

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, APRIL 2, 2024
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 MARCH 12, 2024.

- D. REPORTS OF STANDING COMMITTEES:**
 - Aviation & Environmental Committee - Dufour
 - Board of Zoning Appeals - Mencini
 - Finance Committee - Scott
 - Legislative Committee - Scott
 - Parks & Recreation Committee - McCorkle
 - Planning Committee - Poindexter
 - Safety Committee - Troyer
 - Service Committee - Roberts

- E. REPORTS OF SPECIAL COMMITTEES:**
 - Southwest General Health Center Trustee - Mencini
 - Berea Board of Education Representative - McCorkle
 - Technology & Innovation Council Representative -Dufour

- 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):**

K. MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

L. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

M. ORDINANCES AND RESOLUTIONS FIRST READING

1. ORDINANCE NO.11396-2024
AN ORDINANCE AMENDING SECTION 1121.23(c) (1) (D) (1) OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED "U-3A BUSINESS DISTRICT", AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. ORDINANCE NO.11397-2024
AN ORDINANCE AMENDING SECTION 937. 02 (a) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED "QUALIFICATIONS" AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
3. RESOLUTION NO. 3-2024
A RESOLUTION RECOGNIZING OUR HOMETOWN HEROES, OUR ACTIVE DUTY SERVICE MEMBERS AND MILITARY VETERANS WITH A BANNER PROGRAM AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt & C/W.
4. ORDINANCE NO.11398-2024
AN ORDINANCE AMENDING SECTION 303.08 (a)(10) OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED "IMPOUNDING OF VEHICLES; REDEMPTION," AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt & C/W.
5. ORDINANCE NO.11399-2024
AN ORDINANCE AMENDING SECTION 1513.04 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'AMBULANCE TRANSPORT FEES' AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
6. ORDINANCE NO.11400-2024
AN ORDINANCE AMENDING SECTION 1507.04 OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED 'FALSE ALARMS', AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

7. ORDINANCE NO.11401-2024
AN ORDINANCE AUTHORIZING THE INCLUSION OF ORNAMENTAL PATHWAY LIGHTS AND AERATING FOUNTAIN IN THE WEDO PARK STORM WATER BASIN PROJECT (CONTRACT 202211), AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

8. ORDINANCE NO.11402-2024
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING ("MOU") WITH LOCAL 860, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

9. ORDINANCE NO.11392-2024
AN ORDINANCE APPROVING THE REZONING OF PERMANENT PARCEL NUMBERS 344-29-077; 344-29-078; 344-29-079; 344-29-080; 344-29-081; 344-29-082; 344-29-083; 344-29-084; AND 344-029-085 FROM U1-A5 TO U2-A6. Introduced by The COUNCIL AS A WHOLE.
Moved from Regular Council meeting held on March 20, 2024.

10. ORDINANCE NO.11393-2024
AN ORDINANCE APPROVING THE REZONING OF PERMANENT PARCEL NUMBERS 344-15-178; 344-29-086; 344-15-008 AND 344-15-009; FROM U1-A5, U3-B TO U2-A-6. Introduced by The COUNCIL AS A WHOLE.
Moved from Regular Council meeting held on March 20, 2024.

N. SECOND READING OF ORDINANCES AND RESOLUTIONS:

O. THIRD READING OF ORDINANCES AND RESOLUTIONS:

P. ADJOURNMENT:

**SYNOPSIS OF A RESOLUTION
FOR THE COUNCIL MEETING OF APRIL 2, 2024**

FIRST READING:

- Ord. 11396-2024 AN ORDINANCE AMENDING SECTION 1121.23(c)(1)(D)(1) OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED "U-3A BUSINESS DISTRICT", AND DECLARING AN EMERGENCY.
- SYNOPSIS: An ordinance to clarify the definition of vape shops and restrictions therein.
- Ord. 11397-2024 AN ORDINANCE AMENDING SECTION 937.02(a) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED "QUALIFICATIONS" AND DECLARING AN EMERGENCY.
- SYNOPSIS: An ordinance setting forth the cut off ages for seniors in snow and grass programs.
- Res. No. 3-2024 A RESOLUTION RECOGNIZING OUR HOMETOWN HEROES, OUR ACTIVE DUTY SERVICE MEMBERS AND MILITARY VETERANS WITH A BANNER PROGRAM AND DECLARING AN EMERGENCY.
- SYNOPSIS: A resolution creating a program to honor our active duty service members and military veterans with banners.
- Ord. No. 11398-2024 AN ORDINANCE AMENDING SECTION 303.08 (a)(10) OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED "IMPOUNDING OF VEHICLES; REDEMPTION," AND DECLARING AN EMERGENCY.
- SYNOPSIS: Allows the City to tow if the vehicle has two or more active warrants on it if it is parked on a public street.
- Ord. No. 11399-2024 AN ORDINANCE AMENDING SECTION 1513.04 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'AMBULANCE TRANSPORT FEES' AND DECLARING AN EMERGENCY.
- SYNOPSIS: An ordinance raising the fees for ambulance transports.
- Ord. No. 11400-2024 AN ORDINANCE AMENDING SECTION 1507.04 OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED 'FALSE ALARMS', AND DECLARING AN EMERGENCY.
- SYNOPSIS: An ordinance to raise the charges of false alarms.
- Ord. No. 11401-2024 AN ORDINANCE AUTHORIZING THE INCLUSION OF ORNAMENTAL PATHWAY LIGHTS AND AERATING FOUNTAIN IN THE WEDO PARK STORM WATER BASIN PROJECT (CONTRACT 202211), AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing pathway lights and an aerating fountain at the Wedo Park Storm Water Basin Project.

Ord. No. 11402-2024 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING ("MOU") WITH LOCAL 860, AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing the Mayor to Enter into a Memorandum of Understanding with Local 860.

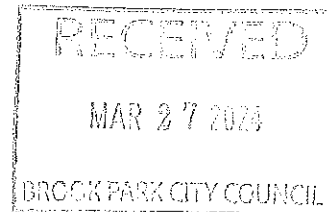
Ord. No. 11392-2024 AN ORDINANCE APPROVING THE REZONING OF PERMANENT PARCEL NUMBERS 344-29-077; 344-29-078; 344-29-079; 344-29-080; 344-29-081; 344-29-082; 344-29-083; 344-29-084; AND 344-029-085 FROM U1-A5 TO U2-A6.

SYNOPSIS: An ordinance approving the rezoning from a former school to residential zoning.

Ord. No. 11393-2024 AN ORDINANCE APPROVING THE REZONING OF PERMANENT PARCEL NUMBERS 344-15-178; 344-29-086; 344-15-008 AND 344-15-009; FROM U1-A5, U3-B TO U2-A-6.

SYNOPSIS: An ordinance approving the rezoning from former school to residential zoning and office building zoning.

PREPARED BY THE BROOK PARK LEGAL DEPARTMENT
March 27, 2013



Board
of
Zoning

P/C 3/20/24
SP. CA 3/20/24
1st R 3/21/24
2nd R _____
3rd R _____
4th R _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11396-2024

INTRODUCED BY: MAYOR ORCUTT *zone*

AN ORDINANCE AMENDING SECTION 1121.23(c) (1) (D) (1)
OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED "U-3A BUSINESS
DISTRICT", AND DECLARING AN EMERGENCY

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

SECTION 1: Section 1121.23(c) (1) (D) (1) of the Brook Park Codified Ordinances, passed by Ordinance No. 3096-1970, on October 16, 1970 and reading as follows:

1121.23 U-3A BUSINESS DISTRICT.

(c) Permitted Uses. Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part in U-3A Business Districts only for the uses set forth in the following schedule and regulations:

- (1) Main buildings and uses permitted.
 - A. Offices: professional, financial, governmental, public utility, executive and administrative; sales offices, provided only samples are displayed or stored on the lot, and no goods shall be distributed.
 - B. Mortuaries.
 - C. Motels, restaurants and assembly halls.
 - D. Retail stores and services.
 - 1. Retail sales in buildings.
 - a. Sale of all foods;
 - b. The sale and serving of all food and beverages;
 - c. The sale of all general merchandise, apparel, household furnishings, supplies and equipment, flowers, garden supplies, business equipment.

Is hereby amended to read:

1121.23 U-3A BUSINESS DISTRICT.

(c) Permitted Uses. Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part in U-3A Business Districts only for the uses set forth in the following schedule and regulations:

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(1) Main buildings and uses permitted.

- A. Offices: professional, financial, governmental, public utility, executive and administrative; sales offices, provided only samples are displayed or stored on the lot, and no goods shall be distributed.
- B. Mortuaries.
- C. Motels, restaurants and assembly halls.
- D. Retail stores and services.
 - 1. Retail sales in buildings.
 - a. Sale of all foods;
 - b. The sale and serving of all food and beverages;
 - c. The sale of all general merchandise, apparel, household furnishings, supplies and equipment, flowers, garden supplies, business equipment.
 - d. Vape shop/Smoke shop.
 - 1. Any business whose principal product line for retail sale is alternative nicotine products / nicotine products / smoking paraphernalia or vape juice, or any combination of the above listed items. For the purposes of this section, alternative nicotine products refer to any products or devices that employ an electronic heating element, power source, electronic circuit, battery, or other electronic, chemical, or mechanical means to produce a vapor that delivers alternative nicotine to the person inhaling from the device, including electronic cigarettes, electronic cigars, electronic hookahs, electronic bong and electronic pipes, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar, or electronic pipe. For the purposes of this section, vape juice refers to any liquid that contains compounds containing pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food grade flavoring, water, and can be used for vaping by means of an alternative nicotine product. For purposes of this code section, nicotine products refer to cigars, cigarettes and chewing tobacco and any smoking paraphernalia as referred to in Brook Park Codified Ordinance 513.12. For purposes of this code section, principal shall mean that alternative nicotine products, nicotine products,

- smoking paraphernalia, vape juice, or any combination of the above listed items constitute at least twenty-five percent (25%) of the businesses' retail space.
2. No vape shop/smoke shop may be established or operated within 1,000 feet of a school, church, public library, public playground, recreation center or public park in the City.
 3. No vape shop/smoke shop may be established, operated or enlarged within one-half mile of another vape shop/smoke shop.
 4. Not more than one vape shop/smoke shop shall be established or operated in the same building, structure, or portion thereof.
 5. For the purpose of subsections (1) and (2) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a vape shop/smoke shop is conducted, to the nearest property line of the premises of a vape shop/smoke shop or a school, recreation center, church, public library, public playground, or public park.
 6. Vape shops/Smoke shops shall not exceed one per every ten thousand (10,000), or portion thereof, of the population of the City.

SECTION 2: Former Section 1121.23(c) (1) (D) (1) of the Brook Park Codified Ordinances, as passed by Ordinance No. 3096-1970, on October 16, 1970 is hereby expressly repealed.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Sections 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 public peace, health, safety and welfare of said City, and for the further reason to amend Section 1121.23(c)(1)(D)(1) of the Brook Park Codified Ordinances therefore provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

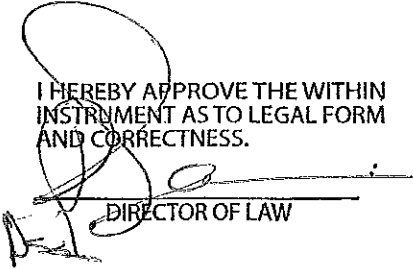
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11397-2024

INTRODUCED BY: MAYOR ORCUTT

P/C 3/20/24 legislative
SPCA 3/20/24
1st R 4/21/24
2nd R _____
3rd R _____
B/C _____

AN ORDINANCE
AMENDING SECTION 937.02 (a)
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'QUALIFICATIONS,'
AND DECLARING AN EMERGENCY

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

SECTION 1: Section 937.02(a) of the Brook Park Codified Ordinances as enacted by Ordinance No. 8596-1999, passed October 19, 1999, and amended by Ordinance No. 9972-2015, passed September 22, 2015 reading as follows:

937.02 QUALIFICATIONS.

Each registrant shall be a senior citizen who satisfies all of the following:

- (a) Is at least seventy (70) years of age;

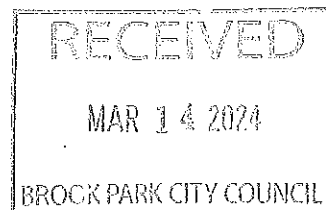
hereby amended to read:

937.02 QUALIFICATIONS.

Each registrant shall be a senior citizen who satisfies all of the following:

- (a) Is at least seventy (70) years of age by April 30th for grass cutting and November 14th for snow removal;

SECTION 2: Section 937.02(a) of the Brook Park Codified Ordinances as enacted by Ordinance No. 8596-1999, passed October 19, 1999, and amended by Ordinance No. 9972-2015, passed September 22, 2015 is hereby expressly repealed.



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

SECTION 4 This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason of amending Section 937.02(a) the Brook Park Codified Ordinances; 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

Asst. -

PIC 3/20/24 Legislative
SPCA 3/26/24
1st R _____
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

RESOLUTION NO: 3-2024

INTRODUCED BY: MAYOR ORCUTT & C/W

**A RESOLUTION
RECOGNIZING OUR HOMETOWN HEROES, OUR ACTIVE DUTY SERVICE MEMBERS
AND MILITARY VETERANS WITH A BANNER PROGRAM AND DECLARING AN
EMERGENCY**

WHEREAS, Brook Park is dedicated to recognizing the courage of our active duty service members and military veterans, and that they remain a source of inspiration for all; and

WHEREAS, the Brook Park Hometown Heroes Banner Program is a way to give tribute and remember, honor and celebrate those who bravely served and sacrificed for our nation in the United States Armed Forces; and

WHEREAS, Brook Park will display the banners along Smith Road, Snow Road, Sheldon Road and Sylvia Drive, honoring the veterans and active duty service members who have called Brook Park home.

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

- SECTION 1:** Each banner will honor a military person who:
- a. Is an active duty or military veteran from the United States Armed Forces AND
 - b. Is a current or former resident of Brook Park OR
 - c. Has an immediate family member of a current Brook Park resident (immediate family member is defined as a mother, father, guardian, husband, wife, son, daughter, step-child, grandson, granddaughter, son-in-law, or daughter-in-law).

SECTION 2: The regular banner program will run between Memorial Day and Veteran's Day. Banners will be returned to the sponsor after the 2-year display period. The City of Brook Park will maintain the banners while they are on display. The cost for the banner will be the actual "program fee."

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BROOK PARK CITY COUNCIL

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 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 the further purpose of creating a Hometown Heroes Banner Program; therefore provided this ordinance receives the affirmative vote of at least five (5) members elected to Council. It shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

P/C 3/20/24 Safety
SP. CA 3/20/24
1st R 4/12/20
2nd R
3rd R

ORDINANCE NO: 11398-2024

INTRODUCED BY: MAYOR ORCUTT & CW

AN ORDINANCE
AMENDING SECTION 303.08(a) (10)
OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED
'IMPOUNDING OF VEHICLES; REDEMPTION,'
AND DECLARING AN EMERGENCY.

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

SECTION 1: Section 303.08(a)(10) of the Brook Park Codified Ordinances, passed by Ordinance No.7642-1991, on September 17, 1991 and reading as follows:

(10) When any vehicle is found for which two or more citation tags for violations of this Traffic Code have been issued and the owner or operator thereof has failed to respond to such citation tags as lawfully required.

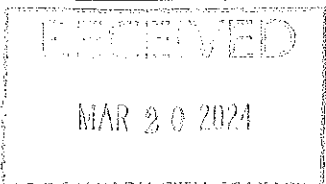
Is hereby amended to read:

(10) When a vehicle is observed to be parked on the public roadways and identified as having two or more parking violations for which owner or operator thereof has failed to pay, in full, all of the applicable fees and costs due to the City of Brook Park.

SECTION 2: Former Section 303.08(a)(10) of the Brook Park Codified Ordinances, as passed by Ordinance No. 7642-1991, on September 17, 1991 is hereby expressly repealed.

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

SECTION 4: This Ordinance is hereby declared to be an



emergency measure immediately necessary for the preservation of public peace, health, safety and welfare of said City, and for the further reason to amend Section 303.08(a)(10) of the Brook Park Codified Ordinances therefore provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

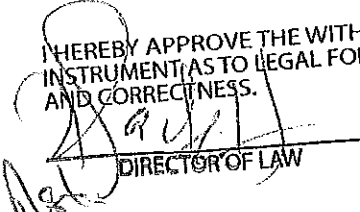
PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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


DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

SP PIC 3/20/24 Safety
CA 3/20/24
SER 4/27/24
REC
SER
SER

ORDINANCE NO: 11399-2024

INTRODUCED BY: MAYOR ORCUTT

AN ORDINANCE
AMENDING SECTION 1513.04
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'AMBULANCE TRANSPORT FEES,'
AND DECLARING AN EMERGENCY

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

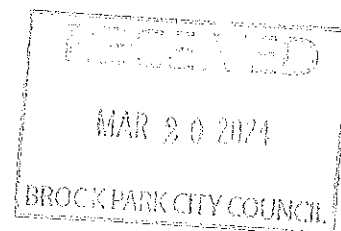
SECTION 1: Section 1513.04 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 8420-1998, passed January 20, 1998, Ordinance No. 9563-2009, passed March 3, 2009, and Ordinance 9814-2012, passed December 18, 2012 and reading as follows:

1513.04 AMBULANCE TRANSPORT FEES.

Each person receiving transport to a medical facility by the emergency medical services of the Brook Park Fire Department shall pay a utilization fee effective upon passage of this chapter, as follows:

- (a) Basic Life Support Transport
(not more than) \$550.00 per transport
- (b) Advance Life Support Transport 1
(not more than) \$700.00 per transport
- (c) Advance Life Support Transport 2
(not more than) \$800.00 per transport
- (d) Mileage fee (while transporting) \$13.50 per mile
- (e) Treatment and no transport
(not more than) \$135.00

Is hereby amended to read:



1513.04 AMBULANCE TRANSPORT FEES.

Each person receiving transport to a medical facility by the emergency medical services of the Brook Park Fire Department shall pay a utilization fee effective upon passage of this chapter, as follows:

- (a) Basic Life Support Transport
(not more than) \$650.00 per transport
- (b) Advance Life Support Transport 1
(not more than) \$800.00 per transport
- (c) Advance Life Support Transport 2
(not more than) \$1,000.00 per transport
- (d) Mileage fee (while transporting) \$15.00 per mile
- (e) Treatment and no transport
(not more than) \$250.00

SECTION 2: Former Section 1513.04 of the Brook Park Codified Ordinances as enacted by Ordinance 8420-1998, passed January 20, 1998 and Ordinance No. 9563-2009, passed March 3, 2009, and Ordinance 9814-2012, passed December 18, 2012 is hereby expressly repealed.

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

SECTION 4 This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason of amending Section 1513.04 of the Brook Park Codified Ordinances; therefore, provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: _____

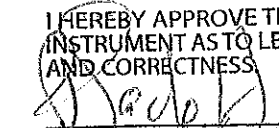
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

P/C 3/20/24 Safety
SP. CA. 3/24/24
1st R 4/2/24
2nd R _____
3rd R _____
E/C _____

ORDINANCE NO: 11400-2024

INTRODUCED BY: MAYOR ORCUTT

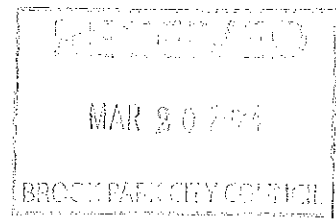
AN ORDINANCE
AMENDING SECTION 1507.04
OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED
'FALSE ALARMS'
AND DECLARING AN EMERGENCY.

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

SECTION 1: Section 1507.04 of the Brook Park Codified Ordinances, passed by Ordinance No. 9512-2008, on October 21, 2008 and reading as follows:

1507.04 FALSE ALARMS.

- (a) The Fire Department shall respond to proper notification of the activation of an alarm system without charge, except that:
 1. The person in control of the property on which an alarm system is installed shall be charged one hundred dollars (\$100.00) when he or she or his or her agent or employee intentionally or knowingly activates the alarm system for any reason other than an emergency or threat of an emergency.
 2. The person in control of the property on which an alarm system is installed shall be charged in accordance with the following schedule for responses to false alarms within any twelve-month period:
 - A. For the first three false alarms: No charge.
 - B. For the fourth and fifth false alarms: \$50.00
 - C. For the sixth through tenth false alarms: \$100.00
 - D. For false alarms in excess of ten: \$250.00

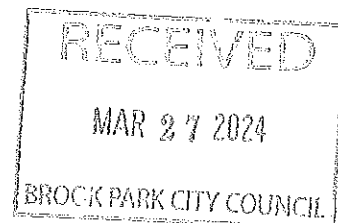


- (b) All billing for false charges shall be within thirty days of occurrence.
- (c) If there is a response by the Fire Department to a false alarm, and it can be proven that the false alarm resulted from improper installation and/or servicing by the alarm business and/or agent, the alarm business shall be charged one hundred dollars. (\$100.00).

Is hereby amended to read:

1507.04 FALSE ALARMS.

- (a) The Fire/Police Departments shall respond to proper notification of the activation of an alarm system without charge, except that:
 - 1. The person in control of the property on which an alarm system is installed shall be charged one hundred dollars (\$100.00) when he or she or his or her agent or employee intentionally or knowingly activates the alarm system for any reason other than an emergency or threat of an emergency.
 - 2. The person in control of the property on which an alarm system is installed shall be charged in accordance with the following schedule for responses to false alarms within any twelve-month period:
 - A. For the first three false alarms: No charge.
 - B. For the fourth and fifth false alarms: \$250.00
 - C. For the sixth through tenth false alarms: \$500.00
 - D. For false alarms in excess of ten: \$1,000.00
- (b) All billing for false charges shall be within thirty days of occurrence.
- (c) If there is a response by the Fire/Police Departments to a false alarm, and it can be proven that the false alarm resulted from improper installation and/or servicing by the alarm business and/or agent, the alarm business shall be charged one hundred dollars. (\$100.00).



SECTION 2: Former Section 1507.04 of the Brook Park Codified Ordinances, as passed by Ordinance No. 9512-2008 on October 21, 2008 is hereby expressly repealed.

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

SECTION 4: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of public peace, health, safety and welfare of said City, and for the further reason to amend Section 1507.04 of the Brook Park Codified Ordinances therefore provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

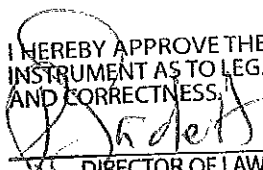
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW



CITY OF BROOK PARK, OHIO

PIC 3/20/24 Service
SP. CA 3/20/24
1st R _____
2nd R _____
3rd R _____
SC _____

ORDINANCE NO. 11401-2024

INTRODUCED BY: MAYOR ORCUTT & C/W

AN ORDINANCE
AUTHORIZING THE INCLUSION OF ORNAMENTAL PATHWAY
LIGHTS AND AN AERATING FOUNTAIN IN THE WEDO PARK
STORM WATER BASIN PROJECT (CONTRACT 202211),
AND DECLARING AN EMERGENCY

WHEREAS, the original contract documents for the Wedo Park Storm Water Basin Project did not include provisions for the installation of an aerating fountain nor ornamental pathway lights;

WHEREAS, during the construction phase of the Project it became apparent that not only would pathway lights improve safety at the basin during the nighttime, but they would also add to the aesthetics of the Park area;

WHEREAS, it is recommended that an aerating fountain be installed as a natural solution to water quality management, controlling algae growth, aquatic weeds and possible odors;

WHEREAS, upon being requested, Independence Excavating has submitted proposals for the necessary additional work to accommodate a fountain and LED pathway lighting;

WHEREAS, the City of Brook Park is prepared to commence with the additional work.

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

SECTION 1: The Mayor is authorized to utilize unused funds within the current construction contract with Independence Excavating, Inc., for the Wedo Park Storm Water Basin Project (CT 202211).

SECTION 2: The estimated cost for the additional work has been estimated not to exceed \$95,000 for the pathway lights and \$48,000 for the fountain.

SECTION 3: The money needed to complete the aforesaid transaction shall be paid from funds currently appropriated or to be appropriated for this Project.

RECEIVED
MAR 14 2024

PASSED: _____

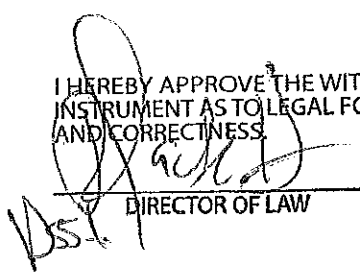
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

P/C 3/26/24 Service
SPCA 3/26/24
1st R 4/2/24
2nd R _____
3rd R _____
B/C _____

ORDINANCE NO: 11402-2024

INTRODUCED BY: MAYOR ORCUTT

**AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF
UNDERSTANDING ("MOU") WITH LOCAL 860, AND DECLARING AN
EMERGENCY**

WHEREAS, a Memorandum of Understanding (hereinafter "MOU") between the City of Brook Park and Local 860, has been presented to Council.

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 to enter into a MOU on behalf of the City with Local 860 effective January 1, 2024 through December 31, 2026, a copy of said MOU is attached hereto as Exhibit "A" and made a part hereof as if fully rewritten herein.

SECTION 2: The money needed for the aforesaid transaction shall be paid from the General Fund No. 100, Street Construction, Maintenance and Repair No. 240, and State Highway Improvement Fund No. 241; theretofore appropriated for said purpose.

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

SECTION 4: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the municipality and inhabitants thereof, and for the further reason to enter into a MOU with Local 860, 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.

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MAR 20 2024

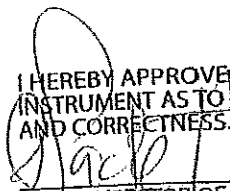
SECTION 4: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in 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 necessary for the immediate preservation of the public peace, health, safety of said City, and for the further reason that City Council deems it necessary to proceed with the additional work being proposed at the Wedo Park Storm Water Basin as soon as possible, 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

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


DIRECTOR OF LAW
Act.



EXHIBIT

MEMORANDUM OF UNDERSTANDING (MOU)
TRADE CRAFT 2.0
LOCAL 860

This Memorandum of Understanding is made and entered into by and between the City of Brook Park ("Employer"), Laborer's International Union Local 860 Service Department ("Union"), collectively referred to as the parties, in order to establish a mechanism to compensate employees for completion of extra duties along with specific knowledge, skills and abilities that relate to Trade Craft.

The parties acknowledge that finding employees with certain needed experience and/or certification has become challenging, making it necessary to consider extending an opportunity for the creation of a new job classification. Moreover, the parties agree that employees should be adequately compensated for the duties performed. Due to this, the parties agree to the following MOU:

The parties agree to the creation of the position of Trade Craft 2.0 is beneficial to the City and the Union. The position will allow the City to compensate employees that take on extra duties to fulfill programs administered by the City. Furthermore, the creation of the position will allow for future advancement of employees that are part of the Laborer's International Union Local 860.

The City will create a job description for the Trade Craft 2.0 position setting forth the minimum qualifications and duties to be performed which shall be added to the current CBA in Exhibit A. The Mayor shall determine whether employees have met the qualifications for the positions and whether the employee has performed the extra duties required for advancement to Trade Craft 2.0.

The parties agree to jointly submit a petition to Amend the Certification of the bargaining unit with the State Employment Relations Board in order to have the Trade Craft 2.0 position included within the bargaining unit.

Salary for Trade Craft 2.0 effective January 01, 2024 will be one-dollar and fifteen cents above the pay for Trade Craft.

Trade Craft 2.0	2023
Start	\$28.16
After 1 Year	\$29.11
After 2 Years	\$29.94
After 3 Years	\$31.18
After 5 Years	\$32.41
After 10 Years	\$32.81
After 15 Years	\$32.98
After 20 Years	\$33.17
After 25 Years	\$33.39

IN WITNESS WHEREOF, the parties have read and fully understand the contents of this agreement and have caused the agreement to be duly executed as set forth below.

_____/_____
Edward Orcott, Mayor Date
City of Brook Park

_____/_____
Joseph J. Guarino III, Attorney, Date
Laborer's Local 860



Memorandum of Understanding (MOU)
WAGES, HOLIDAY AND CONTRACT EXTENSION
LOCAL 860

This Memorandum of Understanding is entered into between the City of Brook Park ("City" or "Employer"), and Laborer's Local 860 ("Union" or "Local 860") and memorializes the following acknowledgements, understandings, and agreements:

Wage Increases for 2024, 2025, 2026 Calendar Year

Pursuant to the agreement by the members of Local 860, the salaries of members in Local 860 will increase by 3.25% for the 2024 calendar year; increase by 3.25% for the 2025 calendar year; and increase by 3.0% for the 2026 calendar year. The effective date for the 2024 wage increase will be January 01, 2024 and retroactive pay will be paid in a separate check.

Juneteenth

Local 860 will be given 8 hours, reflected as personal time, to be used as a floating holiday for Juneteenth.

Furthermore, it is agreed by the City and Local 860 that the Collective Bargaining Agreement (CBA) will be extended through December 31, 2026 with no other changes except those described in this MOU and the TRADE CRAFT 2.0 MOU.

IN WITNESS WHEREOF, the parties have read and fully understand the contents of this agreement and have caused the agreement to be duly executed as set forth below.

_____/_____
Edward Orcott, Mayor Date
City of Brook Park

_____/_____
Joseph J. Guarino III, Attorney, Date
Laborer's Local 860

CITY OF BROOK PARK, OHIO

D/C
3-20-24
SdA
B/C

ORDINANCE NO: 11392-2024

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE

APPROVING THE REZONING OF PERMANENT PARCEL NUMBERS 344-29-077; 344-29-078; 344-29-079; 344-29-080; 344-29-081; 344-29-082; 344-29-083; 344-29-084; AND 344-029-085 FROM U1-A5 TO U2-A6.

WHEREAS, the Ohio Constitution, the General Laws of the State of Ohio, and the Charter of the City of Brook Park vest the City of Brook Park with the power to amend or change such zones, districts, restrictions and regulations from time to time in the interest of the public health, safety, convenience, comfort, prosperity and general welfare; and

WHEREAS, on March 4, 2024 the Planning Commission issued a recommendation to rezone permanent parcel numbers 344-29-077; 344-29-078; 344-29-079; 344-29-080; 344-29-081; 344-29-082; 344-29-083; 344-29-084 and 344-29-085 from U1-A5 to U2-A6, pursuant Charter Section 11.03(b) and this Council finds their recommendation well taken.

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

SECTION 1: Permanent Parcel numbers 344-29-077; 344-29-078; 344-29-079; 344-29-080; 344-29-081; 344-29-082; 344-29-083; 344-29-084 and 344-29-085 will be rezoned from U1-A5 zoning to U2-A6 zoning, a description of the site plan/pictures and a listing of interior and exterior improvements is on file at the Clerk of Council Office.

SECTION 2: The Engineer of the City of Brook Park shall amend the Zoning Map of the City upon passage of this Ordinance.

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.

RECEIVED
MAR 14 2024
BROOK PARK CITY COUNCIL

SECTION 4: This Ordinance is hereby necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reasons to amend a certain parcel of property within our City; therefore this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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

(Signature)

DIRECTOR OF LAW

1-15-11

CITY OF BROOK PARK, OHIO

PIC _____
CA _____
3-20-24
3rd _____
ETC _____

ORDINANCE NO: 11393-2024

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE

APPROVING THE REZONING OF PERMANENT PARCEL NUMBERS 344-15-178;
344-29-086; 344-15-008 AND 344-15-009 FROM U1-A5, U3-B TO U2-A6.

WHEREAS, the Ohio Constitution, the General Laws of the State of Ohio, and the Charter of the City of Brook Park vest the City of Brook Park with the power to amend or change such zones, districts, restrictions and regulations from time to time in the interest of the public health, safety, convenience, comfort, prosperity and general welfare; and

WHEREAS, on March 4, 2024 the Planning Commission issued a recommendation to rezone permanent parcel numbers 344-15-178; 344-29-086; 344-15-008 and 344-15-009 from U1-A5, U3-B to U2-A6, pursuant to Charter Section 11.03(a) and this Council finds their recommendation well taken.

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

SECTION 1: Permanent Parcel numbers 344-15-178; 344-29-086; 344-15-008 and 344-15-009 will be rezoned from U1-A5, U3-B zoning to U2-A6 zoning, a description of the site plan/pictures and a listing of interior and exterior improvements is on file at the Clerk of Council Office.

SECTION 2: The Engineer of the City of Brook Park shall amend the Zoning Map of the City upon passage of this Ordinance.

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.

RECEIVED
MAR 14 2024
BROOK PARK CITY COUNCIL

SECTION 4: This Ordinance is hereby necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reasons to amend a certain parcel of property within our City; therefore this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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

Glenn H. [Signature]

DIRECTOR OF LAW