

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2022-19

Introduced By: Mr. Ali, Co-Sponsors: Mr. Ference, Mr. Sage

**AN ORDINANCE
AUTHORIZING THE MAYOR TO SIGN A FIRST AMENDMENT TO
AGREEMENT WITH THE CITIES OF BROOK PARK AND BEREA FOR
THE ESTABLISHMENT OF AN OFF-LEASH DOG PARK**

WHEREAS, through adoption of Ordinance No. 2021-48 on June 22, 2021, the City of Middleburg Heights entered into a Memorandum of Understanding with the City of Brook Park on October 26, 2021, and with the City of Berea on October 27, 2021, for the establishment of an off-leash dog park located in the City of Middleburg Heights; and

WHEREAS, at that time, the cities agreed to the creation and appointment of a Dog Park Advisory Board; and

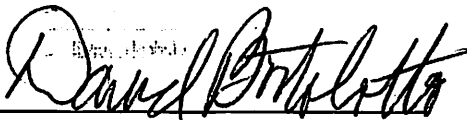
WHEREAS, based upon discussions with representatives of the respective cities, it is necessary to amend the provision relating to the number of appointments to the Dog Park Advisory Board.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That the Mayor is hereby authorized to sign the "First Amendment to Agreement for the establishment of an off-leash dog park located in the City of Middleburg Heights between the City of Middleburg Heights and the Cities of Brook Park and Berea, a copy of which is attached hereto and marked "Exhibit A".

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

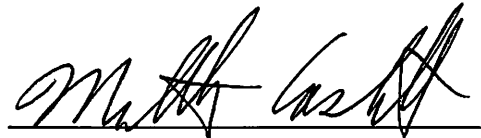
Passed: 3/8/22


President of Council

Attest: M. Meola
Clerk of Council

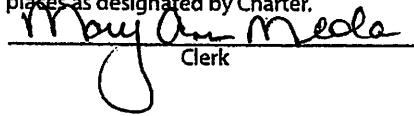
Approved On: 3-9-22

Presented to Mayor: 3/9/22


Mayor

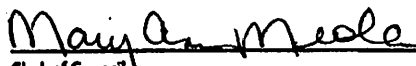
	Yea	Nay
Bortolotto	<u>X</u>	_____
Ali	<u>X</u>	_____
Sage	<u>X</u>	_____
Meany	<u>X</u>	_____
McGregor	<u>X</u>	_____
Ference	<u>X</u>	_____
Grech	<u>X</u>	_____

I, Mary Ann Meola Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Ord. 2022-19 adopted by the Council of the City of Middleburg Hts., on 3/8/22 was posted for a period of fifteen days, beginning 3/9/22 and remained so posted for fifteen days at the two posting places as designated by Charter.


Clerk

CERTIFICATE

I, Mary Ann Meola Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. 2022-19 passed on the 8th day of March 2022 by said Council.


Clerk of Council

**FIRST AMENDMENT TO AGREEMENT
FOR THE ESTABLISHMENT OF AN OFF-LEASH DOG PARK
BETWEEN
THE CITY OF BROOK PARK, THE CITY OF BEREA
AND THE CITY OF MIDDLEBURG HEIGHTS**

THIS FIRST AMENDMENT TO AGREEMENT made at Middleburg Heights, Ohio, this ____ day of _____, 2022, by and between the CITY OF BROOK PARK, Ohio, hereinafter designated as "Brook Park", and the CITY OF BEREA, Ohio, hereinafter designated as "Berea", and the CITY OF MIDDLEBURG HEIGHTS, Ohio, hereinafter designated as "Middleburg Heights".

WITNESSETH:

WHEREAS, through adoption of Ordinance No. 2021-48 on June 22, 2021, the City of Middleburg Heights City Council authorized a Memorandum of Understanding with neighboring municipalities for the establishment of an off-leash dog park located in the City of Middleburg Heights; and

WHEREAS, the City of Middleburg Heights entered into a Memorandum of Understanding with the City of Brook Park on October 26, 2021, and with the City of Berea on October 27, 2021, and

WHEREAS, at that time, the cities agreed to the creation and appointment of a Dog Park Advisory Board; and

WHEREAS, based upon discussions with representatives of the respective cities, it is necessary to amend the provision relating to the number of appointments to the Dog Park Advisory Board.

NOW, THEREFORE, in consideration of the premises and the mutual covenants set forth in the Agreement and herein, it is agreed as follows:

1. Article 9 of the Agreement be and is hereby amended to read as follows:

9. A Dog Park Advisory Board ("Board") shall be created, each member appointed for a two (2) year term, and appointed as follows:

A. One (1) member appointed by the Mayor of a participating municipality;

B. One (1) member appointed by the Middleburg Heights Mayor.

C. The Middleburg Heights City Parks, Recreation and Services Committee will oversee the Dog Park Advisory Board.

A "participating municipality" is a municipality that has entered into an agreement with the City of Middleburg Heights for the establishment or use of an off the leash dog park located in the City of Middleburg Heights.

The Board shall elect at its first meeting, and thereafter at its first meeting of each year, a Chair, Vice Chair, and Secretary.

2. The First Amendment to Agreement amends, modifies, and supplements the Agreement only as specifically set forth herein. All rights and obligations of Brook Park, Berea, any additional participating municipalities and Middleburg Heights under the Agreement and all other provisions not specifically amended herein remain unmodified and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to Agreement the day and year first above written.


CITY OF BROOK PARK:

CITY OF BEREA:

By: Michael Gammella
Title: Mayor

By: Cyril Kleem
Title: Mayor

CITY OF MIDDLEBURG HEIGHTS:



By: Matthew Castelli
Title: Mayor