted by Ordinance 6085-1982, passed over veto on March 2, 1982 is hereby expressly repealed.

SECTION 5: Section 132.05 of the Codified Ordinances of the City of Brook Park is hereby amended to read as follows:

132.05 MEETINGS.

The Board of Control meetings shall be held prior to each regular scheduled Council meeting, **or when the Chairman calls an emergency meeting**, and shall be open to the public in accordance with Ohio R.C. 121.22.

SECTION 6: Former Section 132.05 of the Brook Park Codified Ordinances as enacted by Ordinance No. 6834-1986, passed April 1, 1986, is hereby expressly repealed.

SECTION 7: 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 8: 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 Chapter 132 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.

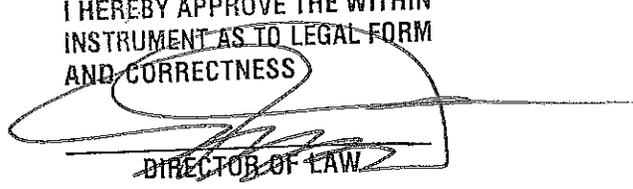
PASSED: _____

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

CITY OF BROOK PARK, OHIO

E/C 9-17-19 Service
CA 10-8-19
1st R 10-15-19
2nd R _____
3rd R _____
E/C _____

ORDINANCE NO: 11124-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
REPEALING ORDINANCE NO. 11113-2019
AND DECLARING AN EMERGENCY

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

SECTION 1: Ordinance No.11113-2019 as enacted and passed on August 20, 2019 is hereby repealed.

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

SECTION 3: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason that Council desires to repeal Ordinance 11113-2019; therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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

PIC 9-17-19 Service
CA 10-8-19
1st R 10-15-19
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11125-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN
THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS)
AND THE CITY OF BROOK PARK,
AND DECLARING AN EMERGENCY

WHEREAS; The City of Brook Park entered into a regional Stormwater Management Program Service (SMP Service Agreement) as evidenced by Ordinance No. 10032-2016, passed August 2, 2016 and

WHEREAS, as a component of implementing a regional stormwater management program a "Community Cost-Share Account" has been created; and

WHEREAS, the Community Cost-Share Account is to provide funding to assist the City of Brook Park with the District approved project; and

WHEREAS, the District supports the Community Cost-Share Stormwater MCM #6 Implementation Plan as a Community Cost-Share project proposed by the City of Brook Park; and

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

SECTION 1: The Mayor is authorized and directed to execute on behalf of the Municipality a Community Cost-Share Stormwater MCM #6 Implementation Plan by and between the Northeast Ohio Regional Sewer District and the City of Brook Park, set forth in the Agreement attached hereto as Exhibit "I."

SECTION 2 The Mayor is authorized and directed to procure the necessary construction services in order to complete the work for Elmdale Drainage Improvements project ("Project") described in Exhibit "I."

SECTION 3: The Consulting City Engineer is authorized to provide the necessary professional services in order to complete the work and will be compensated as described in Exhibit "I."

SECTION 4: The money needed for the aforesaid transaction shall be paid from funds theretofore appropriated for said purposes.

SECTION 5: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and authorizing the Mayor to enter into an Agreement for a Community Cost-Share with Northeast Ohio Regional Sewer District; 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.

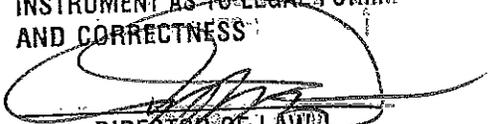
PASSED: _____

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

**COMMUNITY COST-SHARE AGREEMENT
BY AND BETWEEN
THE NORTHEAST OHIO REGIONAL SEWER DISTRICT
AND
CITY OF BROOK PARK**

This Agreement is made and entered into this _____ day of _____, 2019, by and between the Northeast Ohio Regional Sewer District (District) acting pursuant to Resolution No. 114-13, adopted by the Board of Trustees of the District on May 16, 2013 (Exhibit "A"), and the City of Brook Park (City), acting pursuant to Ordinance/Resolution No. _____, adopted on _____, 20__ (Exhibit "B").

Recitals

WHEREAS, the District, as a component of implementing a regional stormwater management program, manages a financial account termed the "*Community Cost-Share Account*" that is for the aggregation and dissemination of funds derived from revenues collected from the Stormwater Fee; and

WHEREAS, the purpose of the *Community Cost-Share Account* is to provide funding to assist the City with District-approved projects through the Community Cost-Share Program; and

WHEREAS, the Community Cost-Share Program funds are used for construction, operation, and maintenance of the Local Stormwater System or Regional Stormwater System, including administrative costs directly associated with such projects as well as costs related to repair or upgrade; and

WHEREAS, the District supports the Community Cost-Share application for Elmdale Drainage Improvements project (the "Project") as a Community Cost-Share project proposed by the City; and

NOW THEREFORE, in consideration of the foregoing, the payment and the mutual promises contained in this Agreement, the parties agree as follows:

Article 1.0 **City Obligations**

1.1 The City agrees to perform as follows:

1.1.1 Complete work as detailed in the District approved Community Cost-Share application. (Exhibit "C")

1.1.2 Complete and submit Progress Reports when submitting Request for Payment as needed, or within 30 days of close of the Project, per Section 5.0 of the *Community Cost-Share Program Policy*.

- 1.1.3 Notify the City's Watershed Team Leader at least 7 business days prior to the start of the Project.
 - 1.1.4 Meet with District staff when requested to review the Project status.
 - 1.1.5 Submit requests for approval to modify the budget, deadline, deliverables, or other components of the Project to the City's Watershed Team Leader at least 30 business days prior to the desired date of execution of the modification.
- 1.2 Failure to meet any of the requirements listed in Article 1.1 may result in termination of this Agreement and reimbursement of disbursed funds to the District.

Article 2.0 **District's Obligations**

- 2.1 The District agrees to perform as follows:
- 2.1.1. Allocate \$39,000.00 to the City for the Project from the City's Community Cost-Share Account.
 - 2.1.2. Provide reimbursement of funds up to \$39,000.00 to the City within 60 days of receipt of a complete Request for Payment from the City, detailing costs related to the Project.
 - 2.1.3. Timely review and approval or disapproval of requests to modify the budget, deadline, deliverables, or other components of the Project.
 - 2.1.4. Acknowledge the City in presentations or publications related to the Project.

Article 3.0 **Dispute Resolution**

- 3.01 The Parties shall continue the performance of their obligations under this Agreement notwithstanding the existence of a dispute.
- 3.02 The Parties shall first try to resolve the dispute at the level of the designated representatives as follows:

District Representative	City Representative
Watershed Team Leader	Service Director
Manager of Watershed Programs	

If the Parties are unable to resolve the dispute at that level within ten (10) working days, the Parties shall escalate the dispute to the following level to resolve the dispute:

District Representative	City Representative

Director of Watershed Programs	Mayor
--------------------------------	-------

- 3.03 If the Parties remain unable to resolve the dispute within an additional ten (10) working days, the Parties shall proceed to mediation upon request by either party. The mediator shall review all documents and written statements, in order to accurately and effectively resolve the dispute. The mediator shall call a meeting between the Parties within ten (10) working days after mediator appointment, which meeting shall be attended by at least the respective representatives listed in paragraph 3.02 above. The Parties shall attempt in good faith to resolve the dispute. The Parties agree to follow the Uniform Mediation Act, Chapter 2710 of the Ohio Revised Code. The Parties shall share the cost of the mediator equally.
- 3.04 Such mediation shall be non-binding between the Parties and, to the extent permitted by law, shall be kept confidential. If the dispute is resolved and settled through the mediation process, the decision will be implemented by a written agreement signed by both Parties. If the dispute is unable to be resolved through mediation, the Parties agree to submit the dispute to the appropriate jurisdiction as per Article 4, Remedies, below.

Article 4 **Remedies**

- 4.01 The Parties agree that, after exhausting the dispute resolution process outlined above, all claims, counter-claims, disputes and other matters in question between the Parties arising out of or relating to this Agreement, or the breach thereof, will be decided at law. This Agreement shall be governed by and interpreted according to the law of the State of Ohio.

Article 5 **Counterpart Signatures**

- 5.01 This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but which counterparts when taken together shall constitute one Agreement.

Article 6 **Governing Law**

- 6.01 The terms and provisions of this Agreement shall be construed under and governed by the laws of Ohio (to which all Parties hereto consent to venue and jurisdiction).

Article 7 **Disclaimer of Joint Venture**

- 7.01 This Agreement is not intended to create a joint venture, partnership or agency relationship between the Parties, and such joint venture, partnership, or agency relationship is specifically hereby disclaimed.

Article 8 **Authority to Execute**

- 8.01 Each person executing this Agreement represents and warrants that it is duly authorized

to execute this Agreement by the party on whose behalf it is so executing.

Article 9 Exhibits

The following exhibits are attached hereto and incorporated herein:

Exhibit "A" – District Resolution

Exhibit "B" – City Ordinance/Resolution

Exhibit "C" – District-Approved Community Cost Share Application

The parties have executed this Agreement on the day and year first above written.

NORTHEAST OHIO REGIONAL SEWER DISTRICT

BY: _____
Kyle Dreyfuss-Wells
Chief Executive Officer

AND

BY: _____
Darnell Brown, President
Board of Trustees

CITY OF BROOK PARK

By: _____

Title: _____

The Legal Form and Correctness of this
Instrument is hereby Approved:

CITY OF BROOK PARK

Assistant/Director of Law

This Instrument Prepared By:
Katarina K. Waag
Assistant General Counsel
Northeast Ohio Regional Sewer District

Each party agrees that this Agreement may be executed and distributed for signatures via email, and that the emailed signatures affixed by both parties to this Agreement shall have the same legal effect as if such signatures were in their originally written format.

CONTRACT NO.

NORTHEAST OHIO REGIONAL SEWER
DISTRICT

WITH

CITY OF BROOK PARK

FOR

COMMUNITY COST-SHARE PROJECT:
ELMDALE DRAINAGE IMPROVEMENTS

Total Approximate Cost: \$39,000.00

The legal form and correctness of the within
instrument are hereby approved.

CHIEF LEGAL OFFICER

Date

CERTIFICATION

It is hereby certified that the amount required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Treasury or in process of collection to the credit of the fund free from any obligation or certification now outstanding.

CHIEF FINANCIAL OFFICER

Date

EXHIBIT A

NORTHEAST OHIO REGIONAL SEWER DISTRICT
RESOLUTION NO. 114-13

Authorizing the Executive Director to enter into Regional Stormwater
Management Program Community Cost-Share Program Agreements
with Member Communities.

WHEREAS, the Code of Regulations of the Northeast Ohio Regional Sewer District, Title V – Stormwater Management Code Chapter 9 outlines the Community Cost-Share Program developed to provide funds to District Member Communities for construction, operation and maintenance activities of community-specific stormwater management projects; and

WHEREAS, under the Community Cost-Share Program, 25% of the annual collected stormwater revenue from each Member Community will be held by the District in a Community Cost-Share account, whereby Communities, with review and approval by the District, through specific applications outlining the community-specific stormwater work to be performed can access reimbursement of their funds; and

WHEREAS, the District is seeking authority to enter into Regional Stormwater Management Program Community Cost-Share Program Agreements with Member Communities for the purpose of detailing and memorializing responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE NORTHEAST OHIO REGIONAL SEWER DISTRICT:

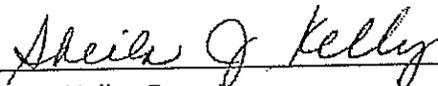
Section 1. That this Board finds that for the reasons stated in the preamble hereof it is in the best interests of the District to enter into Regional Stormwater Management Program Cost-Share Program Agreements with Member Communities to memorialize responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program.

Section 2. That this Board hereby authorizes the Executive Director to enter into Regional Stormwater Management Program Cost-Share Agreements with Member Communities to memorialize responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program under such terms and conditions that are satisfactory to the Director of Law and in the best interests of the District.

Section 3. That this Board authorizes the Executive Director to execute all documents and do all things necessary to effect the terms and conditions of the Stormwater Management Program Direct Billing Agreements with Member Communities.

Section 4. That this Board declares that all formal actions of the Board concerning and relating to the adoption of this resolution and that all deliberations of the Board and any of its committees that resulted in said formal action were conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On motion of Mayor Starr seconded by Mr. O'Malley, the foregoing resolution was unanimously adopted on May 16, 2013.



Sheila J. Kelly, Secretary
Board of Trustees
Northeast Ohio Regional Sewer District

EXHIBIT B

(Insert Member Community
Ordinance/Resolution)

EXHIBIT C



**Community Cost-Share Program
APPLICATION**

Member Community Information

Community: City of Brook Park

Primary Project Contact: Randy Garner
(Name & Title) Service Director

Mailing Address: 19065 Holland Road
Brook Park, Ohio 44142

Phone Number: 216-433-7192

Email: rgarner@cityofbrookpark.com

Project Information

Project Title: 6203 Elmdale - Drainage Improvements

Address or Location of Project: 6203 Elmdale Road
Brook Park, Ohio 44142

Project Start Date: October 7th, 2019 (estimated)

Project End Date: October 11th, 2019 (estimated)

Community Cost-Share Fund Request: \$39,000

Submission Date: July 2nd, 2019



Project Narrative

1) Project Summary (1,000 word maximum)

Describe the Project and include the following information, as applicable:

- Describe the Project and deliverables; provide a map if applicable
- Submit a deliverable worksheet listing tasks and deliverables with start dates and end dates for the significant benchmarks.
- List permitting requirements necessary to initiate and complete project and how the requirements will be met.

Project Description:

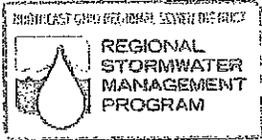
- Location: 6203 Elmdale Road (PPN 344-27-023)
- Obtain storm sewer/drainage easement(s) for the proposed improvements
- Obtain temporary easements/work agreements from adjacent property owners (as required)
- Installation of approximately 205' of 12" storm sewer conduit
- Installation of 2 storm catch basins
- Installation of 1 test tee
- Tie-in of new system to existing storm sewer along Elmdale Road (field tee connection)
- Associated landscape restoration work
- Concept Plan has been included with this application

Deliverables:

- Authorization of Project by City Council - 08/20/19
- Complete Final Construction Plans - 08/30/19
- Complete Final Easement Documents - 08/30/19
- Issue plans to Contractors for Bids - 09/03/19
- Bid Proposals due - 09/20/19
- Issue Notice to Proceed - 10/03/19
- Start Construction - 10/07/19
- End Construction - 10/11/19

Permitting Requirements:

- None



*Community Cost-Share Program
Application*

2) Ability to Provide Long Term Maintenance (500 word maximum)

Describe the plans for long-term maintenance, addressing the following question:

- Who is responsible to provide on-going maintenance for the project and how will maintenance be ensured?
- Provide documentation of scheduled maintenance and operation for completed stormwater project(s).

The City will be responsible to schedule inspection and subsequent maintenance as needed. At least annually but more if needed, drainage structures will be inspected with the Service Department's Sewer Supervisor being responsible to keep charts and/or maps of these inspections and condition reports. In addition, Service Department workers can supplement these reports while they are out performing their regular duties and notice items of concern which they can pass on to the Supervisor for future work scheduling assignments.



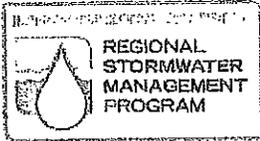
*Community Cost-Share Program
Application*

3) Visibility and Public Outreach: (500 word maximum)

Public outreach is required if appropriate for your project.

- What audiences will be exposed to this Project (neighbors, students, community groups, general public)?

Not applicable to this Project



*Community Cost-Share Program
Application*

4) Budget Summary (500 words maximum)

The Budget Summary and Project Budget (*see page 3*) represent the Community Cost-Share Project components exclusively. Include details on the provider of all services such as design, engineering, construction management and materials including specific material cost, equipment, and hourly rate.

If an engineer's estimate is included with the application, indicate which line items are included in the Community Cost-Share Project application.

ESTIMATED COSTS:

Design Engineering/Surveying = \$4,200

Easement Document Preparation = \$1,400

Easement Recording Fees = \$100

Construction Administration = \$1,500

Construction Inspection = \$1,800

Construction = \$30,000

- Clearing and Grubbing

- 6" 707.45 Type B Conduit (20')

- 12" 707.45 Type B Conduit (205')

- ODOT 2-2B Catch Basin (2)

- 8" Test Tee (1)

- 12" Field Tee Connection (1)

- Seeding and Mulching (Lump)

- Landscape Restoration (Lump)

- 4" Concrete Sidewalk (75 SF)



*Community Cost-Share Program
Application*

Vendor Registration

Prior to submission, ensure that the Member Community is a registered vendor with the District. Vendor Registration can be done by accessing http://www.neorsd.org/isupplier_homepage.php and completing the New Vendor Registration. If unsure of the Member Community vendor status, by initiating the New Vendor Registration a message of active registration will appear if currently registered as a vendor.

Project Budget

Project Expenses	Community Cost-Share Expense	Line Item Description
Professional Services	\$8,900	Design/Easements/Bidding/Administration
Personnel <i>(Member Community staff only)</i>		
Subcontract	\$30,000	Construction
Equipment		
Materials		
Other	\$100	Easement Recording Fees
TOTAL	\$ 39,000	

110 9-17-19 Service
GA 10-8-19
1st R 10-15-19
2nd R _____
3rd R _____
110 _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 1120-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE
TO PREPARE SPECIFICATIONS, AND TO ADVERTISE FOR BIDS,
AND FURTHER AUTHORIZING THE MAYOR TO ENTER INTO
A CONTRACT WITH THE LOWEST AND/OR BEST BIDDER
FOR THE DISPOSAL OF SOLID WASTE IN AN
EPA APPROVED COMPOSTING FACILITY,
AND DECLARING AN EMERGENCY

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

SECTION 1: The Director of Public Service is hereby authorized and directed to prepare specifications, and to advertise for bids for the disposal of solid waste in an EPA approved composting facility.

SECTION 2: The Mayor is hereby authorized to enter into a contract with the lowest and/or best bidder for the disposal of said solid waste.

SECTION 3: The money needed for the aforesaid transaction shall be paid from funds theretofore appropriated for said purpose from the general fund 100 and the sanitation fund 423.

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 dispose of solid waste; 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

p/c 9-17-19 Service
CA 10-8-19
1st R 10-15-19
2nd R _____
3rd R _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 1127-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH
LIBERTY FORD FOR THE PURCHASE OF A NEW 2020 FORD F-250 4 X 4
REGULAR CAB TRUCK, AND DECLARING AN EMERGENCY

WHEREAS, the Service Department needs to replace a 2006 F-150 truck, #813 that was damaged in an accident; and

WHEREAS, the Service Director requested and received bids from three local Ford dealers; and

WHEREAS, Liberty Ford was the lowest and/or best price dealer with the closest location;

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 by the City of Brook Park to enter into a contract with Liberty Ford for the purchase of a new Ford 2020 F-250 4X4 Regular Cab truck in an amount not to exceed \$27,700.00.

SECTION 2: The money needed for the aforesaid transaction shall be paid from Fund No. 401, Capital Fund; theretofore appropriated or to be appropriated for said purpose.

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 allow the City to purchase of a replacement truck; 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

DATE SEPTEMBER 9, 2019

PURCHASE REQUISITION
CITY OF BROOK PARK

VEND. NO. _____

TO LIBERTY FORD

RECEIVED

P.O. NO. _____

DEPT. SUPERVISOR *Randall Gorman*

SEP 10 2019

MAYOR APPROVAL _____

ORDERED BY; J PENSIS

CITY OF BROOKPARK
FINANCE DEPT

**REQUISITION NOT VALID
UNLESS PROPERLY SIGNED**

QUANTITY	DESCRIPTION	DEPT. CHARGED	UNIT PRICE	PRICE
1	REPLACEMENT TRUCK FROM ACCIDENT THAT TOTALLED TRUCK #813 2006 F-150 2020 F-250 4X4 REGULAR CAB	401-CAPITAL		\$ 27700.00
	NOTE SEE ALL THREE(3) ATTACHED ESTIMATES - LIBERTY FORD IS THE LOWEST ESTIMATE			
	NOTE: GET LEGISLATION WRITTEN* **BOARD OF CONTROL** **EMERGENCY**			
ACCOUNT NUMBER				AMOUNT

Board of Control

DATE: 9.9.19 PRICE QUOTE BY: _____

COMPANY: Liberty Ford DATE: _____

ADDRESS: _____ ORDERED BY: J. J. Dennis

_____ P.O.# Emergency Post

PHONE NO. _____ AREA WHERE PRODUCT USED: _____

VENDOR 2: 401 - Capital

VENDOR 3: _____

AMOUNT	DESCRIPTION	DEPT.	PRICE EA.	TOTAL
	Replacement Truck From accident That totalled Truck # 813 (2006 F150)			
① →	2020 F250 4x4 Regular cab.			\$27,700 ⁰⁰
Note:	see (3) attached Estimates Liberty Ford is the lowest Estimate			

RECEIVED
SEP 10 2019
CITY OF BROOKPARK
FINANCE DEPT

Note: Get Legislation Written

BOB GILLINGHAM FORD

8383 Brookpark Road
 Parma, OH 44129
 216-398-1300

2nd # Price

QUOTATION FOR:

CITY OF BROOK PARK
SERVICE DEPARTMENT
 17401 Holland Road
 Brook Park, OH 44142

Attention: John Pensis
 Brook Park Police
 216-433-7194

September 4, 2019

Priced as an ordered unit

QUANTITY	FORD CODE	ITEM	PRICE	PER	EXTENDED
1	F2B	2020 Ford F-250 Regular Cab 4x4 Pick Up Truck	24,566.00	each	24,566.00
	600A	XL			
	142"	Wheelbase (8' Bed)			
	996	6.2L V8 Gas Motor			
	44S	6 Speed Transmission			
	PQ	Race Rfd			
	AS	Vinyl 40/20/40			
1	473	Snow Plow Prep	228.00	each	228.00
1	67E	240 Amp Alternator (required with snow plow prep)	78.00	each	78.00
1	85S	Tough Bed Spray-In Liner	542.00	each	542.00
1	66S	Upfitter Switches	150.00	each	150.00
1	96V	XL Value Package (cr	660.00	each	660.00
1	90L	Power Equipment Group (chrome bumpers & cruise)	832.00	each	832.00
1	18B	Platform Running Boards	292.00	each	292.00
1	X3E	3.73 Electronic Locking Rear Axle	355.00	each	355.00
		SUB TOTAL	27,703.00		27,703.00
1		Title	15.00	each	15.00
1		45 Day Tag	18.50	each	18.50
		TOTAL	27,718.00		27,736.50

NO CHARGE FOR DELIVERY TO YOU.

Pricing is based ORDERING the unit. Pricing good for 30 Days. Thank you for the opportunity to quote this truck.
 The Government Incentive for this truck expires 10/31/2019. If ordered after 10/31/19, the price goes up \$1,983.00.
 For a 5 Year / 100,000 Mile / \$100 Deductible, Premium Care Extended Warranty: Add \$2,995.00.

George Bode
 Fleet Manager
 216-325-1519 office
 440-521-0635 cell
george@bobgford.com

Nick Abraham
AUTO MALL
PROPOSAL SHEET

#10
 3rd Paid

STOCK NO.
D.O.B.
S.S. NUMBER

PURCHASER'S NAME CITY OF BROOK PARK DATE 8-12-19

STREET ADDRESS _____ PHONE _____

CITY Brookpark COUNTY Cuyahoga STATE Ohio ZIP _____ SALESPERSON ERIC G

ENTER MY ORDER FOR ONE NEW USED CAR TRUCK DEMONSTRATOR FACTORY OFFICIAL CAR RENTAL VEHICLE AS FOLLOWS

YEAR 2019 MAKE Ford MODEL F-250 BODY TYPE Reg-CAB COLOR RED TRIM XL

VIN _____ TO BE DELIVERED ON OR ABOUT _____ STOCK NO. _____

E-MAIL: John? CASH PRICE OF VEHICLE \$ _____
440-227-4159

MSRP = 41,145.00

Fleet Price → 30,263.78

Linens 1,000.00

TOTAL = 30,863.78

INSURANCE INFORMATION
 COMPANY NAME _____
 POLICY # _____
 AGENT _____
 PHONE # _____
 ADDRESS _____
 CITY _____
 STATE _____

DOCUMENT FEES → 750.00

← SELLING PRICE →

TAXABLE TOTAL X 0 % = SALES TAX

COUNTY NONE

TITLE FILING FEES 33.50

OTHER _____

TOTAL 30,547.28

TOTAL CREDIT _____

BALANCE DUE _____

TRADE-IN STOCK NO. _____ YEAR _____ MAKE _____ MOD. _____

BODY TYPE _____ VIN _____ MILEAGE _____

ALL WARRANTIES, IF ANY, BY A MANUFACTURER OR SUPPLIER OTHER THAN DEALER ARE THEIRS, NOT DEALERS, AND ONLY SUCH MANUFACTURER OR OTHER SUPPLIER SHALL BE LIABLE FOR PERFORMANCE UNDER SUCH WARRANTIES, UNLESS DEALER FURNISHES BUYER WITH A SEPARATE WRITTEN WARRANTY MADE BY DEALER ON ITS OWN BEHALF. DEALER HEREBY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE ON ALL GOODS AND SERVICES SOLD BY DEALER. IN THE EVENT THAT ANY SERVICE CONTRACT IS SOLD, ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE IS LIMITED IN DURATION TO THE TERM OF THE SERVICE CONTRACT.

The front and back of this Order comprise the entire agreement affecting this purchase and no other agreement or understanding of any nature concerning same has been made or entered into, or will be recognized. If this agreement is for a used vehicle see contractual disclosure statement below. I hereby certify that no credit has been extended to me for the purchase of this motor vehicle except as it appears in writing on the face of this agreement. I have read the matter printed on the back hereof and agree to it as a part of this order the same as if it were printed above my signature. I certify that I am at least 18 years old, and hereby acknowledge receipt of a copy of this order.

CONTRACTUAL DISCLOSURE STATEMENT (USED VEHICLES ONLY) THE INFORMATION YOU SEE ON THE WINDOW FORM FOR THIS VEHICLE IS PART OF THIS CONTRACT. INFORMATION ON THE WINDOW FORM OVERRIDES ANY CONTRARY PROVISIONS IN THE CONTRACT OF SALE.

THIS ORDER IS NOT VALID UNLESS SIGNED AND ACCEPTED BY DEALER OR HIS AUTHORIZED REPRESENTATIVE ACCEPTED BY PURCHASER DATE _____

APPROVED: _____ DEALER OR AUTHORIZED REPRESENTATIVE SIGNED: _____ PURCHASER

F25H 4X4 STYLESIDE PICKUP/142 ^{Suggested Retail Price} 35945 00 ^{Invoice Amount} 33967 00

2019 MODEL YEAR

PQ RACE RED

1S MEDIUM EARTH GRAY CLOTH
PREFERRED EQUIPMENT PKG.600A

.XL TRIM

.TRAILER TOWING PACKAGE

572	.AIR CONDITIONING -- CFC FREE	NC	NC
996	.6.2L EFI V-8 ENGINE	NC	NC
44S	6-SPEED AUTOMATIC TRANS G	NC	NC
TBM	LT245/75R17E BSW ALL-TERRAIN	165 00	152 00
X3E	3.73 ELECTRONIC-LOCKING AXLE	390 00	359 00
90L	POWER EQUIPMENT GROUP	915 00	841 00
	JOB #1 ORDER		
17F	XL DECOR PACKAGE	NC	NC
18B	PLATFORM RUNNING BOARDS 10000# GVWR PACKAGE	320 00	295 00
41P	SKID PLATES	100 00	92 00
425	50 STATE EMISSIONS	NC	NC
473	SNOW PLOW PACKAGE	185 00	171 00
512	SPARE TIRE AND WHEEL	NC	NC
52B	TRAILER BRAKE CONTROLLER	270 00	249 00
	TELESCPING TT MIRR-POWR/HTD		
592	ROOF CLEARANCE LIGHTS JACK	95 00	88 00
66S	UPFITTER SWITCHES	165 00	152 00
67D	EXTRA HEAVY DUTY ALTERNATOR	NC	NC
1	CLOTH 40/20/40 SEAT	100 00	92 00
96V	XL VALUE PACKAGE	1000 00	920 00
	.CRUISE CONTROL		
	.AM/FM STEREO MP3/CLK		
	.SYNC VOICE ACTIVATED SYSTEMS		
	TOTAL OPTIONS/OTHER	3705 00	3411 00
	TOTAL VEHICLE & OPTIONS/OTHER	39650 00	37378 00
	DESTINATION & DELIVERY	1495 00	1495 00

TOTAL FOR VEHICLE 41145 00

FUEL CHARGE 90 78
SHIPPING WEIGHT 5891 LBS.

TOTAL 41145 00 38963 78

Lowest Price \$!



Prepared by: Tyler Gribble
09/05/2019

Liberty Ford, Inc. | 6500 Wyananville Center Road Maple Heights Ohio | 44137-1126

2020 F-250 4x4 SD Regular Cab 8' box 142" WB SRW XL (F2B)

Price Level: 15 | Quote ID: 10826

As Configured Vehicle

Code	Description	MSRP
Base Vehicle		
F2B	Base Vehicle Price (F2B)	\$36,495.00
Packages		
600A	Order Code 600A <i>Includes</i> Engine: 6.2L 2-Valve SOHC EFI NA V8 Flex-Fuel Flex-Fuel badge on fleet orders only Transmission: TorqShift G 6 Spd Auto w/SelectShift GVWR: 10,000 lb Payload Package Tires: LT245/75R17E BSW A/S (4) Wheels: 17" Argent Painted Steel includes painted hub covers/center ornaments HD Vinyl 40/20/40 Split Bench Seat Includes center armrest, cupholder, storage and driver's side manual lumbar Radio: AM/FM Stereo w/MP3 Player Includes 4 speakers - SYNC Communications & Entertainment System includes enhanced voice recognition with 911 Assist, 4.2" LCD center stack screen, Applink and 1 smart charging USB C port	N/C
Powertrain		
996	Engine: 6.2L 2-Valve SOHC EFI NA V8 Flex-Fuel <i>Flex-Fuel badge on fleet orders only</i>	Included
44S	Transmission: TorqShift-G 6-Spd Auto w/SelectShift	Included
X3E	Electronic-Locking w/3.73 Axle Ratio	\$390.00
STDGV	GVWR: 10,000 lb Payload Package	Included
Wheels & Tires		
TD8	Tires: LT245/75R17E BSW A/S (4)	STD
64A	Wheels: 17" Argent Painted Steel <i>includes painted hub covers/center ornaments</i>	Included
Seats & Seat Trim		
A	HD Vinyl 40/20/40 Split Bench Seat <i>includes center armrest, cupholder, storage and driver's side manual lumbar</i>	Included

Other Options

*Prices may contain several items as shown are subject to change and should be used as estimates only. Actual base vehicle, package and option pricing may vary from this estimate. Excludes or up charge on pricing, availability or pricing adjustments not reflected in the dealer's computer system. See our website for the most current information.



Prepared by: Tyler Gribble
09/05/2019

Liberty Ford Inc | 5500 Warrensville Center Road Maple Heights Ohio | 441373126

2020 F-250 4x4 SD Regular Cab 8' box 142" WB SRW XL (F2B)

Price Level: 15 | Quote ID: t0826

As Configured Vehicle (cont'd)

Code	Description	MSRP
425	50-State Emissions System	STD
Interior Colors		
AS_01	Medium Earth Gray	N/C
Primary Colors		
PQ_01	Race Red	N/C
SUBTOTAL		\$39,940.00
Destination Charge		\$1,595.00
TOTAL		\$41,535.00

\$27,700

Out the door

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.



Prepared by: Tyler Gribble
09/05/2019

Liberty Ford, Inc. | 5500 Warrensville Center Road Maple Heights Ohio | 441373126

2020 F-250 4x4 SD Regular Cab 8' box 142" WB SRW XL (F2B)

Price Level: 15 | Quote ID: t0826

Warranty

Standard Warranty

Basic

Distance	36,000 miles	Months	36 months
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Powertrain

Distance	60,000 miles	Months	60 months
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Corrosion Perforation

Distance	Unlimited miles	Months	60 months
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Roadside Assistance

Distance	60,000 miles	Months	60 months
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Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

P/C 10-1-19 Service
CA 10-8-19
1st R 10-15-19
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11128-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE

AUTHORIZING THE SERVICE DIRECTOR TO PURCHASE TIRES FOR POLICE,
FIRE AND SERVICE VEHICLES WITHOUT PUBLIC BIDDING,
AND DECLARING AN EMERGENCY

WHEREAS, Council deems it necessary for the City to purchase tires for police, fire and service vehicles; and

WHEREAS, the Board of Control previously approved \$50,000.00 to be paid to Sylvester Tire and Truck, for the purchase of tires for police, fire and service vehicles; and

WHEREAS, Sylvester Tire and Truck's pricing is at State Cooperative pricing; and

WHEREAS, the Service Director has determined that \$10,000.00 in additional funds are needed to allow the Service Department to keep our City's vehicles on the road at year end; and

WHEREAS, said equipment is of such a highly specialized nature, due to fire, police and service vehicle specific needs, it is properly deemed exempted from the bidding requirements ordinarily associated with the letting of public contracts.

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

SECTION 1: That the Service Director is hereby authorized to purchase tires for police, fire and service vehicles from Sylvester Tire and Truck for an amount not to exceed \$60,000.00.

SECTION 2: The money needed for the aforesaid transaction shall be paid from funds theretofore appropriated for said purposes; provided that, in no event shall the total amount to be paid shall exceed \$60,000.00; being an increase of \$10,000.00 from the \$50,000.00 which had already been appropriated for this purpose.

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 6: This ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to provide for tires for the police, fire and service department vehicles; provided that 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: _____

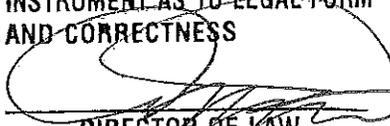
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

PIC 8-20-19 Service
CA 10-8-19
1st R 8-20-19
2nd R 9-11-19 Special Revision Agreement
3rd R
B/C 9-11-19 SP Council
Revised Agreement

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 1113-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN
THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS D)
AND THE CITY OF BROOK PARK,
AND DECLARING AN EMERGENCY

WHEREAS; THE City of Brook Park entered into a regional Stormwater Management Program Service (SMP Service Agreement) as evidenced by Ordinance No. 10032-2016, passed August 2, 2016 and

WHEREAS, as a component of implementing a regional stormwater management program a "Community Cost-Share Account" has been created; and

WHEREAS, the Community Cost-Share Account is to provide funding to assist the City of Brook Park with the District approved project; and

WHEREAS, the District supports the Community Cost-Share Stormwater MCM #6 Implementation Plan as a Community Cost-Share project proposed by the City of Brook Park; and

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

SECTION 1: The Mayor is authorized and directed to execute on behalf of the Municipality a Community Cost-Share Stormwater MCM #6 Implementation Plan by and between the Northeast Ohio Regional Sewer District and the City of Brook Park, set forth in the Agreement attached hereto as Exhibit "A."

SECTION 2 The Mayor is authorized and directed to procure the necessary construction services in order to complete the work described in Exhibit "A."

SECTION 3: The Consulting City Engineer is authorized to provide the necessary professional services in order to complete the work and will be compensated as described in Exhibit "A."

SECTION 4: The money needed for the aforesaid transaction shall be paid from funds theretofore appropriated for said purposes.

SECTION 5: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and authorizing the Mayor to enter into an Agreement for a Community Cost-Share with Northeast Ohio Regional Sewer District; 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: August 20, 2019 *M. P. Vecchio*
PRESIDENT OF COUNCIL

ATTEST: *Michelle Blazak* APPROVED: *[Signature]*
Clerk of Council MAYOR

[Signature]
DATE

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

[Signature]
DIRECTOR OF LAW

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; 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.

CERTIFICATE
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. 1113-2019 passed on the 20th day of August, 2019 by said council.
Michelle Blazak
Clerk of Council

commencing August 21, 2019
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council

	Year	Nay
Stemm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Orcutt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Burgio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>