

NOTICE
SPECIAL MEETING OF COUNCIL

Clerk's Office, Brook Park, Ohio

JULY 23, 2018

TO: COUNCIL MEMBERS STEMM, MENCINI, ORCUTT, SCOTT, BURGIO,
POINDEXTER, SALVATORE, COUNCIL PRESIDENT VECCHIO, MAYOR
GAMMELLA, LAW DIRECTOR HORVATH, FINANCE DIRECTOR CINGLE

YOU ARE HEREBY NOTIFIED THAT A SPECIAL MEETING OF COUNCIL
HAS BEEN CALLED FOR THE PURPOSE OF:

XX COUNCIL MEETING

_____ CAUCUS MEETING

_____ EXECUTIVE SESSION

_____ OTHER (Specify)

Such special meeting will accordingly be held on THURSDAY, the 26TH day of JULY 2018 AT 6:00 P.M., at the place of holding regular meetings. (*Refer to Rules of Council, No. 4, if applicable.)

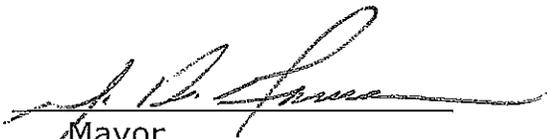
ROLL CALL OF MEMBERS:

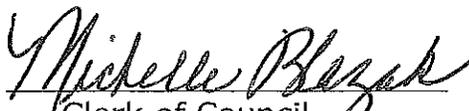
PLEDGE OF ALLEGIANCE:

REMARKS FROM THE AUDIENCE ON SUBJECT MATTER ON THIS AGENDA ONLY:

SECOND READING OF ORDINANCES AND RESOLUTIONS:

ADJOURNMENT


Mayor


Clerk of Council

SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. RESOLUTION NO. 23-2018, DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY A LEVY WITHIN THE TEN (10) MILL LIMITATION AND WITHOUT A VOTE OF THE ELECTORS IN THE CITY OF BROOK PARK TO BE INSUFFICIENT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella and Council as a Whole

2. RESOLUTION NO. 24-2018, IN SUPPORT OF THE PASSAGE OF THE HEALTH CENTER RENEWAL LEVY AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella and Council as a Whole

3. ORDINANCE NO. 11033-2018, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SOUTHWEST GENERAL HEALTH CENTER FOR THE LEVY OF A TAX AND THE PAYMENT OF THE PROCEEDS THEREOF FOR THE MAINTENANCE AND SUPPORT AND AS COMPENSATION FOR THE USE OF SAID HEALTH CENTER AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella

4. ORDINANCE NO. 11034-2018, AUTHORIZING THE CONSULTING ENGINEER TO PREPARE PLANS AND BID DOCUMENTS AND THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2018 CRACK AND JOINT SEALING PROJECT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella

5. ORDINANCE NO. 11035-2018, AUTHORIZING THE MAYOR TO HIRE INPSECTOR(S) FOR THE 2018 CRACK AND JOINT SEALING PROJECT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella

CITY OF BROOK PARK, OHIO

P/C
Sp. Caucus 7/24/18
1st R 7/24/18 Sp. Council
2nd R 7/26/18 Sp. Council
3rd R
B/C

RESOLUTION NO. 23-2018

INTRODUCED BY: MAYOR GAMMELLA + *Council as a Whole*

A RESOLUTION DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY A LEVY WITHIN THE TEN (10) MILL LIMITATION AND WITHOUT A VOTE OF THE ELECTORS IN THE CITY OF BROOK PARK TO BE INSUFFICIENT, AND DECLARING AN EMERGENCY.

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

SECTION 1. That the amount of taxes which may be raised within the ten (10) mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the City of Brook Park.

SECTION 2. That it is necessary to levy a tax in excess of said ten (10) mill limitation of three-tenths (.30) of a mill for each dollar of valuation which amounts to three (3) cents for each One Hundred Dollars (\$100) of valuation upon the taxable property of said City for the tax collection years 2020 to 2024, both inclusive, to supplement the general fund for the purpose of making appropriations for hospitalization in and support of Southwest General Health Center, a general hospital.

SECTION 3. That the question of such renewal tax levy shall be submitted to the electors of said City at the general election to be held on Tuesday, November 6, 2018. A majority affirmative vote is required for passage.

SECTION 4. That the Clerk be and is hereby authorized and directed to certify this Resolution to the Board of Elections of Cuyahoga County, Ohio, on or before August 8, 2018, in order that said Board may arrange for the submission of such levy to the electors of said City on the aforesaid date to wit: November 6, 2018, upon notice thereof duly published in a newspaper of general circulation in said City and upon ballots substantially in the following form:

"A RENEWAL TAX FOR THE BENEFIT OF THE CITY OF BROOK PARK TO SUPPLEMENT ITS GENERAL FUND FOR THE PURPOSE OF MAKING APPROPRIATIONS FOR HOSPITALIZATION IN AND SUPPORT OF SOUTHWEST GENERAL HEALTH CENTER AT A RATE NOT EXCEEDING THREE TENTHS (.3) OF A MILL FOR EACH DOLLAR OF VALUATION WHICH AMOUNTS TO THREE (3) CENTS FOR EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION, FOR THE FIVE (5) YEAR LEVY PERIOD FROM CALENDAR YEARS 2019 TO 2023, TO BE COLLECTED IN YEARS 2020 TO 2024."

_____ For the tax levy
_____ Against the tax levy

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the passage of 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.

SECTION 6. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the further reason that a certified copy must be submitted to the Cuyahoga County, Ohio, Board of Elections on or before August 8, 2018; therefore, provided this Resolution receives the affirmative vote of at least (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

P/C
Sp. Caucus 7/24/18
1st R 7/24/18 Sp. Council
2nd R 7/26/18 Sp. Council
3rd R
B/C

CITY OF BROOK PARK, OHIO

RESOLUTION NO: 24-2018

INTRODUCED BY: MAYOR GAMMELLA of Council as a whole

A RESOLUTION
IN SUPPORT OF THE PASSAGE OF THE
HEALTH CENTER RENEWAL LEVY,
AND DECLARING AN EMERGENCY

WHEREAS, Southwest General Health Center serves this community with its hospital facilities; and

WHEREAS, the question of a renewal tax levy will be submitted to the electors of this City on November 6, 2018.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROOK PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That this Council hereby supports and urges all residents to vote in favor of the Southwest General Health Center three-tenths (.30) of a mill renewal levy.

SECTION 2. That the Clerk be and is hereby directed to forward a certified copy of this Resolution to Southwest General Health Center, attention: William A. Young, President and Chief Executive Officer.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of 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 action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the further reason to support the passage of the Southwest General Health Center Renewal Levy; therefore, provided this Resolution receives the affirmative vote of at least (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

DATE


DIRECTOR OF LAW

P/C
Sp. Caucus 7/24/18
1st R 7/24/18 Sp. Council
2nd R 7/26/18 Sp. Council
3rd R
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11033-2018

INTRODUCED BY: MAYOR GAMMELLA + *Council as a whole*

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO
A CONTRACT WITH SOUTHWEST GENERAL HEALTH CENTER FOR THE LEVY OF A
TAX AND THE PAYMENT OF THE PROCEEDS THEREOF
FOR THE MAINTENANCE AND SUPPORT AND AS
COMPENSATION FOR THE USE OF SAID HEALTH CENTER,
AND DECLARING AN EMERGENCY

WHEREAS, Southwest General Health Center, with its principal office in the City of Middleburg Heights, Ohio, has tendered to the City of Brook Park a contract covering the use, maintenance and support of said Health Center by the inhabitants of this City during a five (5) year period; and

WHEREAS, the tendered contract provides principally and in substance: (a) that the City agrees to submit to its electors for approval or disapproval at the general election to be held on November 5, 2013, the question of levying a tax of three-tenths (.30) of a mill in excess of the ten mill limitation upon its taxable property for the five-year, tax levy period comprising the years 2004 to 2018, both inclusive, to be collected in years 2015 to 2019, which amount represents a renewal of three-tenths (.30) of a mill now being levied for such purpose for the maintenance and support and as compensation for the use of the Health Center, and subject to the approval thereof at such election, to cause such levy to be made and the proceeds thereof to be appropriated and paid to the Health Center for the purposes aforesaid; and (b) that the Health Center agrees that during the calendar years 2015 to 2019, both inclusive, the buildings, facilities and equipment in use by it for Health Center or health care service shall be at the service of and to the extent of their capacity and, subject to like use by other political subdivisions having similar contracts, provide treatment to the sick and disabled inhabitants of the City except those who in the opinion of a majority of the Health Center trustees may be able to pay therefore, and that the City shall be entitled to select at least one (1) member of the Board of Trustee of the Health Center to serve during said term of years and that the remaining members of the Board shall be selected according to the provisions of its constitution and/or by-laws either now in effect or hereinafter lawfully enacted;

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

SECTION 1: That the Mayor be and is hereby authorized and directed to enter into a contract with Southwest General Health Center, as set forth in Exhibit A, attached hereto and incorporated herein by reference, and to do all things necessary in furtherance thereof.

SECTION 2: That it is hereby 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.

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 that the continued availability of adequate Health Center facilities for the inhabitants of the City cannot otherwise be assured; therefore, provided this Ordinance receives the affirmative vote of at least (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.

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

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

CONTRACT

This contract made and entered into this ____ day of _____, 2018, by and between the City of Brook Park, a municipal corporation in Cuyahoga County, Ohio, hereinafter referred to as the "City" and SOUTHWEST GENERAL HEALTH CENTER, a not-for-profit corporation situated in the City of Middleburg Heights, Ohio, hereinafter referred to as the "Health Center."

WITNESSETH:

WHEREAS, pursuant to the provisions of Ohio Revised Code Sections 749.01 and 5705.191, municipal corporations are authorized to levy and collect a tax upon its taxable property and to pay the proceeds thereof to a general hospital for the maintenance and support thereof as compensation for its use; and

WHEREAS, the Health Center is a not-for-profit corporation organized under Ohio law for charitable purposes and is operating a general hospital in the City of Middleburg Heights, Cuyahoga County, Ohio, suitably and conveniently located for the use and convenience of the inhabitants of the City.

NOW, THEREFORE, the City Agrees: (a) to submit to its electors for approval or disapproval at the general election to be held on November 6, 2018, the question of levying a tax of three-tenths (.30) of a mill in excess of the ten (10) mill limitation upon its taxable property for the five (5) year period comprising the tax levy years 2019 to 2023, both inclusive, for the maintenance and support and as compensation for the use of the Health Center; which amount represents a renewal of a tax of three-tenths (.30) of a mill now being levied for such purpose; and (b) subject to the approval thereof at such election, to cause such levy to be made and the proceeds thereof to be appropriated and paid to the Health Center for the purposes aforesaid.

In consideration of the levy and collection of said taxes and its receipt by the Health Center, the Health Center agrees: (a) that during the calendar years 2020 to 2024, both inclusive, the building, facilities and equipment in use by it for hospital or health care services, shall be at the service of and to the extent of their capacity and, subject to like use by the inhabitants of other political subdivisions having similar contracts, provide treatment to the sick and disabled inhabitants of the City; such treatment to be free to the inhabitants of the City except those who in the opinion of a majority of the Health Center Trustees may be

able to pay therefor; (b) that the City shall be entitled to select at least one (1) member of the Board of Trustees of the Southwest Community Health System, which is the sole voting member of the Health Center, to serve during said term of years and that the remaining members of the Board of Southwest Community Health System shall be selected according to the provision of its constitution and/or by-laws either now in effect or hereafter lawfully enacted; and (c) that the Treasurer of the Health Center shall annually make a financial report setting forth all of the money and property which has come into his hands during the preceding year and the disposition thereof together with any recommendations as to the future necessity of the Health Center.

IT IS FURTHER MUTUALLY understood and agreed that the Health Center's Board of Trustees shall have general charge of the Health Center, shall select its officers, medical staff and other employees and shall establish rules and regulations for the management and conduct of the business of said Health Center, including determination of the rate of compensation to be paid for its services by such patients as it deems capable of paying therefor.

IN WITNESS WHEREOF the parties hereto, by their respective officers duly authorized, hereunto set their hands as of the day and year first above written.

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


DIRECTOR OF LAW

CITY OF BROOK PARK

By: _____
Its Mayor

By: _____
Its Clerk

SOUTHWEST GENERAL HEALTH CENTER

By: _____
Its President and Chief Executive Officer

By: _____
Its Secretary

P/C 7/17/18 Service
Sp. Caucus 7/24/18
1st R 7/24/18 Sp. Council
2nd R 7/26/18 Sp. Council
3rd R
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO. 11034-2018

INTRODUCED BY: MAYOR GAMMELLA

**AN ORDINANCE
AUTHORIZING THE CONSULTING ENGINEER TO PREPARE PLANS AND BID
DOCUMENTS AND THE MAYOR TO ADVERTISE FOR BIDS, AND ENTER INTO A
CONTRACT FOR THE 2018 CRACK AND JOINT SEALING PROJECT
AND DECLARING AN EMERGENCY**

WHEREAS, Council desires to complete the 2018 Crack and Joint Sealing Project with an estimated contract value of \$150,000;

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

SECTION 1: The Consulting Engineer is hereby authorized to prepare plans and documents, and the Mayor is authorized to advertise for bids and enter into a contract with the lowest and best bidder for the 2018 Crack and Joint Sealing Project. The Consulting Engineer shall be paid a lump sum fee of \$11,500.00.

SECTION 2: The money needed to complete the aforesaid transaction shall be paid from the 2018/2019 Street Improvement Fund No. 545 theretofore appropriated or to be appropriated for said purpose.

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 of said City, and for the further reason that the City desires to complete this work as soon as possible; therefore provided this ordinance 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

CITY OF BROOK PARK, OHIO

P/C 7/17/18 Service
Sp. Caucus 7/24/18
1st R 7/24/18 Sp. Council
2nd R 7/26/18 Sp. Council
3rd R
B/C

ORDINANCE NO. 11035-2018

INTRODUCED BY: MAYOR GAMMELLA

**AN ORDINANCE
AUTHORIZING THE MAYOR TO HIRE INSPECTOR(S)
FOR THE 2018 CRACK AND JOINT SEALING PROJECT
AND DECLARING AN EMERGENCY**

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

SECTION 1: The Mayor be and is hereby authorized to hire Inspector(s) for the 2018 Crack and Joint Sealing Project. The Inspector(s) shall report to and be directed by the Consulting Engineer.

SECTION 2: The Inspector(s) shall be paid between \$18.00 and \$23.00 per hour. Such payment to be made by the City upon receipt of statements from the Inspector(s).

SECTION 3: The money needed to complete the aforesaid transaction shall be paid from the 2018/2019 Street Improvement Fund No. 545 theretofore appropriated or to be appropriated for said purpose.

SECTION 4: 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 5: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason of the immediate need to have an Inspector(s) on-site for the duration of the Project; therefore provided this ordinance 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