

NOTES:

1. Due to the COVID-19 pandemic all upcoming for Regular or Special Council meetings; Governor DeWine's directive for meetings and social distancing will strictly be enforced.
2. The public is encouraged to email comments related to agenda items or general communications to the Clerk of Council, Michelle Blazak, email address mblazak@cityofbrookpark.com by 4:30 p.m. the day of said meeting. All emails received will be shared with all elected officials and either read at said meeting or attached to the minutes' journal.

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON SEPTEMBER 1, 2020
7:00 P.M.**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III. DISCUSSION:

IV. FINANCE COMMITTEE – CHAIRMAN, SCOTT:

1. AN ORDINANCE RETAINING AND EMPLOYING THE LAW FIRM OF ZASHIN & RICH, TO ACT AS CO-COUNSEL WITH THE LAW DIRECTOR IN LABOR RELATIONS AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
2. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE SPECIFICATIONS AND FURTHER AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT WITH THE LOWEST AND/OR BEST BIDDER TO RESTORE THE ROOF AND WALLS IN THE NATATORIUM AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

V. LEGISLATIVE COMMITTEE – CHAIRMAN, MENCINI:

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

2. A RESOLUTION RECOGNIZING THE MONTH OF SEPTEMBER AS PROSTATE CANCER AWARENESS MONTH IN THE CITY OF BROOK PARK, OHIO, AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio.

VI. SERVICE COMMITTEE - CHAIRMAN, SALVATORE:

1. 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, FOR A WEDD AND WENGLER BASIN FEASIBILITY STUDY AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

VI. ADJOURNMENT:

Posted 08/28/20

P/C 6/2/20 Finance
Sp. Caucus 8/11/20
1st R
2nd R
3rd R
B/C 8/11/20 Sp. Caucus
Caucus Prior 9/1/20

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
RETAINING AND EMPLOYING THE
LAW FIRM OF ZASHIN & RICH, TO ACT AS
CO-COUNSEL WITH THE LAW DIRECTOR IN LABOR RELATIONS,
AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park may employ attorneys to provide professional and legal services, acting as co-counsel with the Law Director; and

WHEREAS, the City has specialized issues, requiring specialized, technical and legal assistance employee-related and employee benefits-related matters; and

WHEREAS, the results of these matters will have a very significant fiscal and operational impact on the City; and

WHEREAS, the City has determined that certain technical, professional and legal assistance will enable it to participate more effectively in these matters; and

WHEREAS, Jonathan J. Downes, of Zashin & Rich will provide such technical, professional and legal assistance and have the necessary skills, experience and abilities to provide such assistance in the field of employee-related and employee benefits-related matters and representation of the City in all matters therein related.

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

SECTION 1: That the law firm of Zashin & Rich, is hereby retained to represent the City in all matters concerning employee-related and employee benefits-related, including but not limited to labor negotiations, arbitration, mediation and any other areas consistent with this specific area of law.

SECTION 2: The money needed for the aforesaid transaction shall be paid from the General Fund, No. 100; theretofore,

appropriated for said purposes.

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: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare in the City, and for the further reason to retain Jonathan J. Downes of the law firm Zashin & Rich; 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 from and after its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

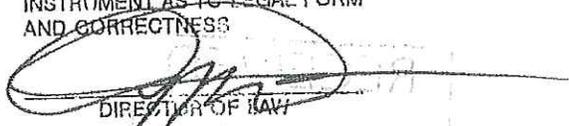
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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


DIRECTOR OF LAW

P/C 6/2/20 Finance
Sp. Caucus 8/11/20
1st R

CITY OF BROOK PARK, OHIO

2nd R
3rd R

ORDINANCE NO: _____

B/C 8/11/20 Sp. Caucus
Caucus Prior 9-1-20

INTRODUCED BY: MAYOR GAMMELLA

**AN ORDINANCE
AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE
TO PREPARE SPECIFICATIONS AND FURTHER AUTHORIZING
THE MAYOR TO ADVERTISE FOR BIDS AND TO
ENTER INTO A CONTRACT WITH THE LOWEST AND/OR BEST BIDDER
TO RESTORE THE ROOF AND WALLS IN THE NATATORIUM,
AND DECLARING AN EMERGENCY**

WHEREAS, the Recreation Center's pool area has significantly deteriorated, due to age and years of disuse; and

WHEREAS, when the City of Brook Park built the Natatorium, a vapor barrier or insulation was not placed between the brick façade and the masonry block on the exterior walls; and

WHEREAS, because of the lack of a vapor retarder or insulation on the exterior walls, serious water vapor has condensed on the outside wall causing damage to the walls; and

WHEREAS, it is necessary to replace the roof and install insulation to act as a vapor barrier, to assure continuous vapor control, and to restore the walls for the building to be used for the pool.

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 to prepare specifications for the restoration of the pool building, including the roof and wall replacement to assure continuous vapor control.

SECTION 2: The Mayor is hereby authorized to advertise for bids and to enter into a contract with the lowest and/or best bidder for the purchase of same.

SECTION 3: The money needed for the aforesaid transaction

shall be paid from funds theretofore appropriated for said purpose.

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 replace the pool building's roof and repair the façade to assure continuous vapor control, therefore this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: _____

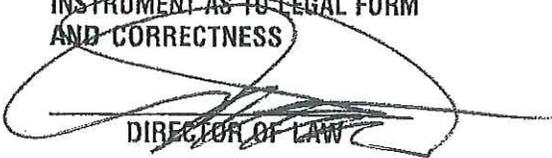
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

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AND CORRECTNESS

DATE



DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

ORDINANCE NO _____

INTRODUCED BY: Council President Vecchio

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

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

WHEREAS, various ordinances and a resolution of a general and permanent nature that have been passed by Council since the date of the last updating and revision of the Codified Ordinances (December 31, 2018) have been included in the Codified Ordinances of the City; and

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

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

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

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
11058-2019	1-22-19	1323.03
11059-2019	1-22-19	1414.01 to 1414.08, 1414.99
11065-2019	3-5-19	1333.01 to 1333.04, 1333.06 to 1333.09
11077-2019	4-16-19	1803.35, 1806.02, 1806.06
11086-2019	5-21-19	Repeals Ch. 1308
11087-2019	5-21-19	Repeals Ch. 1362
11088-2019	5-21-19	Repeals Ch. 1363
11089-2019	5-21-19	Repeals 1407.13
11090-2019	5-21-19	1360.01 to 1360.57, 1360.99
11091-2019	5-21-19	1361.01 to 1361.133
11092-2019	5-21-19	525.16

11100-2019	7-2-19	153.01
11101-2019	7-2-19	141.02
11106-2019	7-22-19	141.02
11120-2019	10-15-19	331.38
11121-2019	10-15-19	933.04
11122-2019	10-15-19	554.01 to 554.10
11123-2019	10-15-19	132.02, 132.03, 132.05
11129-2019	11-19-19	163.01 to 163.04
11130-2019	10-15-19	509.13
11131-2019	11-6-19	140.02
11133-2019	11-19-19	1121.29
11136-2019	1-7-20	933.99
11137-2019	12-3-19	1414.02
11139-2019	1-21-20	1124.08, 1124.09

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

301.04, 301.105, 301.20, 301.255, 301.375, 301.51, 303.06, 303.99, 313.09, 331.03, 331.14, 331.15, 331.37, 333.03, 335.01, 335.074, 335.09, 337.27, 339.01, 339.07, 375.08, 501.01, 501.09, 509.03, 513.01, 513.02, 513.03, 513.04, 513.07, 513.12, 513.15, 517.12, 529.07, 533.04, 533.26, 537.001, 537.02, 537.16, 549.01, 549.15, 553.08

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

- (a) The enactment of the 2020 Replacement Pages for the Codified Ordinances shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to January 21, 2020.

SECTION 4. Pursuant to R.C. § 731.23 and 731.25 and Section 123.01 of the Codified Ordinances, the Clerk of Council shall post a notice of the enactment of this ordinance, containing the title of this ordinance, together with a summary of the new matter

contained in the 2020 Replacement Pages hereby approved, adopted and enacted, a copy of which Summary is attached hereto as Exhibit A, for a period of not less than fifteen days in the six public places provided in Section 123.01.

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

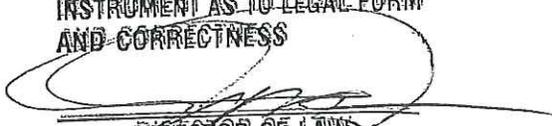
PASSED: _____

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

EXHIBIT A

SUMMARY OF NEW MATTER CONTAINED IN THE 2020 REPLACEMENT PAGES FOR THE CODIFIED ORDINANCES OF BROOK PARK, OHIO

New matter in the Codified Ordinances of Brook Park, Ohio, as contained in the 2020 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
301.04	Definition of bicycle; motorized bicycle or moped.
301.105	Definition of electric bicycle.
301.20	Definition of motor vehicle.
301.255	Definition of predicate motor vehicle or traffic offense.
301.375	Definition of shared-use path.
301.51	Definition of vehicle.
303.06	Prohibitions against pedestrians and slow-moving vehicles on freeways.
303.99	General traffic penalty.
313.09	Ambiguous or non-working traffic signals.
331.03	Rules governing overtaking and passing of vehicles.
331.14	Turn and stop signals.
331.15	Hand and arm signals.
331.37	Driving upon sidewalks, tree lawns or curbs. Maximum
333.03	speed limits; assured clear distance ahead. Driver's
335.01	license or commercial driver's license required.
335.074	Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.
335.09	Display of license plates; expired or unlawful plates. Drivers
337.27	and passengers required to wear seat belts; penalty.
339.01	Oversize or overweight vehicle operation on State routes; State permit.
339.07	Towing requirements; exception to size and weight restrictions.
375.08	Motorized bicycle operation, equipment and license.
501.01	Definitions relating to general offenses.
501.09	Attempts.
509.03	Disorderly conduct; intoxication.
513.01	Definitions relating to drug offenses.
513.02	Trafficking in controlled substances; gift of marijuana.
513.03	Drug possession offenses.
513.04	Possession of drug abuse instruments.
513.07	Possessing or using harmful intoxicants.
513.12	Drug paraphernalia.
513.15	Sale of pure caffeine product.
517.12	Skill-based amusement machines; prohibited conduct.
529.07	Open container prohibited.
533.04	Sexual imposition.
533.26	Nonconsensual dissemination of private sexual images.

<u>Section</u>	<u>New or amended matter regarding:</u>
537.001	Definitions related to offenses against persons.
537.02	Vehicular homicide; vehicular manslaughter; vehicular assault.
537.16	Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products; transaction scans.
549.01	Definitions related to weapons and explosives.
549.15	Concealed handgun licenses; possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession.
553.08	Railroad vandalism; criminal trespass; interference with operation of train; grade crossing device vandalism.

CITY OF BROOK PARK, OHIO

RESOLUTION NO. _____

INTRODUCED BY: COUNCL PRESIDENT VECCHIO

A RESOLUTION
RECOGNIZING THE MONTH OF SEPTEMBER AS PROSTATE
CANCER AWARENESS MONTH IN THE CITY OF BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY

WHEREAS, this year approximately 191,930 men will be diagnosed with prostate cancer in the United States alone and every year and roughly 33,300 will die this year from the disease; and

WHEREAS, in Ohio an estimated 7,030 new cases of prostate cancer will be diagnosed and an estimated 1,200 deaths will occur in 2020; and

WHEREAS, men with relatives—father, brother, son—with a history of prostate cancer are twice as likely to develop the disease; and

WHEREAS, prostate cancer is the second leading cause of cancer death in American men, behind only lung cancer; and

WHEREAS, men who served in the military who have been exposed to chemicals and herbicides are at a higher risk for developing prostate cancer; and

WHEREAS, one in nine men are diagnosed with prostate cancer in his lifetime. African American men are the highest risk for the disease with the rate of one in six and 2.2 times more likely to die from the disease; and

WHEREAS, education regarding prostate cancer and early detection strategies are critical to saving lives, preserving, and protecting our families. The economic and social hardship it has on the families is huge; Prostate cancer is estimated to cost over \$8 billion in direct medical expenditures; and

WHEREAS, nearly 3.1 million men in the U.S. are living with a prostate cancer diagnosis; that number is estimated to climb to 4 million by 2024 as men in the baby boomer generation age; and

WHEREAS, all men are at risk of prostate cancer and we encourage the citizens of the City of Brook Park to understand the importance of prostate screening, and have screenings as recommended by their healthcare professionals.

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

SECTION 1: That this Council does hereby designate the month of September, 2020 Prostate Cancer Awareness Month in Brook Park and urge men to have prostate screenings.

SECTION 2: The Clerk of Council is hereby directed to send a certified copy of this Resolution to Linda Hoetger, Prostate Cancer Advocate, 5809 Empire Mills Run, Canal Winchester, OH 43110.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City and to designate September 2020, as Prostate Cancer Awareness month; provided that this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

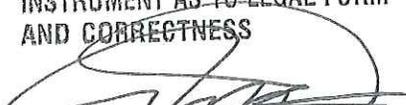
PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

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


DIRECTOR OF LAW

DATE

P/C 8/25/20 Service
Caucus Prior 9/1/2020
1st R
2nd R
3rd R
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

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, FOR A WEDO AND WENGLER BASIN
FEASIBILITY STUDY, 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 project proposed by the City of Brook Park to conduct a feasibility study for a Wedo and Wengler Basin; and

WHEREAS, the NEORS will reimburse funds up to \$33,800.00 to the City for this feasibility study.

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 project for a feasibility study for a Wedo and Wengler Basin, by and between the Northeast Ohio Regional Sewer District and the City of Brook Park, set forth in the Agreement attached hereto as Exhibit "1."

SECTION 2: The money needed for the aforesaid transaction shall be paid from funds theretofore appropriated for said purposes.

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 authorizing the Mayor to enter into an Agreement for a Community Cost-Share Wedo and Wengler Basin feasibility study 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

DATE

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AND CORRECTNESS



DIRECTOR OF LAW



**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 _____, 2020, 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 _____, 2020 (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 Wedo and Wengler Basin Feasibility Study (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 \$33,800.00 to the City for the Project from the City's Community Cost-Share Account.

2.1.2. Provide reimbursement of funds up to \$33,800.00 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

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:

Cyrus Patton
Associate 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:

WEDO AND WENGLER BASIN FEASIBILITY
STUDY

Total Approximate Cost: \$33,800.00

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

BUDGET CENTER 8100

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.

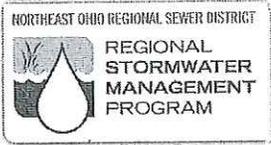


Sheila J. Kelly, Secretary
Board of Trustees
Northeast Ohio Regional Sewer District

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
216-433-7192

Phone Number: _____

Email: rgarner@cityofbrookpark.com

Project Information

Project Title: Wedo and Wengler Basin Feasibility Study

Address or Location of Project: PPN 343-06-126, 343-14-190 & 343-14-15
Wedo Park and Wengler Park (formerly)

Project Start Date: September 15, 2020

Project End Date: November 15, 2020

Community Cost-Share Fund Request: \$33,500.00

Submission Date: August 5, 2020



Project Narrative

1) Project Summary (1,000 word maximum)

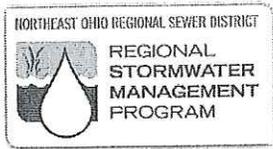
Describe the Project and include the following information, as applicable:

- 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.

Conduct a study to determine the feasibility and extent of the potential benefits of installing a storm water detention basin at Wedo Park (PPN 343-06-126) and/or the former Wengler Park (PPN 343-14-190 and PPN 343-14-151). A map of both areas is included at the end of this application.

Deliverables include Drainage Area Maps, TR-20 Hydrologic Calculations, Detention Basin Calculations, Preliminary Basin Layout Plans, Feasibility/Design Report and Preliminary Construction Cost Estimate.

No permitting is required for the Feasibility Study.

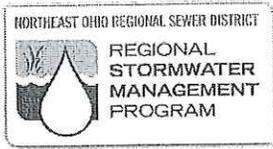


2) Ability to Provide Long Term Maintenance (500 word maximum)

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).

No long term maintenance is required for the Feasibility Study.



*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)?

The Feasibility Study will be shared with the City Administration and City Council. The results of the Study will be summarized and shared with City Council. Copies of the Study/Report will be made available.



*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.

Professional Services = \$33,500.00

Engineering and Surveying Man-Hour Estimate is included at the end of this 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	\$33,500.00	Engineering and Surveying (Euthenics, Inc.)
Personnel <i>(Member Community staff only)</i>		
Subcontract		
Equipment		
Materials		
Other		
TOTAL	\$ 33,500.00	



Cuyahoga County GIS Viewer



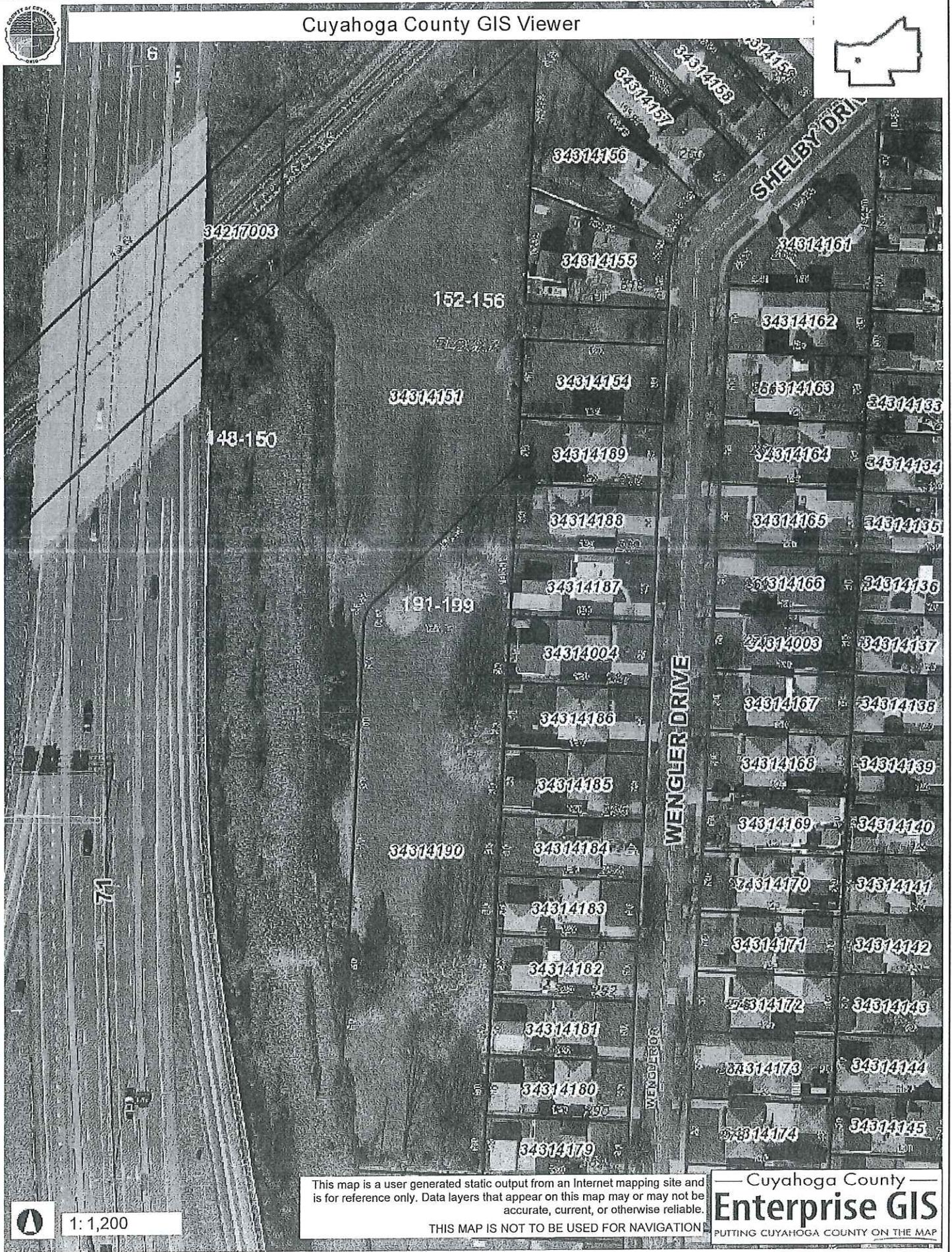
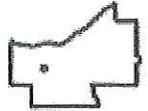
Cuyahoga County
Enterprise GIS
PUTTING CUYAHOGA COUNTY ON THE MAP

1:1,200

Date Created: 8/3/2020

THIS MAP IS NOT TO BE USED FOR NAVIGATION.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



1:1,200

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Cuyahoga County Enterprise GIS PUTTING CUYAHOGA COUNTY ON THE MAP

EUTHENICS, INC.
ENGINEERING AND SURVEYING SERVICES FOR A
FEASIBILITY STUDY REPORT, SITE LAYOUT PLANS AND
CONSTRUCTION COST ESTIMATE FOR THE WEDO PARK DETENTION
BASIN AND THE WENGLER DETENTION BASIN

PART I - FIELD SURVEY

Wengler/Hummel Road Area

Survey flowlines and sizes of storm sewers into Kolleda Ditch = 8 CH

Survey existing ground elevations around proposed Wengler Basin = 16 CH

Wedo/Shelby Drive Area

Survey miscellaneous ground and outlet storm sewer elevations = 12 CH

Total = 36 CH

PART II - FLOW CALCULATIONS

Drainage Area Maps = 20 MH

TR-20 Hydrologic Calculations for Q2 thru Q100 Storm Events = 16 MH

Detention Basin Hydraulic Calculations = 40 MH

Total = 76 MH

PART III - BASIN PRELIMINARY LAYOUT PLAN

Wengler Detention Basin (with R/W and Contour Mapping) = 32 MH

Wedo Detention Basin (with R/W and Contour Mapping) = 32 MH

Total = 64 MH

PART IV - DESIGN REPORT

Prepare and Compile Design Report = 24 MH

Total = 24 MH

PART V - CONSTRUCTION COST ESTIMATE

Prepare and Compile Construction Cost Estimate = 24 MH

Total = 24 MH

PART VI - SUPERVISION

Supervision = 12 MH

Total = 12 MH

PART VII - PRINTING AND CLERICAL

Printing and Clerical = 16 MH

Total = 16 MH

Sub-Total Part I = 36 CH

Sub-Total Part II through Part VII = 216 MH

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DISTRICT

WITH

CITY OF BROOK PARK

FOR

COMMUNITY COST-SHARE PROJECT:

WEDO AND WENGLER BASIN FEASIBILITY
STUDY

Total Approximate Cost: \$33,800.00

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

BUDGET CENTER 8100

Reference Material - 2 Pages

P/C 5/3/16 Service
CA 7/19/16
1st R 7/19/16
2nd R 8/2/16 amended
3rd R _____
B/C _____

Special
Special

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10032-2016

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE
AUTHORIZING THE MAYOR
TO ENTER INTO THE STORMWATER MANAGEMENT PROGRAM
SERVICE AGREEMENT WITH THE NORTHEAST OHIO REGIONAL
SEWER DISTRICT FOR IMPLEMENTATION OF ITS REGIONAL
STORMWATER MANAGEMENT PROGRAM,
AND DECLARING AN EMERGENCY

WHEREAS, the Northeast Ohio Regional Sewer District (District), pursuant to the authority of Ohio Revised Code Chapter 6119, and Title V of the District's Stormwater Management Code (Title V), is authorized to provide overall Stormwater Management of the Regional Stormwater System, including planning, financing, design, improvement, construction, inspection, monitoring, maintenance, operation, and regulation for the proper handling of stormwater runoff and the development and provision of technical support information and services to Member communities; and; and

WHEREAS, the district has been established as a regional governmental entity mandated to operate and maintain a Regional Stormwater System in the general area encompassing fully or partially the City of Brook Park; and

WHEREAS, flooding is a significant threat to public and private property; streambank erosion is a significant threat to public and private property, water quality, wildlife, and aquatic and terrestrial habitats; and inadequate stormwater management damages the water resources of Northeast Ohio, impairing the ability of these waters to sustain ecological and aquatic systems; and

WHEREAS, there is a manifest need for a watershed-based approach to stormwater management to effectively and efficiently plan, design, construct, and maintain long-term solutions to stormwater problems; and

WHEREAS, to ensure the consistent and coordinated delivery of District Regional Stormwater Management Program services within the City of Brook Park, a Stormwater Service Agreement between the District and the City of Brook Park is required.

Reference MATERIAL - 2 PAGES

Reference MATERIAL 2 PAGES

Reference MATERIAL 2 PAGES

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

SECTION 1: That this Council hereby authorizes the Mayor to enter into a Stormwater Management Program Service Agreement with the Northeast Ohio Regional Sewer District for implementation of its Regional Stormwater Management Program to ensure the consistent and coordinated delivery of District Stormwater Management Program services within the City of Brook Park.

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

SECTION 3: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to authorize the Mayor to enter into a Stormwater Management Program Service Agreement with the Northeast Ohio Regional Sewer District; 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 2, 2016

Jim Costigan
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
Clerk of Council

APPROVED: [Signature]
MAYOR
8/9/2016
DATE

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

[Signature]
DIRECTOR OF LAW

Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 16032-2016, as adopted by the Council of the City of Brook Park, Ohio, on August 2, 2016, and that publication of the Ordinance/Resolution was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975, to-wit: City Hall 6161 Engle Road; Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Menchini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Powers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Burgio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McCombs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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. 16032-2016 passed on the 2nd day of August, 2016 by said council.
Michelle Blazak
Clerk of Council

commencing August 10, 2016
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council