

**ITEMS TO BE CONSIDERED  
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING  
TO BE HELD ON TUESDAY, DECEMBER 17, 2019  
7:00 P.M.**

**I. ROLL CALL OF MEMBERS:**

**II. PLEDGE OF ALLEGIANCE:**

**III. DISCUSSION:**

1. AN ORDINANCE AMENDING ORDINANCE NO. 11074-2019, THE APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.  
**Note: Revised legislation received from Finance Director Cingle on December 12, 2019.**
  
2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF MIDDLEBURG HEIGHTS, OHIO, FOR A DOG PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

**IV. ADJOURNMENT:**

**Posted 12/13/19**

## ORDINANCE NO.

INTRODUCED BY Mayor Gammella

AN ORDINANCE AMENDING ORDINANCE NO. 11074-2019, THE  
APPROPRIATION ORDINANCE FOR THE CITY OF BROOK PARK, AND DECLARING  
AN EMERGENCY.

WHEREAS, the amounts appropriated for certain items of expense for 2019 are proving to be  
insufficient while surpluses are developing in certain other appropriations.

NOW, THEREFORE, be it ordained by the Council of the City of Brook Park, Ohio:

SECTION 1: That Ordinance No. 11074-2019, passed March 26, 2019, the Appropriation  
Ordinance for the City of Brook Park, be amended to reflect the following adjustments:

P/C  
CA PRIOR 12-17-19  
1st R  
2nd R  
3rd R  
D/C

FUND	DEPARTMENT	TRANS- ACTION	DESCRIPTION	PRESENT APPROPRIATION	ADJUSTED AMOUNT	ADJUSTED APPROPRIATION
100 GENERAL FUND						
	110 Council	527	Miscellaneous Expenses	500.00	1,750.00	2,250.00
		529	Contracts	9,570.78	2,750.00	12,320.78
	111 Clerk of Council	513	Part-Time Salaries	12,000.00	(12,000.00)	0.00
	210 Mayor's Court	511	Regular Salaries	67,668.89	1,650.00	69,318.89
		512	Overtime	0.00	350.00	350.00
		513	Part-Time Salaries	55,708.94	1,000.00	56,708.94
		519	Fringe Benefits	24,982.80	1,283.50	26,266.30
	330 Civil Service Commission	525	Travel & Education	0.00	650.00	650.00
		527	Miscellaneous Expenses	968.31	1,500.00	2,468.31
	341 Recreation Center	513	Part-Time Salaries	99,600.00	10,000.00	109,600.00
		519	Fringe Benefits	107,137.64	1,545.00	108,682.64
		574	Refunds	250.00	750.00	1,000.00
	342 Parks & Playgrounds	512	Overtime	400.00	750.00	1,150.00
		519	Fringe Benefits	54,458.68	115.88	54,574.56
	345 Home Days Celebration	512	Overtime	21,841.73	(7,885.18)	13,956.55
		519	Fringe Benefits	2,219.00	(68.24)	2,150.76
		523	Professional Services	40,545.39	(1,945.39)	38,600.00
	400 Mayor's Office	525	Travel & Education	4,500.00	5,000.00	9,500.00
		526	Office Supplies	3,529.64	3,000.00	6,529.64
		527	Miscellaneous Expenses	3,710.81	3,000.00	6,710.81
	407 Safety Town	523	Professional Services	3,406.25	193.75	3,600.00
	409 Mechanics	512	Overtime	2,875.00	7,000.00	9,875.00
		519	Fringe Benefits	161,030.13	1,081.50	162,111.63
	411 Safety Building	524	Repair & Maintenance	6,992.00	750.00	7,742.00
	412 Police Department	512	Overtime	245,000.00	60,000.00	305,000.00
		519	Fringe Benefits	599,942.40	6,443.00	606,385.40
		527	Miscellaneous Expenses	82,868.50	2,500.00	85,368.50
	413 Fire Department	521	Communications	30,764.50	70,000.00	100,764.50
		523	Professional Services	1,200.00	3,058.00	4,258.00
		524	Repair & Maintenance	47,339.30	50,000.00	97,339.30
		525	Travel & Education	10,017.82	2,100.00	12,117.82
	414 Disaster Service	511	Regular Salaries	9,160.00	5,000.00	14,160.00
		519	Fringe Benefits	1,422.47	772.50	2,194.97
		524	Repair & Maintenance	2,350.00	(1,000.00)	1,350.00
	415 Building Department	527	Miscellaneous Expenses	2,868.41	1,100.00	3,968.41
	419 Animal Warden	524	Repair & Maintenance	3,127.91	2,750.00	5,877.91
	423 Sanitation	524	Repair & Maintenance	91,120.40	20,000.00	111,120.40
	426 Traffic Signs	524	Repair & Maintenance	1,892.00	1,000.00	2,892.00
	427 Trees & Tree Lawns	511	Regular Salaries	8,100.00	3,000.00	11,100.00
		519	Fringe Benefits	38,609.44	463.50	39,072.94
	429 Sewers & Drains	527	Miscellaneous Expenses	33,559.74	1,500.00	35,059.74
	434 Traffic Lights	529	Contracts	46,988.95	10,000.00	56,988.95
	500 Law Department	523	Professional Services	6,900.00	1,500.00	8,400.00
	610 Finance Department	519	Fringe Benefits	90,616.74	6,026.00	96,642.74
	641 Office of Aging	513	Part-Time Salaries	31,410.00	3,000.00	34,410.00
		519	Fringe Benefits	4,852.85	463.50	5,316.35
		527	Miscellaneous Expenses	2,835.00	500.00	3,335.00

FUND	DEPARTMENT	TRANS- ACTION	DESCRIPTION	PRESENT APPROPRIATION	ADJUSTED AMOUNT	ADJUSTED APPROPRIATION
	700 General Gov't. Lands & Bldgs.	512	Overtime	1,500.00	3,000.00	4,500.00
		519	Fringe Benefits	231.75	463.50	695.25
		520	Utilities	43,800.00	(7,955.44)	35,844.56
		521	Communications	12,927.00	(2,500.00)	10,427.00
	830 Elections	523	Professional Services	2,357.03	682.77	3,039.80
	840 Insurance & Bonding	527	Miscellaneous Expenses	300,000.00	(13,761.00)	286,239.00
	874 Misc. Executive	523	Professional Services	132,636.75	(40,899.75)	91,737.00
	879 Contingency	529	Contracts	0.00	28,073.00	28,073.00
	880 Transfers & Refunds	571	Transfers	2,220,688.81	790,501.60	3,011,190.41
				4,790,983.76	1,030,000.00	5,820,983.76
210 CITY INCOME TAX FUND						
	440 Tax Department	571	Transfers	19,399,519.30	632,765.00	20,032,284.30
243 ECONOMIC DEVELOPMENT FUND						
	325 Community Development	529	Contracts	651,026.37	171,371.29	822,397.66
250 SPECIAL RECREATION FUND						
	343 Public Recreation	527	Miscellaneous Expenses	76,480.00	(12,526.00)	63,954.00
		551	Land/Building Improvements	0.00	12,526.00	12,526.00
				76,480.00	0.00	76,480.00
255 RECREATION CENTER CONCESSION FUND						
	342 Parks & Playgrounds	513	Part-Time Salaries	0.00	800.00	800.00
		519	Fringe Benefits	0.00	123.60	123.60
		527	Miscellaneous Expenses	0.00	1,144.40	1,144.40
				0.00	2,068.00	2,068.00
264 WATER PARK FUND						
	342 Parks & Playgrounds	513	Part-Time Salaries	49,203.00	(4,500.00)	44,703.00
		519	Fringe Benefits	7,601.86	(695.25)	6,906.61
		520	Utilities	9,800.00	2,000.00	11,800.00
		524	Repair & Maintenance	5,150.00	2,964.21	8,114.21
		526	Office Supplies	0.00	268.13	268.13
		527	Miscellaneous Expenses	4,017.00	5,830.08	9,847.08
		528	Tools & Minor Equipment	43.00	209.96	252.96
		529	Contracts	507.00	205.50	712.50
		574	Refunds	500.00	(100.00)	400.00
				76,821.86	6,182.63	83,004.49
270 LAW ENFORCEMENT FUND						
	412 Police Department	525	Travel & Education	4,000.00	2,000.00	6,000.00
		552	Equipment	25,000.00	(2,000.00)	23,000.00
				29,000.00	0.00	29,000.00
401 CAPITAL IMPROVEMENT FUND						
	210 Mayor's Court	552	Equipment	8,175.00	1,250.00	9,425.00
	400 Mayor's Office	552	Equipment	1,603.28	2,000.00	3,603.28
	409 Mechanics	552	Equipment	0.00	1,000.00	1,000.00
	411 Safety Building	551	Land/Building Improvements	43,292.04	(7,000.00)	36,292.04
		552	Equipment	141,506.37	(4,000.00)	137,506.37
	412 Police Department	552	Equipment	154,370.29	(10,000.00)	144,370.29
	413 Fire Department	552	Equipment	212,557.51	82,000.00	294,557.51
	422 Service Building	551	Land/Building Improvements	46,089.57	(45,000.00)	1,089.57
	423 Sanitation	552	Equipment	160,262.45	15,000.00	175,262.45
	425 S.C.M. & R.	552	Equipment	25,000.00	3,000.00	28,000.00
	429 Sewers & Drains	551	Land/Building Improvements	103,542.00	33,060.00	136,602.00
		552	Equipment	52,507.30	163.63	52,670.93
	432 Snow Removal	552	Equipment	129,677.71	(12,000.00)	117,677.71
	440 Tax Department	552	Equipment	5,229.44	(2,500.00)	2,729.44
	610 Finance Department	552	Equipment	5,818.80	(2,500.00)	3,318.80
	641 Office of Aging	552	Equipment	61,379.00	7,828.00	69,207.00
	700 General Gov't. Lands & Bldgs.	552	Equipment	48,303.55	(32,301.63)	16,001.92
				1,199,314.31	30,000.00	1,229,314.31
459 DITCH CLEANING PROGRAM FUND						
	429 Sewers & Drains	523	Professional Services	0.00	1,200.00	1,200.00
543 2017 STREET IMPROVEMENTS FUND						
	425 Street Paving & Repair	523	Professional Services	32,941.00	(26,787.00)	6,154.00
		529	Contracts	2,705.00	(2,705.00)	0.00
		553	Construction Contracts	374,283.13	(363,239.08)	11,044.05
		571	Transfers	0.00	515,473.56	515,473.56
				409,929.13	122,742.48	532,671.61
545 2018/2019 STREET IMPROVEMENTS FUND						
	425 Street Paving & Repair	523	Professional Services	458,031.66	35,000.00	493,031.66
		553	Construction Contracts	5,290,018.00	(600,000.00)	4,690,018.00
				5,748,049.66	(565,000.00)	5,183,049.66
711 POLICE PENSION FUND						
	412 Police Department	519	Fringe Benefits	706,329.54	11,700.00	718,029.54

FUND	DEPARTMENT	TRANS-ACTION	DESCRIPTION	PRESENT APPROPRIATION	ADJUSTED AMOUNT	ADJUSTED APPROPRIATION
713 S.W.G.H. FUND						
	851 Health & Welfare	529	Contracts	124,162.00	(12,639.93)	111,522.07
714 CASH BONDS HELD FUND						
	874 Misc. Executive	529	Contracts	78,508.53	18,180.00	96,688.53
716 BUILDING STANDARDS BOARD FUND						
	415 Building Department	574	Refunds	7,168.73	1,127.41	8,296.14
717 UNCLAIMED MONIES FUND						
	874 Misc. Executive	529	Contracts	0.00	501.60	501.60
920 SPECIAL ASSESSMENT B.R.F.						
	872 Debt Service	523	Professional Services	750.00	19.04	769.04
				Total Changes	<u>1,450,217.52</u>	

SECTION 2: Those portions of Ordinance No. 11074-2019, passed March 26, 2019, which are inconsistent with the provisions adopted herein, are 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 any of its committees that resulted in formal action were 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 the municipality and the inhabitants thereof. Such emergency existing for the further reason that funds must be immediately appropriated to the designated accounts to meet existing financial obligations of the City. Therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

ATTEST: \_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

P/C \_\_\_\_\_  
CA 12-10-19  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_  
CAUCUS PRICE 12/17/19

CITY OF BROOK PARK, OHIO

ORDINANCE NO: \_\_\_\_\_

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AMEMORANDUM OF UNDERSTANDING WITH THE CITY OF MIDDLEBURG HEIGHTS, OHIO FOR A DOG PARK, AND DECLARING AN EMERGENCY.

WHEREAS, the cities of Brook Park and Middleburg Heights have reached an agreement to begin a joint venture with the cooperation of volunteer organization(s) to operate an off the leash dog park located at 18825 Sheldon Road, Middleburg Heights Ohio.

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

SECTION 1. That the Mayor be and is hereby authorized and directed to enter into a Memorandum of Understanding with the City of Middleburg Heights, Ohio, as set forth in Exhibit "A", attached hereto and incorporated herein by reference, and to do all things necessary in furtherance thereof.

SECTION 2. That it is hereby 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.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the further reason to participate in a joint venture with the City of Middleburg Heights to establish an off the leash dog park, therefore provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
Clerk of Council

APPROVED: \_\_\_\_\_  
MAYOR

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

\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
DIRECTOR OF LAW

## MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING, made and entered into on the date shown on the signature page herein below, by and between the **CITY OF BROOK PARK** (hereinafter referred to as "Brook Park") and the **CITY OF MIDDLEBURG HEIGHTS** (hereinafter referred to as "Middleburg Heights");

WHEREAS, Brook Park and Middleburg Heights are entering into a joint venture for the establishment of an off the leash dog park (hereinafter "Dog Park"), located in the City of Middleburg Heights, Ohio at 18825 Sheldon Road; and

WHEREAS, the Brook Park and Middleburg Heights are desirous of memorializing in writing their negotiated agreement concerning this proposed activity, pursuant to various, several and certain terms and conditions negotiated to agreement by and between themselves, and herein-after set forth in this instrument.

NOW, THEREFORE, in consideration of the terms and conditions hereinafter set out in this Agreement, and for other good, valuable and sufficient consideration, the receipt and sufficiency of which is hereby acknowledged by the parties hereto, Brook Park and Middleburg Heights do hereby mutually covenant and agree that:

1. Brook Park shall match Middleburg Heights' contribution of \$35,000.00 in 2020 for the capital budget for the establishment of the Dog Park. The amount contributed by the City of Brook Park shall not exceed \$35,000.00. All other expenses shall be the responsibility of the voluntary organization operating the Dog Park.
2. Phase One of the Dog Park shall include excavation/dirt/pea gravel/stone, fencing, plumbing facilities, trash cans and signage.



3. Bylaws and day to day operations are the responsibility of the Midpark Barkers Advisory Committee consisting of an equal number of members from each city and other volunteer organizations.
4. The aforesaid property shall be leased to the volunteer organization for the amount of \$10.00 per year; the lease shall be for a one- year period beginning in 2020 and after the one year period may be renewed at the same rate of \$10.00 per year if all parties are in agreement that the Dog Park shall continue to operate.
5. Middleburg Heights shall be responsible for the pick-up of refuse cans, customary inspections (to maintain good order), and grass and weed cutting.
6. Any repairs needed to the fencing and/or grounds of the dog park as the result of ordinary and normal use shall be the responsibility of Middleburg Heights. Any repairs made to the dog park as a result of unforeseen prior damage, age or construction shall be the responsibility of Middleburg Heights.
7. For the duration of this Agreement, Middleburg Hts. shall maintain adequate insurance on the Dog Park and said insurance will name Brook Park as an additional insured on its policy. The insurance will include liability coverage of \$1,000,000.00 combined single limit with an umbrella policy in an amount of not less than \$5,000,000.00 over the primary coverage. The parties agree that each year Brook Park shall reimburse Middleburg Heights one-half, of the amount paid by

deductible payment is required to be paid then the parties shall divide the amount equally.

8. Upon approval by the parties, this Memorandum of Understanding shall become effective and remain in force for one year thereafter. Either party may terminate this Memorandum of Understanding by giving the other party written notice at least thirty (30) days prior to its expiration date. In the event that neither party exercises the right to terminate this Memorandum of Understanding then it shall automatically renew for one more year.
9. This Memorandum of Understanding constitutes the entire agreement between the parties regarding the subject matter and all prior conversations and writing are merged herein and it shall not be modified unless in writing and duly executed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, this \_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF BROOK PARK:

CITY OF MIDDLEBURG  
HEIGHTS

\_\_\_\_\_  
By: MICHAEL GAMMELLA  
Title: Mayor

\_\_\_\_\_  
By: MATT CASTELLI  
Title: Mayor