

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, APRIL 24, 2018
7:00 P.M.**

I. ROLL CALL OF MEMBERS

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING HELD ON APRIL 10, 2018

IV. DISCUSSION:

1. BREWER-GARRETT RECREATION CENTER UPDATE - PER COUNCIL PRESIDENT VECCHIO
2. ECONOMIC DEVELOPMENT UPDATE (Mayor Gammella) - PER COUNCIL PRESIDENT VECCHIO. **In attendance:** Economic Development Commissioner Adams
3. APPROPRIATION OF \$3,100.00 FOR LIVESTREAM AND BOXCAST PAYMENTS THROUGH JUNE 30, 2018. **Note: Moved by motion from the April 17, 2018 Council agenda**
4. APPOINTMENT OF MICHELLE BLAZAK AS CLERK OF COUNCIL FOR THE REMAINDER OF THE 2018-2019 COUNCIL TERM - PER COUNCIL PRESIDENT VECCHIO. **Note: Moved by motion from the April 17, 2018 Council agenda**
5. A RESOLUTION RECOGNIZING MARLENE SCHWIND FOR BEING NOMINATED AS 2018 CITIZEN OF THE YEAR AND DECLARING AN EMERGENCY. Introduced by Councilman Scott - PER COUNCIL PRESIDENT VECCHIO

IV. DISCUSSION: CONT.

6. CAPITAL IMPROVEMENT AND ECONOMIC DEVELOPMENT FUND APPROPRIATIONS - PER COUNCIL PRESIDENT VECCHIO.

Note: Moved by motion from the April 17, 2018 Council agenda.

V. LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. AN ORDINANCE AMENDING SECTIONS 331.45 (a) and (c) OF THE CODIFIED ORDINANCES ENTITLED 'TEXTING WHILE DRIVING PROHIBITED' AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini
2. A RESOLUTION AUTHORIZING AND DIRECTING THE PLACEMENT OF A 'VETERAN' PARKING SPACE IN ALL MUNICIPAL PARKING LOTS AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini

NOTE: EXECUTIVE SESSION - SALE/PURCHASE OF PROPERTY - PER MAYOR GAMMELLA

VI. ADJOURNMENT:

Posted 4/20/2018

110
GA 4-24-18
1st R
2nd R
3rd R
V/C

CITY OF BROOK PARK, OHIO

RESOLUTION NO. _____

INTRODUCED BY: COUNCILMAN SCOTT

A RESOLUTION
RECOGNIZING MARLENE SCHWIND
FOR BEING NOMINATED AS 2018 CITIZEN OF THE YEAR,
AND DECLARING AN EMERGENCY

WHEREAS, Marlene Schwind is the mother of three children; two sons and one daughter; and

WHEREAS, Marlene started collecting for the American Heart Association after an uncle passed away from a heart attack. She continued and became a supervisor from 1977 through 1981; and

WHEREAS, in 1972 Marlene joined Eastpark Elementary PTA, became a room mother and also helped in fundraising until it closed in 1984;

WHEREAS, Marlene coached and managed numerous girls' softball teams and also played and managed women's softball teams at the Brook Park Recreation Department including:

- 1978 through 1986 in AA, AAA, and major leagues; and at times two teams a summer
- 1983 through 1987 coached Brook Park girls' 15U and 18U travel softball teams
- 1975 through 2003 was a player/manager in the Brook Park Women's softball league and won many championships

WHEREAS, Marlene became a part of the Brook Park Athletic Scholarship Fund from 1989 through 1994 and helped organize fund raisers, as well as work during the Home Days Celebration; and

WHEREAS, from 1975 through 2003 Marlene was a player/manager for one of Brook Park Recreation Center Women's volleyball team.

WHEREAS, Marlene's civic involvement included:

- Attending Council meetings regularly from 1989 through 1995 and speaking on important issues
- Ran unsuccessfully for Council-at-Large
- Secretary to Ward 2 social club from 1985 through 1987
- Representative to the Brook Park Council's Berea Board of Education from 1985 through 1989

WHEREAS, Marlene has made numerous friends through the years and is still friends with many of them due to her involvement with the City of Brook Park; and

WHEREAS, the Citizen of the Year Committee nominated Marlene Schwind as the 2018 Citizen of the Year in Brook Park;

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

SECTION 1: The Mayor and Council wish to honor and commend Marlene Schwind for her continued involvement and commitment to the City of Brook Park and all her volunteering.

SECTION 2: The Clerk of Council is hereby directed to forward a certified copy of this Resolution to Marlene Schwind.

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

SECTION 4: This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to honor Marlene Schwind as being a nominee for Citizen of the Year in Brook Park; therefore, provided 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

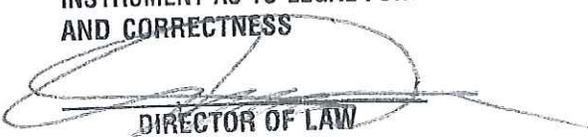
ATTEST: _____

APPROVED: _____

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

MAYOR

DATE



DIRECTOR OF LAW

MC 4-17-18 LEGISLATIVE
CA 4-24-18
1st R _____
2nd R _____
3rd R _____
MC _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCILMAN MENCINI

AN ORDINANCE
AMENDING SECTIONS 331.45 (a) and (c)
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'TEXTING WHILE DRIVING PROHIBITED,'
AND DECLARING AN EMERGENCY

WHEREAS, on August 31, 2012, legislation passed by the Ohio State Legislature, viz., ORCS4511.204, made it a secondary offense to text while driving; and

WHEREAS, our City has passed identical legislation locally to prohibit the same conduct and also followed the State's formula of making it a secondary offense., i.e., one must be stopped for some other traffic offense before the officer can issue a citation for texting while driving; and

WHEREAS, more and more drivers are being observed within the City limits being involved in and/or causing automobile collisions and other traffic related problems associated with a lack of attention to driving their vehicle; and

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

SECTION 1: Section 331.45, subsections (a) and (c), which currently read as follows:

331.45 TEXTING WHILE DRIVING PROHIBITED.

(a) No person shall drive a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using a handheld electronic wireless communications device to write, send, or read a text-based communication.

(c) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (a) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

is hereby amended to read:

331.45 TEXTING WHILE DRIVING PROHIBITED.

(a) No person shall drive a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using a handheld electronic wireless communications device to write, send, or read a text-based communication or to **or to send, read, create or interact with Internet-based content, play games or otherwise interact with the internet.**

(c) **Violation of paragraph (a) of this section shall be a primary offense.**

~~Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (a) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.~~

SECTION 2: Former Section 331.45 (a) and (c) of the Brook Park Codified Ordinances are 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 331.45 (a) and (c) 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

P/C 4-17-18 LEGISLATIVE
CA 4-24-18
1st R _____
2nd R _____
3rd R _____
P/C _____

CITY OF BROOK PARK, OHIO

RESOLUTION NO. _____

INTRODUCED BY: COUNCILMAN MENCINI

A RESOLUTION
AUTHORIZING AND DIRECTING THE PLACEMENT OF A
"VETERAN" PARKING SPACE
IN ALL MUNICIPAL PARKING LOTS,
AND DECLARING AN EMERGENCY

WHEREAS, the Council and the Administration of the City of Brook Park would like to show recognition to all veterans; and

WHEREAS, to honor the veterans the City of Brook Park will provide an appropriately marked parking space for all veterans and further provide signage for exclusive parking spots in all municipally owned parking lots as a small gesture of recognition, appreciation and support of our Armed Forces; and

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

SECTION 1: The Mayor is hereby authorized and directed to designate a parking spot in each municipally owned parking lot especially for all veterans and that such parking spot be painted and marked with appropriate signage reflecting the exclusive parking space for veterans.

SECTION 2: The Clerk of Council is hereby authorized and instructed to forward a certified copy of this Resolution to be posted on the City's website.

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

SECTION 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 the further reason to dedicate a special parking space for all veterans in all municipal parking lots; therefore provided this resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

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



DIRECTOR OF LAW

DATE