

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, MAY 15, 2018**

A. ROLL CALL OF MEMBERS

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. SPECIAL CAUCUS MEETING HELD ON APRIL 5, 2018.

D. REPORTS OF STANDING COMMITTEES:

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

E. REPORTS OF SPECIAL COMMITTEES:

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

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

1. RESOLUTION NO. 17-2018, AUTHORIZING AND DIRECTING THE PLACEMENT OF A 'VETERAN' PARKING SPACE IN ALL MUNICIPAL PARKING LOTS AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini and Council as a Whole

N. SECOND READING OF ORDINANCES AND RESOLUTIONS:

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

O. THIRD READING OF ORDINANCES AND RESOLUTIONS:

NOTE: EXECUTIVE SESSION - Mayor Gammella - Sale of Property

P. ADJOURNMENT:

**SYNOPSIS OF ORDINANCES AND RESOLUTIONS
FOR THE COUNCIL MEETING OF MAY 15, 2018**

FIRST READING:

Res. No.17-2018

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

SYNOPSIS: A resolution to designate a parking spot in each municipally owned parking lot especially for veterans.

SECOND READING:

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
May 11, 2018**

PIC 4-17-18 LEGISLATIVE
CA 4-24-18
1st R 5-15-18
2nd R _____
3rd R _____
P/C _____
COUNCIL PRICE 5/1/18

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 17-2018

INTRODUCED BY: COUNCILMAN MENCINI + Council as a Whole

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

DATE

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



DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

210 4-17-18 LEGISLATIVE
CA 4-24-18
1st R 5-1-18
2nd R 5-15-18
3rd R _____
210 _____

ORDINANCE NO: 11022-2018

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

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



DIRECTOR OF LAW

DATE