

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, MAY 1, 2018**

**A. ROLL CALL OF MEMBERS**

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. SPECIAL COUNCIL MEETING HELD ON MARCH 29, 2018.
2. CAUCUS PRIOR MEETING HELD ON APRIL 3, 2018
3. REGULAR COUNCIL MEETING HELD ON APRIL 3, 2018

**D. REPORTS OF STANDING COMMITTEES:**

AVIATION & ENVIRONMENTAL ( <b>Poindexter</b> )	_____
FINANCE COMMITTEE ( <b>Scott</b> )	_____
LEGISLATIVE COMMITTEE ( <b>Mencini</b> )	_____
PARKS & RECREATION COMMITTEE ( <b>Salvatore</b> )	_____
PLANNING COMMITTEE ( <b>Burgio</b> )	_____
SAFETY COMMITTEE ( <b>Stemm</b> )	_____
SERVICE COMMITTEE ( <b>Orcutt</b> )	_____
BOARD OF ZONING APPEALS ( <b>Scott</b> )	_____

**E. REPORTS OF SPECIAL COMMITTEES:**

SOUTHWEST GENERAL HEALTH CENTER - TRUSTEE ( <b>Salvatore</b> )	_____
BEREA BOARD OF EDUCATION COMMITTEE ( <b>McDonnell, Poindexter</b> )	_____

**F. REPORTS OF BOARDS AND COMMISSIONS:**

**G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**

1. Proclamation Honoring the 2018 7th - 9th Grade Co-Ed Basketball League Champions - CAVS
2. Proclamation Honoring the 2018 10th - 12th Grade Boys Basketball League Champions - CAVS

**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. INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):**

1. ORDINANCE NO. 11022-2018, AMENDING SECTIONS 331.45 (a) AND (c) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'TEXTING WHILE DRIVING PROHIBITED' AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini, Council as a Whole and Mayor Gammella
  
2. RESOLUTION NO. 15-2018, RECOGNIZING MARLENE SCHWIND FOR BEING NOMINATED AS 2018 CITIZEN OF THE YEAR AND DECLARING AN EMERGENCY. Introduced by Councilman Scott, Council as a Whole and 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 MAY 1, 2018**

**FIRST READING:**

Res. No.15-2018

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

SYNOPSIS: A resolution honoring and commending Marlene Schwind for her continued involvement to the City of Brook Park and all her volunteering efforts.

Ord.No.11022-2018

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

SYNOPSIS: An ordinance amending our codified ordinances to allow an officer to stop a motor vehicle driver who holds a handheld electronic wireless communications device for any reason and may be cited.

**PREPARED BY THE BROOK PARK LEGAL DEPARTMENT  
April 27, 2018**

PIC 4-17-18 LEGISLATIVE  
CA 4-24-18  
1st R 5-1-18  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
P/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11023-2018

INTRODUCED BY: COUNCILMAN MENCINI, *Council as a Whole Mayor Gammella*

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 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

CITY OF BROOK PARK, OHIO

110  
GA 4-24-18  
1st R 5-1-18  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

RESOLUTION NO. 15-2018

INTRODUCED BY: COUNCILMAN SCOTT, *Council as a Whole, Mayor Gammella*

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