

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2024- __

By: _____ Sponsor: Mayor Cyril M. Kleem

AN ORDINANCE

AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR, AND IF AWARDED, ENTER INTO AN AGREEMENT WITH THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA), ACTING AS A DESIGNATED RECIPIENT OF USDOT FUNDS, FOR THE TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (TLCI) IMPLEMENTATION PROGRAM, AND TO ADVERTISE FOR BIDS AND TO ENTER INTO ONE OR MORE CONTRACTS FOR THE IMPLEMENTATION PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS, in Ordinance No. 2020-45, the Council of the City of Berea authorized the Mayor to make application for an award from NOACA's TLCI Planning Studies Program to provide assistance to communities and public agencies for integrated transportation and land use planning projects that strengthen community liability; and

WHEREAS, the City received said award to examine the connectivity between the municipal campus, downtown Berea, Coe Lake and the surrounding areas adjacent to Baldwin Wallace University, the Metroparks and the Fairgrounds through a study of existing modes of transportation, including motor vehicles, bicycles, pedestrians and horses; and

WHEREAS, the Planning Study is complete and the City now wishes to make application for an award to participate in NOACA's TLCI Implementation Program, in order to implement the recommendations contained therein; and

WHEREAS, the TLCI advances the goals of NOACA's Regional Strategic Plan by planning, developing and implementing transportation projects that provide more travel options; promoting reinvestment in underutilized or vacant/abandoned properties; supporting economic development; ensuring that the benefits of growth and change are available to all members of a community; enhancing regional cohesion; and, providing people with safe and reliable transportation choices; and

WHEREAS, the City of Berea is submitting an application to NOACA to fund the implementation of the recommendations in the Planning Study, through the Transportation TLCI Implementation Program; and

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WHEREAS, the TLCI Program is paid on a reimbursement basis, requiring the applicant to first expend funds (if matched) and then request reimbursement from NOACA; and

WHEREAS, the City of Berea is a designated Urban Core Community and is located in an Environmental Justice area, enabling a waiver or partial waiver of the local match; and

WHEREAS, the City of Berea agrees to abide by all federal requirements as a sub-recipient of federal transportation funds, including Title VI of the Civil Rights Act of 1964 and the American with Disabilities Act, and including all applicable federal procurement requirements; and

WHEREAS, the City of Berea agrees to be responsible for managing any and all sub-contracting agencies, organizations, or consultants; and

WHEREAS, the City of Berea agrees to complete the agreed-upon scope of services or will forfeit current and future TLCI awards; and

WHEREAS, the City of Berea is authorized to execute a contract with the Ohio Department of Transportation (ODOT) and NOACA, if selected for the TLCI Implementation Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berea, State of Ohio:

SECTION 1. That the Mayor is authorized to submit an application to NOACA, acting as the designated recipient of USDOT funds, for the TLCI Implementation Program and, if awarded, to execute a contract with NOACA, and to advertise for bids and enter into one or more contracts for implementation of the recommendations set forth in the Planning Study, as further described in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 2. That 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 actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that the deadline to make the application is October 9, 2024. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all 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.

BEREA CITY COUNCIL

City of Berea, Ohio

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PASSED:

President of Council

ATTEST: _____
Clerk of Council

APPROVED:

APPROVED AS TO FORM:

Mayor

Director of Law