NOTES:

1. Due to the COVID-19 pandemic all upcoming Regular or Special 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 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.

REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, SEPTEMBER 15, 2020
7:30 P.M.

A. ROLL CALL OF MEMBERS:

B. PLEDGE OF ALLEGIANCE:

C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. SPECIAL COUNCIL MEETING HELD ON MAY 29, 2020.

2. SPECIAL CAUCUS MEETING HELD ON AUGUST 11, 2020.

3. SPECIAL COUNCIL MEETING HELD ON AUGUST 11, 2020.

D. REPORTS OF STANDING COMMITTEES:

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

E. REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center - Trustee, Orcutt
Berea Board of Education Representative, Mencini
Technology and Innovation Council Representative - Poindexter

F. REPORTS OF BOARDS AND COMMISSIONS:

G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

H. REPORTS AND COMMUNICATIONS FROM THE MAYOR:

I. REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS, AND OTHER PUBLIC OFFICIALS:

J. OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):

VERBAL APPROVAL:

1. FOLIO SUPPLEMENT UPDATE OF THE CODIFIED ORDINANCES TO THE CITY WEBSITE **(622.05)**.

2. CORRESPONDENCE RECEIVED AND REQUESTED TO BE READ FROM BROOK PARK RESIDENT.

K. MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

L. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

M. INTRODUCTION OF ORDINANCES AND RESOLUTIONS: FIRST READING:

1. ORDINANCE NO. 11165-2020, MAKING A WRITTEN RETURN TO THE FISCAL OFFICER OF CUYAHOGA COUNTY, OHIO, FOR CHARGES FOR THE SERVICES OF THE CITY OF BROOK PARK, OHIO, FOR CUTTING WEEDS ON CERTAIN PARCELS OF LAND DESCRIBED HEREIN AND AUTHORIZING SAID CHARGES TO BE PLACED UPON THE TAX DUPLICATE AND COLLECTED AS OTHER TAXES PURSUANT TO SECTION 731. 54 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

2. ORDINANCE NO. 11166-2020, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GOVDEALS.COM FOR THE PURCHASE OF AUCTIONING VARIOUS FILE CABINETS, EXERCISE EQUIPMENT AND MISCELLANEOUS EQUIPMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

M. INTRODUCTION OF ORDINANCES AND RESOLUTIONS: FIRST READNG: CONT.

3. ORDINANCE NO. 11167-2020, AUTHORIZING THE MAYOR TO TAKE BIDS TO HIRE A CONSULTING COMPANY TO GIVE THE CITY AN ESTIMATE TO REPAIR THE NATATORIUM WALLS AND ROOF AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

4. ORDINANCE NO. 11168-2020, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT OF COOPERATION WITH THE COUNTY OF CUYAHOGA FOR THE RESURFACING OF SHELDON ROAD (COUNTY ID#1285) AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

5. RESOLUTION NO. 16-2020, ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

N. SECOND READING OF ORDINANCES AND RESOLUTIONS:

O. THIRD READING OF ORDINANCES AND RESOLUTIONS:

P. ADJOURNMENT:

SYNOPSIS OF ORDINANCES AND RESOLUTIONS
FOR THE COUNCIL MEETING OF SEPTEMBER 15, 2020

FIRST READING:

Ord. No. 11165-2020 AN ORDINANCE MAKING A WRITTEN RETURN TO THE FISCAL OFFICER OF CUYAHOGA COUNTY, OHIO, FOR CHARGES FOR THE SERVICES OF THE CITY OF BROOK PARK, OHIO FOR CUTTING WEEDS ON CERTAIN PARCELS OF LAND DESCRIBED HEREIN, AND AUTHORIZING SAID CHARGES TO BE PLACED UPON THE TAX DUPLICATE AND COLLECTED AS OTHER TAXES PURSUANT TO SECTION 731.54 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY

SYNOPSIS: An ordinance to place weed cutting charges on tax duplicates to reimburse the City of Brook Park for expenses incurred.

Ord. No.11166-2020 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GOVDEALS.COM, FOR THE PURPOSE OF AUCTIONING OFF VARIOUS FILE CABINETS, EXERCISE EQUIPMENT AND MISCELLANEOUS EQUIPMENT, AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance to enter into an agreement with Govdeals.com for selling unused and/or obsolete items listed in the attachment via an on-line website.

Ord. No. 11167-2020 AN ORDINANCE AUTHORIZING THE MAYOR TO TAKE BIDS TO HIRE A CONSULTING COMPANY TO GIVE THE CITY AN ESTIMATE TO REPAIR THE NATATORIUM WALLS AND ROOF, AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing the Mayor to take bids for a consulting company to determine the cost of restoring the Natatorium's walls and roof.

Ord. No.11168-2020 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT OF COOPERATION WITH THE COUNTY OF CUYAHOGA FOR THE RESURFACING OF SHELDON ROAD (COUNTY ID#1285), AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing the Mayor to enter into an agreement with Cuyahoga County to resurface Sheldon Road.

Res. No.16-2020 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.

SYNOPSIS: A Resolution accepting the amounts and rates determined by the Budget Commission of Cuyahoga County.

PREPARED BY THE BROOK PARK LEGAL DEPARTMENT
SEPTEMBER 10, 2020

9-1-20 Finance
A 9-8-2020
1st R 9-15-20
2nd R
3rd R

CITY OF BROOK PARK, OHIO

Ordinance No. 11165-2020

Introduced by: MAYOR GAMMELLA

AN ORDINANCE MAKING A WRITTEN RETURN TO THE FISCAL OFFICER OF CUYAHOGA COUNTY, OHIO, FOR CHARGES FOR THE SERVICES OF THE CITY OF BROOK PARK, OHIO FOR CUTTING WEEDS ON CERTAIN PARCELS OF LAND DESCRIBED HEREIN, AND AUTHORIZING SAID CHARGES TO BE PLACED UPON THE TAX DUPLICATE AND COLLECTED AS OTHER TAXES PURSUANT TO SECTION 731.54 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY

WHEREAS, in accordance with upon written information that noxious weeds were growing on the following parcels of land within the City of Brook Park:

PERMANENT PARCEL NO.	LOCATION
343-21-140	15498 Bowfin Blvd.
344-27-011	14029 Park Drive
343-21-235	15604 Rademaker Blvd.
344-16-004	5764 West 130th Street
344-18-175	6052 Westbrook Drive
342-09-048	6189 Zehman Drive

and that said weeds were about to spread or mature seeds, the Council of the City of Brook Park, Ohio has heretofore authorized the Building Commissioner to notify said owners by written notice that said weeds were to be cut within forty-eight (48) hours after receipt thereof; and

WHEREAS, the Building Commissioner has caused written notices to be sent to the aforesaid property owners by posting a notice on the

property and/or by ordinary mail, notifying said owners to cut said weeds; and

WHEREAS, said owners failed to comply with said notices within the time allotted herein and the Council of this City authorized the Service Director to cause said weeds to be cut and destroyed; and

WHEREAS, said weeds were cut by said City on the aforesaid parcels of land; and

WHEREAS, the City expended the sum hereinafter set forth necessary labor and equipment or contracted for cutting and destroying said weeds; and

WHEREAS, the City has complied with the requirements of Section 731.51 to 731.53 of the Ohio Revised Code.

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

SECTION 1: That the Director of Finance for the City of Brook Park is hereby authorized to pay the total of the sums of money hereinafter set forth out of funds not otherwise appropriated to cover the cost and expenses of cutting noxious weeds on the parcels and land herein defined.

SECTION 2: That, in accordance with Section 731.54 of the Ohio Revised Code, the Council of the City of Brook Park, Ohio hereby makes and this ordinance shall be considered as its written return to the Fiscal Officer of Cuyahoga County, Ohio, of its actions under Section 731.54 to and including Section 731.53 if the Ohio Revised Code.

SECTION 3: That copies of the statements of charges of the services of the City of Brook Park, and the amounts paid for performing such labor, including overhead, for cutting weeds on the respective parcels of land described herein, are attached hereto, marked Exhibit "A", and considered a part hereof as if rewritten herein.

SECTION 4: That the description of the premises on which said weeds were cut are as heretofore set forth in the preamble hereof, and the respective charges for said services on the following permanent parcels are as follows:

PERMANENT PARCEL NO.	CHARGES
343-21-140	$600.00
344-27-011	$1,500.00

343-21-235	$2,400.00
344-16-004	$1,200.00
344-18-175	$3,900.00
342-09-048	$600.00

SECTION 5: That, in accordance with Section 731.54 of the Ohio Revised Code, the Fiscal Officer of Cuyahoga County, Ohio be and is hereby directed to enter the aforesaid charges upon the tax duplicate of the hereinbefore described parcels of land as liens upon said parcels of land, and such items shall be collected as other taxes and returned to the City of Brook

SECTION 6: The Clerk of Council is hereby authorized to furnish a certified copy of this Ordinance to the Fiscal Officer of Cuyahoga County.

SECTION 7: It is found and determined that all formal actions of this Council concerning and relating to this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 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 that it is immediately necessary to certify this amount to the County Fiscal Officer for collection before September 10, 2020, for the benefit of the residents of the City of Brook Park; 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: _____ APPROVED: _____

Clerk of Council MAYOR

_____

DATE

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

DIRECTOR OF LAW

EXHIBIT "A"

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

September 10, 2020

15498 Bowfin Blvd.
Brook Park, Ohio 44142

Weed cutting cost on Cuyahoga County Fiscal Officer's
Permanent Parcel No. 343-21-140 BALANCE: $600.00

Grass and Weeds Cut – 18 June, 1 July, 2020

14029 Park Drive
Brook Park, Ohio 44142

Weed cutting cost on Cuyahoga County Fiscal Officer's
Permanent Parcel No. 344-27-011 BALANCE: $1,500.00

Grass and Weeds Cut – 5 May, 4 June, 19 June, 2 July, 24 July, 2020

15604 Rademaker Blvd.
Brook Park, Ohio 44142

Weed cutting cost on Cuyahoga County Fiscal Officer's
Permanent Parcel No. 343-21-235 BALANCE: $2,400.00

Grass and Weeds Cut – 5 August, 21 August, 12 September, 27 September, 2018, 22 May, 4 June, 18 June, 30 June, 2020

5764 West 130th Street
Brook Park, Ohio 44142

Weed cutting cost on Cuyahoga County Fiscal Officer's
Permanent Parcel No. 344-16-004 BALANCE: $1,200.00

Grass and Weeds Cut 2 June, 15 June, 2 July, 21 July, 2020

6052 Westbrook Drive
Brook Park, Ohio 44142

Weed cutting cost on Cuyahoga County Fiscal Officer's
Permanent Parcel No. 344-18-175 BALANCE: $3,900.00

Grass and Weeds Cut 13
June, 25 June 10 July, 24 July, 6 August, 20 August, 4 September, 20 September, 1 October, 16 October 2018, and 31 May, 11 June, 19 June, 2019

6189 Zehman Drive
Brook Park, Ohio 44142
Permanent Parcel No. 342-09-048 BALANCE: $600.00

Grass and Weeds Cut 21 August, 12 September 2019

P/C 6-16-20 Recession
CA 9-8-20
1st R 9-15-20
2nd R
3rd R
P/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11166-2020

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GOVDEALS.COM, FOR THE PURPOSE OF AUCTIONING VARIOUS FILE CABINETS, EXERCISE EQUIPMENT AND MISCELLANEOUS EQUIPMENT, AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park needs to dispose of file cabinets, exercise equipment and other miscellaneous equipment; and

WHEREAS, GovDeals.com provides services to various government agencies that allow them to sell surplus and confiscated items via the internet; and

WHEREAS, it is in the best interest of the City of Brook Park that we enter into an agreement with GovDeals.com;

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 and directed to enter into an agreement with GovDeals.com, for the purpose of auctioning file cabinets, exercise equipment, and other miscellaneous equipment as listed in Exhibit A attached hereto.

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 provide for an agreement between GovDeals.com, and the City of Brook Park; 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: _____ APPROVED: _____
Clerk of Council MAYOR

_____
DATE

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

_____
DIRECTOR OF LAW

EXHIBIT A

WEIGHT, FITNESS & OFFICE EQUIPMENT INVENTORY (CITY AUCTION)

#	Item Name	Description	Serial Or City Number
1.	Cybex Seated Bike	Grey & Black	City #: 10018
2.	Cybex Back Ext. Station	Grey	Serial #: 5411-90
3.	Schwinn Airdyne	Tan (Missing Seat)	City #: 7429
4.	Precor Treadmill	Grey	Serial #: AMWZF23110009
5.	Precor Treadmill	Grey	Serial #: AMWZF23110010
6.	Cybex Treadmill	Grey (Broken)	City #: 10571
7.	Cybex Treadmill	Grey (Broken)	City #: 10028
8.	Cybex Treadmill	Grey (Broken)	City #: 10025
9.	Cybex Seated Bike	Grey & Black	City #: 10016
10.	Cybex Stepper	Grey & Black	City #: 10014
11.	Cybex Stepper	Grey & Black	City #: 10012
12.	Cybex Stepper	Grey & Black	Serial #: 10-012440266
13.	Cybex Stationary Bike	Grey & Black	City #: 10019
14.	True 750R Seated Bike	Black	Serial #: TR-7508
15.	Cybex Seated Bike	Black & Grey	City #: 10017
16.	Free Weight Hip Sled	Grey	City #: 8452
17.	Trotter Decline Bench	Black	Serial #: 9315645
18.	Seated Cable Row Unit	Grey & Black	City #: 10472
19.	Dip Station Unit	Grey	No ID Number
20.	Lat Pull Down Cable Machine	Chrome	Serial #: 003371
21.	Precor Hip Sled	Grey & Black	City #: 10317
22.	Cybex Bike	Grey & Black	City #: 10021
23.	Schwinn Airdyne	Grey (Airdyne comp.)	No ID Number
24.	Cybex Bike	Grey & Black	City #: 10020
25.	True 750 EA Elliptical	Black	City #: 9960
26.	Schwinn Airdyne	Black (Missing Seat)	Serial #: 3530012GIA
27.	Cyber Arc Elliptical Trainer	Grey & Black	City #: 10010
28.	Trotter Cable Station	2pc. Grey	Serial #: 9738008
29.	True 750 Elliptical	Black (Broken)	No ID Number
30.	Cybex Treadmill	Grey & Black (Broken)	City #: 10572
31.	True 750 EA Elliptical	Black (Broken)	Serial #: TE-7508-00EL1531D
32.	Cybex Treadmill	Grey & Black (Broken)	City #: 10027
33.	Cybex Treadmill	Grey & Black (Broken)	City #: 10024
34.	Cybex Treadmill	Black & Grey (Broken)	City #: 10029
35.	Cybex Treadmill	Black & Grey (Broken)	City #: 10026
36.	Precor Treadmill	Grey (Broken)	Serial #: AMWZF09110065
37.	Free Weight Plate Rack	Grey	No ID Number
38.	Nautilus AR500	Black & Yellow (Broken)	Serial #: 033487

WEIGHT, FITNESS & OFFICE EQUIPMENT INVENTORY (CITY AUCTION)

39.	True 750 R Seated Bike	Black (Broken)	City #: 2954
40.	True 750 R Seated Bike	Black (Broken Peddle)	No ID Number
41.	Cybex Arc Trainer	Black	City #: 10011
42.	4 Drawer Filing Cabinet	Black	City #: 2395
43.	4 Drawer Filing Cabinet	Black	City #: 5178
44.	4 Drawer Filing Cabinet	Black	City #: 7178
45.	4 Drawer Filing Cabinet	Black	City #: 2396
46.	4 Drawer Filing Cabinet	Black	No ID Number
47.	4 Drawer Filing Cabinet	Black	No ID Number
48.	4 Drawer Filing Cabinet	Black	No ID Number
49	Portable Basketball Hoop	Blue & Silver	No ID Number
50	Portable Basketball Hoop	Blue & Silver	No ID Number

FTC 9-1-20 Recreation
CA 9-8-20
1st R 9-15-20
2nd R
3rd R

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11167-2020

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE MAYOR TO TAKE BIDS TO HIRE A CONSULTING COMPANY TO GIVE THE CITY AN ESTIMATE TO REPAIR THE NATATORIUM WALLS AND ROOF, AND DECLARING AN EMERGENCY

WHEREAS, the roof and walls of the Natatorium are in desperate need of repair; and

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

SECTION 1: Authorization is given to the Mayor to advertise for bids to fix and repair the Natatorium roof and walls.

SECTION 2: Such bids will be for a vapor barrier and without a vapor barrier.

SECTION 3: Such bids will also include lowering the current roof.

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

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 for the further reason to determine the costs and optimal method to repair the Natatorium walls and roof, 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

_____
DIRECTOR OF LAW

RECEIVED

P/C 9-1-20 SERVICE
CA 9-8-20 - amended
1st R 9-15-20
2nd R
3rd R
E.C.

CITY OF BROOK PARK, OHIO

ORDINANCE NO. 11168-2020

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT OF COOPERATION WITH THE COUNTY OF CUYAHOGA
FOR THE RESURFACING OF SHELDON ROAD (COUNTY ID #1285)
AND DECLARING AN EMERGENCY

An emergency ordinance enacted by the City of Brook Park, Cuyahoga County, Ohio hereinafter referred to as the MUNICIPALITY, in the matter of the hereinafter described improvement and requests the cooperation of the County of Cuyahoga, Ohio, hereinafter referred to as the COUNTY.

WHEREAS, the MUNICIPALITY has recognized the need for and proposes the improvement of a portion of public highway which is described as follows:

The resurfacing of Sheldon Road from Engle Road to Smith Road.

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

A. CONSENT

1. That it is declared to be in the public interest that the consent of said MUNICIPALITY be and such consent is hereby given to the COUNTY to construct the above described improvement in accordance with plans, specifications and estimates approved by the COUNTY.

B. COOPERATION

1. That the MUNICIPALITY will cooperate with the COUNTY in the resurfacing of Sheldon Road from Engle Road to Smith Road.

2. That the COUNTY will arrange for the preparation of construction plans and specifications, including necessary engineering reports for improvement, under the current Cuyahoga County standards for construction of County roads and bridges.

3. That the COUNTY will arrange for the supervision and administration of the construction project.

C. FUNDING

1. That the MUNICIPALITY hereby agrees to participate with the COUNTY in the cost of the improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the COUNTY portion of the project.

2. That if the project is financed with State or Federal-aid funds, eligible costs of the improvement shall be financed from the aforesaid funds.

3. That if funds administered by the Ohio Public Works Commission are used for this project, the amount of such funds will be deducted from designated project costs prior to the application of the participatory percentages specified in the Ordinance.

4. Within the Corporate limits of the MUNICIPALITY, the MUNICIPALITY shall contribute forty percent (40%) and the COUNTY shall contribute sixty percent (60%) of the cost of the preparation of construction plans and specifications, including necessary engineering reports for the improvement.

5. Within the Corporate limits of the MUNICIPALITY, the MUNICIPALITY shall contribute fifty percent (50%) of the Non-Federal Share of the cost of construction, and construction supervision.

6. That the MUNICIPALITY agrees to deposit with the Treasurer of Cuyahoga County the MUNICIPALITY'S share of the estimated cost of the project or agrees to enter into an escrow agreement with the County of Cuyahoga, Ohio prior to an award of a contract for the improvement.

D. <u>MAINTENANCE</u>

That upon completion of said improvement, said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for such maintenance; and

2. Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the COUNTY and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and

3. That the COUNTY shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the improvement in accordance with the applicable sections of the Ohio Revised Code.

4. After construction of the project is complete, the Municipality agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency (O.E.P.A.).

E. <u>TRAFFIC</u>

That upon completion of said improvement said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and

2. That the street or highway shall be and hereby is designated a through highway as provided in Section 4511.07(A)(6) Ohio Revised Code; and

3. That stop signs affecting the movement of traffic on said street or highway within the roadway being improved shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met; and

4. That no rule or regulation shall be enacted restricting the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage shall be rescinded; and

5. The MUNICIPALITY shall regulate parking in the following manner: Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code unless otherwise controlled by local ordinance or resolution.

F. RIGHT-OF-WAY

1. That all existing street and public right-of-way within the MUNICIPALITY which is necessary for the aforesaid improvement shall be made available therefore.

2. That in the event any additional right-of-way is required, the COUNTY will arrange for the acquisition.

G. UTILITIES

1. That the MUNICIPALITY will make arrangements with and obtain agreements from all privately owned public utility companies whose lines or structures will be affected by the said improvement, and said companies have agreed to make any and all necessary arrangements in such a manner as to be clear of any construction called for by the plans of said improvement, and said companies have agreed to make such necessary rearrangements immediately after notification by said MUNICIPALITY.

2. That the COUNTY will participate in the cost of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

3. That it is hereby agreed that the MUNICIPALITY shall, at its own expense, make all rearrangements of governmentally-owned utilities and/or appurtenances thereto which do not comply with the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the said improvement.

4. That the construction, reconstruction, an/or rearrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement, and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provision of the Ohio Department of Transportation Construction and Material Specifications.

H. MISCELLANEOUS

1. That if the COUNTY is formally requested by a MUNICIPAL RESOLUTION to include the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the improvement), sidewalks, alternate bid items, or other items in the improvement that are in addition to those now existing and not provided for elsewhere in this Agreement, the COUNTY will do so, provided that this construction meets with the approval of the County and the MUNICIPALITY involved in this improvement; and that the MUNICIPALITY agrees to pay, or make arrangements for the payment of, the cost of said additional construction, the cost of preliminary and design engineering, and construction supervision.

2. That the MUNICIPALITY shall be solely responsible for the certifications or obligations made or agreed to in Sections F-1, G-1, G-3, and G-4 and hereby agrees that the COUNTY shall be and is hereby released from any and all damages or claims of the MUNICIPALITY arising from or growing out of the certifications or obligations made or agreed to in said Sections F-1, G-1, G-3, and G-4 hereinabove.

3. For the purpose of this Ordinance, the agent for the COUNTY and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

4. By enacting this Ordinance, the MUNICIPALITY agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The MUNICIPALITY also agrees on behalf of the aforementioned entities and persons, to be bound by the provisions of Chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic signature policy of Cuyahoga County.

I. AUTHORITY TO SIGN

1. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to enter into agreements with the COUNTY necessary to complete the planning and construction of this improvement.

2. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to make application to the County of Cuyahoga, Ohio for approval to use County Motor Vehicle License Tax Funds for the improvement.

J. OPEN MEETINGS

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.

K. EMERGENCY MEASURE

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of said City, 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: _____ APPROVED: _____
CLERK OF COUNCIL MAYOR

_____
DATE

****

CERTIFICATE OF COPY

State of Ohio)
County of Cuyahoga) SS.
City of Brook Park)

I, _____, as Clerk of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the legislative Authority of the said municipality on the _____ day of _____, 20___, that the publication of such Ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance have been taken; and that such Ordinance and certificate of publication thereof are of record in Ordinance Record No. _____, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this _____ day of _____, 20____.

_____
Clerk
City of Brook Park, Ohio

MUNICIPAL SEAL

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

DIRECTOR OF LAW

July 09, 2020

Honorable Mayor and Council
City of Brook Park
6161 Engle Road
Brook Park, OH 44142

RE: Resurfacing of Sheldon Road from Engle Road to Smith Road in the Cities of Brook Park and Middleburg Heights
County ID #1285

Dear Mayor and Members of Council:

We are happy to provide County assistance for improving the above referenced roadway. Subject to the receipt of federal funding, the County is willing to sponsor the resurfacing project as shown in the enclosed Agreement. The County will work with you to program the project through ODOT, arrange for the preparation of construction plans and specifications, including necessary engineering reports, and for the supervision and administration of the construction contract. It is anticipated that this project will be bid in 2024.

Enclosed herein please find:

1. One (1) copy of an Agreement of Cooperation between the County of Cuyahoga, Ohio, and the City of Brook Park; and
2. One (1) copy of an Ordinance of consent; and
3. One (1) copy of Motor Vehicle License Tax Application MPD 1-72.

Please disregard the letter and attachments dated June 24th; this letter and enclosed attachments replace what was previously sent. A paragraph was added to both the Agreement of Cooperation and the Ordinance regarding design participation costs.

Please properly execute and return all documents to this office for further processing. The County requests that the City does not alter the enclosures. If you have any further questions, please contact me.

Sincerely,

Nichole English, P.E.
Chief Planning and Programming Engineer

Encl/As Noted
lw

AGREEMENT

Between the County of Cuyahoga, Ohio and City of Brook Park for the resurfacing of Sheldon Road from Engle Road to Smith Road

This agreement made and entered into this _____ day of _____, 20___, by and between the County of Cuyahoga, Ohio, (the "COUNTY"), and the City of Brook Park (the "MUNICIPALITY") by its Mayor, having been duly authorized to enter into said agreement by Ordinance No. _____ adopted by Council of the City of Brook Park on the _____ day of _____, 20____.

WITNESSETH:

WHEREAS, the MUNICIPALITY has recognized the need for and proposes the improvement of a portion of public highway which is described as follows:

The resurfacing of Sheldon Road from Engle Road to Smith Road.

NOW THEREFORE, in consideration of the covenants and agreements herein contained to be performed by the parties hereto, it is mutually agreed between the parties hereto as follows:

A. **CONSENT**

1. That it is declared to be in the public interest that the consent of said MUNICIPALITY be and such consent is hereby given to the COUNTY to construct the above described improvement in accordance with plans, specifications and estimates approved by the COUNTY.

B. **COOPERATION**

1. That the MUNICIPALITY will cooperate with the COUNTY in the resurfacing of Sheldon Road from Engle Road to Smith Road.

2. That the COUNTY will arrange for the preparation of construction plans and specifications, including necessary engineering reports for improvement, under current Cuyahoga County standards for construction of County roads and bridges.

3. That the COUNTY will arrange for the supervision and administration of the construction project.

C. **FUNDING**

1. That the MUNICIPALITY hereby agrees to participate with the COUNTY in the cost of the improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the COUNTY portion of the project.

2. That if the project is financed with State or Federal-aid funds, eligible costs of the improvement shall be financed from the aforesaid funds.

3. That if funds administered by the Ohio Public Works Commission are used for this project, the amount of such funds will be deducted from designated project costs prior to the application of the participatory percentages specified in this Agreement.

4. Within the corporate limits of the MUNICIPALITY, the MUNICIPALITY will be responsible for forty percent (40%), and the COUNTY will be responsible for sixty percent (60%), of the cost of the preparation of construction plans and specifications, including necessary engineering reports for the improvement.

5. Within the Corporate limits of the MUNICIPALITY, the MUNICIPALITY shall contribute fifty percent (50%) of the Non-Federal Share of the cost of construction, and construction supervision.

6. That the MUNICIPALITY agrees to deposit with the Treasurer of Cuyahoga County the MUNICIPALITY'S share of the estimated cost of the project or agrees to enter into an escrow agreement with the County of Cuyahoga, Ohio prior to an award of a contract for the improvement.

D. **MAINTENANCE**

That upon completion of said improvement said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for such maintenance; and

2. Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the COUNTY and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and

3. That the COUNTY shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the improvement in accordance with the applicable sections of the Ohio Revised Code.

4. After construction of the project is complete, the Municipality agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency (O.E.P.A.).

E. **TRAFFIC**

That upon completion of said improvement said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and

2. That the street or highway shall be and hereby is designated a through highway as provided in Section 4511.07(A)(6) Ohio Revised Code; and

3. That stop signs affecting the movement of traffic on said street or highway within the roadway being improved shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met; and

4. That no rule or regulation shall be enacted restricting the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage shall be rescinded; and

5. The MUNICIPALITY shall regulate parking in the following manner: Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

F. **RIGHT-OF-WAY**

1. That all existing street and public right-of-way within the MUNICIPALITY which is necessary for the aforesaid improvement shall be made available therefore.

2. That in the event any additional right-of-way is required, the MUNICIPALITY will arrange for the acquisition.

G. **UTILITIES**

1. That the MUNICIPALITY will make arrangements with and obtain agreements from all privately-owned public utility companies whose lines or structures will be affected by the said improvement and said companies have agreed to make any and all necessary arrangements in such a manner as to be clear of any construction called for by the plans of said improvement, and said companies have agreed to make such necessary arrangements immediately after notification by said MUNICIPALITY.

2. That the COUNTY will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility

Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

3. That it is hereby agreed that the MUNICIPALITY shall, at its own expense, make all rearrangements of governmentally-owned utilities and/or appurtenances thereto which do not comply with the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the said improvement.

4. That the construction, reconstruction, and/or rearrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provision of the Ohio Department of Transportation Construction and Material Specifications.

H. MISCELLANEOUS

1. That if the COUNTY is formally requested by a MUNICIPAL RESOLUTION to includes the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the improvement), sidewalk, alternate bid items, or other items in the improvement that are in addition to those now existing and not provided for elsewhere in this Agreement, the COUNTY will do so, provided that this construction meets with the approval of the COUNTY and the MUNICIPALITY involved in this improvement ; and that the MUNICIPALITY agrees to pay, or make arrangements for the payment of, the cost of said additional construction and the cost of preliminary and design engineering, and construction supervision.

2. That the MUNICIPALITY shall be solely responsible for the certifications or obligations made or agreed to in Sections F-1, G-1, G-3, and G-4, and hereby agrees that the COUNTY shall be and is hereby released from any and all damages or claims of the MUNICIPALITY arising from or growing out of the certifications or obligations made or agreed to in said Sections F-1, G-1, G-3 and G-4 hereinabove.

3. For the purpose of this Agreement, the agent for the COUNTY and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

4. By entering into this Agreement I agree on behalf of the City of Brook Park, to conduct this transaction by electronic means by agreeing that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. I also agree on behalf of the aforementioned entities and persons, to be bound by the provisions of Chapter 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of the County.

IN WITNESS WHEREOF, the Parties hereto have affixed their signatures the day and year mentioned above.

City of Brook Park

By:_____
Mayor

County of Cuyahoga, Ohio

BY _____
Armond Budish, County Executive

Sheldon Road

ORDINANCE NO:_____ DATE:_____

An emergency ordinance enacted by the City of Brook Park, Cuyahoga County, Ohio hereinafter referred to as the MUNICIPALITY, in the matter of the hereinafter described improvement and requests the cooperation of the County of Cuyahoga, Ohio, hereinafter referred to as the COUNTY.

WHEREAS, the MUNICIPALITY has recognized the need for and proposes the improvement of a portion of public highway which is described as follows:

The resurfacing of Sheldon Road from Engle Road to Smith Road.

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

A. **CONSENT**

1. That it is declared to be in the public interest that the consent of said MUNICIPALITY be and such consent is hereby given to the COUNTY to construct the above described improvement in accordance with plans, specifications and estimates approved by the COUNTY.

B. **COOPERATION**

1. That the MUNICIPALITY will cooperate with the COUNTY in the resurfacing of Sheldon Road from Engle Road to Smith Road.

2. That the COUNTY will arrange for the preparation of construction plans and specifications, including necessary engineering reports for improvement, under current Cuyahoga County standards for construction of County roads and bridges.

3. That the COUNTY will arrange for the supervision and administration of the construction project.

C. **FUNDING**

1. That the MUNICIPALITY hereby agrees to participate with the COUNTY in the cost of the improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the COUNTY portion of the project.

2. That if the project is financed with State or Federal-aid funds, eligible costs of the improvement shall be financed from the aforesaid funds.

3. That if funds administered by the Ohio Public Works Commission are used for this project, the amount of such funds will be deducted from designated project costs prior to the application of the participatory percentages specified in the Ordinance.

4. Within the corporate limits of the MUNICIPALITY, the MUNICIPALITY will be responsible for forty percent (40%), and the COUNTY will be responsible for sixty percent (60%), of the cost of

the preparation of construction plans and specifications, including necessary engineering reports for the improvement.

5. Within the Corporate limits of the MUNICIPALITY, the MUNICIPALITY shall contribute fifty percent (50%) of the Non-Federal Share of the cost of construction, and construction supervision.

6. That the MUNICIPALITY agrees to deposit with the Treasurer of Cuyahoga County the MUNICIPALITY'S share of the estimated cost of the project or agrees to enter into an escrow agreement with the County of Cuyahoga, Ohio prior to an award of a contract for the improvement.

D. MAINTENANCE

That upon completion of said improvement, said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for such maintenance; and

2. Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the COUNTY and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and

3. That the COUNTY shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the improvement in accordance with the applicable sections of the Ohio Revised Code.

4. After construction of the project is complete, the Municipality agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency (O.E.P.A.).

E. TRAFFIC

That upon completion of said improvement said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and

2. That the street or highway shall be and hereby is designated a through highway as provided in Section 4511.07(A)(6) Ohio Revised Code; and

3. That stop signs affecting the movement of traffic on said street or highway within the roadway being improved shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met; and

4. That no rule or regulation shall be enacted restricting the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage shall be rescinded; and

5. The MUNICIPALITY shall regulate parking in the following manner: Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code unless otherwise controlled by local ordinance or resolution.

F. RIGHT-OF-WAY

1. That all existing street and public right-of-way within the MUNICIPALITY which is necessary for the aforesaid improvement shall be made available therefore.

2. That in the event any additional right-of-way is required, the COUNTY will arrange for the acquisition.

G. UTILITIES

1. That the MUNICIPALITY will make arrangements with and obtain agreements from all privately owned public utility companies whose lines or structures will be affected by the said improvement, and said companies have agreed to make any and all necessary arrangements in such a manner as to be clear of any construction called for by the plans of said improvement, and said companies have agreed to make such necessary rearrangements immediately after notification by said MUNICIPALITY.

2. That the COUNTY will participate in the cost of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

3. That it is hereby agreed that the MUNICIPALITY shall, at its own expense, make all rearrangements of governmentally-owned utilities and/or appurtenances thereto which do not comply with the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the said improvement.

4. That the construction, reconstruction, an/or rearrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement, and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provision of the Ohio Department of Transportation Construction and Material Specifications.

H. MISCELLANEOUS

1. That if the COUNTY is formally requested by a MUNICIPAL RESOLUTION to include the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the improvement), sidewalks, alternate bid items, or other items in the improvement that are in

addition to those now existing and not provided for elsewhere in this Agreement, the COUNTY will do so, provided that this construction meets with the approval of the County and the MUNICIPALITY involved in this improvement; and that the MUNICIPALITY agrees to pay, or make arrangements for the payment of, the cost of said additional construction, the cost of preliminary and design engineering, and construction supervision.

2. That the MUNICIPALITY shall be solely responsible for the certifications or obligations made or agreed to in Sections F-1, G-1, G-3, and G-4 and hereby agrees that the COUNTY shall be and is hereby released from any and all damages or claims of the MUNICIPALITY arising from or growing out of the certifications or obligations made or agreed to in said Sections F-1, G-1, G-3, and G-4 hereinabove.

3. For the purpose of this Ordinance, the agent for the COUNTY and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

4. By enacting this Ordinance, the MUNICIPALITY agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The MUNICIPALITY also agrees on behalf of the aforementioned entities and persons, to be bound by the provisions of Chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic signature policy of Cuyahoga County.

I. **AUTHORITY TO SIGN**

1. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to enter into agreements with the COUNTY necessary to complete the planning and construction of this improvement.

2. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to make application to the County of Cuyahoga, Ohio for approval to use County Motor Vehicle License Tax Funds for the improvement.

This Ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvements to promote highway safety, an provided it receives the affirmative vote of two-thirds of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed _____, **20**____

Attest: _____ _____

Mayor

_____ _____

President of Council

****

CERTIFICATE OF COPY

State of Ohio)
County of Cuyahoga) SS.
City of Brook Park)

I, _____, as Clerk of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the legislative Authority of the said municipality on the _____ day of _____, 20___, that the publication of such Ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance have been taken; and that such Ordinance and certificate of publication thereof are of record in Ordinance Record No. _____, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this _____day of _____, 20____.

_____
Clerk

City of Brook Park, Ohio

MUNICIPAL SEAL

TO: THE COUNTY OF CUYAHOGA, OHIO DATE: _____

RE: APPLICATION FOR APPROVAL OF PROJECT USING COUNTY MOTOR VEHICLE LICENSE TAX FUNDS

PART A **PROJECT DESCRIPTION**

MUNICIPALITY: Brook Park ROAD: Sheldon Road

ROAD NUMBER: _____ PROJECT LENGTH: _____

AVERAGE DAILY TRAFFIC: *(Indicate 12 or 24 hour)*: _____

ACCIDENTS DURING PAST YEAR: Prop. Damage: _____ Pers. Inj.: _____ Fatal: _____

EXISTING PAVEMENT WIDTH: _____ RIGHT OF WAY WIDTH: _____ SPEED LIMIT: _____

RAILROAD CROSSINGS AT: _____

EXISTING BRIDGES OVER 20 FOOT SPANS: _____

PART B **PURPOSE AND DESCRIPTION OF WORK**

The resurfacing of Sheldon Road from Engle Road to Smith Road.

PART C **TRAFFIC CONTROL INVENTORY**

ARE EXISTING SIGNS, MARKINGS AND TRAFFIC SIGNALS IN CONFORMANCE WITH THE OHIO MANUAL OF TRAFFIC CONTROL DEVICES (IF KNOWN)?: _____ IF NO, LIST DEFICIENCIES: _____

ARE EXISTING SIGNALS INTERCONNECTED?: _____

NUMBER OF EXISTING: Full actuated signals: _____ Semi-actuated signals: _____

NUMBER OF PRETIMED SIGNALS AND AVERAGE SPACING: _____

EXISTING PARKING REGULATIONS:

PART D **FUNDING**

	COST ESTIMATE	PROPOSED FINANCING ($ OR %)				
		LCNS TAX	MUNICIPAL	COUNTY	FEDERAL	OTHER
PRELIMINARY ENGR.						
RIGHT-OF-WAY						
CONSTRUCTION ENGR.						
ROADWAY & PAVEMENT						
STRUCTURES						
OTHER						
TOTALS						

RECOMMENDED FINANCING: _____

PART E **MUNICIPAL ACTION**

PROPOSED BY: _____ TITLE: Mayor DATE: _____

ACTION BY COUNCIL: Ordinance No. _____ DATE: _____

CERTIFIED BY: _____ DATE: _____

(Clerk of Council)

CITY OF BROOK PARK, OHIO

F/C 9-1-20 Finance
CA 9-8-20 Amended
1st R 9-15-20
2nd R
3rd R
E/C

RESOLUTION NO. 16-2020

INTRODUCED BY: MAYOR GAMMELLA

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY

The Council of the City of Brook Park, Cuyahoga County, Ohio met on the 15th day of September, 2020, via electronic meeting.

WHEREAS, this Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2021; and

WHEREAS, the Budget Commission of Cuyahoga County, Ohio, has certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation;

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

SECTION 1: That the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted.

SECTION 2: That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as set forth in Exhibits "A" and "B."

SECTION 3: That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Fiscal Officer of Cuyahoga County.

SECTION 4: 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 5: 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 for further reason to accept the amounts and rates as determined by the Budget Commission,

authorizing tax levies and certifying them to the Cuyahoga County Fiscal Officer; provided that this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

_____
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

_____
DATE

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

_____
DIRECTOR OF LAW

EXHIBIT A

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY FISCAL OFFICER'S ESTIMATED TAX RATES

FUND	Amount to Be Derived from Levies Outside 10 M. Limitation	Amount Approved by Budget Commission Inside 10 M. Limitation	County Fiscal Officer's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column II	Column IV	V	VI
General Fund			3.85	0.00
General Bond Retirement Fund				0.00
Police Pension			0.30	
Park Fund				0.00
Recreation Fund				
Fire Pension Fund			0.30	
S.W. Hospital Fund				0.30
Fund				
TOTAL	$0	$0	4.45	0.30

EXHIBIT "B"

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to Be Levied	Co. Fiscal Officer's Est. of Yield of Levy (Carry to Schedule A, Column II)
GENERAL FUND:		
Current Expense Levy authorized by voters on ,20 for not to exceed years.		
Current Expense Levy authorized by voters on ,20 for not to exceed years.		
Total General Fund outside 10m. Limitation.		
Park Fund: Levy authorized by voters on ,20 for not to exceed years.		
Recreation Fund: Levy authorized by voters on ,20 for not to exceed years.		
Fund: Levy authorized by voters on for not to exceed years.		
Fund: Levy authorized by voters on ,20 for not to exceed years.		
Fund: Levy authorized by voters on ,20 for not to exceed years.		
Fund: Levy authorized by voters on ,20 for not to exceed years.		

and be it further

RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to the Fiscal Officer of said County.

Mr./Mrs. _____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr./Mrs. _____

Mr./Mrs. _____

Mr./Mrs. _____

Adopted the _____ day of _____ ,20 _____.

_____

Attest:

_____
President of Council

_____
Clerk of Council

CERTIFICATE OF COPY
ORIGINAL ON FILE

_____

The State of Ohio, _____ County, ss.

I, _____, Clerk of the Council of the City

of _____ within and for said County, and in whose custody the Files

and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby

certify that the foregoing is taken and copied from the original _____

_____

_____

now on file, that the foregoing has been compared by me with said original document,

and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 20____

_____
Clerk of Council

_____

No. _____

_____
COUNCIL OF THE CITY OF

_____

_____ County, Ohio.

_____

RESOLUTION
ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER

(City Council)

_____

Adopted _____, 20 ___

_____
Clerk of Council

_____

Filed _____, 20 ____

_____
County Fiscal Officer

By _____
Deputy